

Section 3 Districts

3.1 Rural Districts

The Town of Avon’s Rural Districts are Agriculture (A), and Recreation / Open Space (ROS). The purpose(s), permitted uses, dimensional standards and site development standards in each district are provided herein below.

A. Agriculture (A)

1. Purpose

The purpose of the Agriculture district is to establish a district that encourages agricultural uses and farming practices within the Town of Avon.

2. Permitted Uses

See Section 4.2 (Consolidated Use Table) for all permitted and Special Permit uses.

3. Dimensional Standards

There are no dimensional standards set for the Agriculture District, however, any development in this District should be approved/confirmed/agreed upon via discussion with Town Staff.

4. Site Development Standards

The Commission may require compliance with Section 5 of these Regulations regarding landscaping, parking, signage, accessory structures (Section 5.1), and other requirements; and with Section 4.3 of these Regulations regarding use-related standards.

B. Recreation / Open Space (ROS)

1. Purpose

The purpose of the Recreation / Open Space District is to establish a district dedicated to protecting open space and encouraging appropriate recreational opportunities in such open space.

2. Permitted Uses

See Section 4.2 (Consolidated Use Table) for all permitted and Special Permit uses.

3. Dimensional Standards

District	Minimums				Maximums		
	Lot Area	Lot Width	Yards		Landscaped Area	Lot Coverage	Height
			Front	Side/Rear			
ROS	40,000 sq. ft	150 ft	60 ft	25 ft / 30 ft	-	-	35 ft

4. Site Development Standards

Site Plan approval under Section 7.1.B is required. The Commission may require compliance with Section 5 of these Regulations regarding landscaping, parking, signage, accessory structures (Section 5.1), and other requirements; and with Section 4.3 of these Regulations regarding use-related standards.

3.2 Residential Districts

The Town of Avon’s Residential Districts include R-15, R-30, R-40, and RU-2A. The purpose(s), permitted uses, dimensional standards and site development standards in each district are provided herein below.

A. Residential Districts (R-15, R-30, R-40, RU-2A)

1. Purpose

The purpose of the Residential Districts is to establish residential areas in Town of varying densities, by lot size.

2. Permitted Uses

See Section 4.2 (Consolidated Use Table) for all permitted and Special Permit uses.

3. Dimensional Standards

District	Minimums					Maximums	
	Lot Area	Lot Width	Yards			Lot Coverage	Height
			Front (Local Streets)	Side	Rear ⁴		
R-15	15,000 sq.ft	100 ft	40 ft ¹	15 ft	30 ft	15%	35 ft
R-30	30,000 sq.ft	170 ft	40 ft ¹	30 ft ²	30 ft	15% ⁵	35 ft
R-40	40,000 sq.ft	170 ft	40 ft ¹	35 ft ³	30 ft	15% ⁵	35 ft
RU-2A	2 acres	200 ft	40 ft ¹	35 ft ³	30 ft	10% ⁵	35 ft

¹ Front yards shall be 60 feet on collector and arterial streets. See Section 3.2.A.6 for a list of those streets considered collector and arterial.

² Any lot which was in existence as of June 27, 2006, shall observe a 20-foot side yard.

³ Any lot which was in existence as of June 27, 2006, shall observe a 25-foot side yard.

⁴ Where a proposed rear lot abuts a front lot, then such front lot shall observe a rear yard setback of 50 feet.

⁵ Maximum Lot Coverage for all Special Permit uses shall be 10% except that by a two-thirds vote of all its members, the Commission may allow an increase in lot coverage up to 15% upon a determination of no adverse impact on any other property and a finding that all Special Permit criteria in Section 7.1.C are met and by further consideration of the following criteria:

1. The hours of operation of the proposed facility.
2. The amount of daily and peak hourly traffic to be generated by the proposed facility.
3. The location of the minimum landscaped area (65% of the site for Special Permit uses) such that a buffer to adjoining properties is provided which surpasses the minimum required.
4. The natural topography to be preserved and that to be created which offers a visual and noise barrier to adjoining properties.
5. The size and quality of existing vegetation to be preserved and that to be added.
6. The intensity of necessary lighting.
7. The frequency of deliveries.
8. The amount of outdoor activity associated with the use.
9. The height, scale, and architectural style as it relates to surrounding properties.

District	Minimums					Maximums	
	Lot Area	Lot Width	Yards			Lot Coverage	Height
			Front (Local Streets)	Side	Rear ⁴		
10. The history of substantiated complaints.							

4. Density Standards

- a. Any parcel developed for residential use shall adhere to the maximum density allowed, in accordance with the developable land calculation (Section 5.4) and the below density factors. Maximum density shall be calculated by applying the density factory (below) to the developable land area.

Zone	Maximum Density (Units/Acre)
RU-2A	0.3
R-40	0.8
R-30	1.2
R-15	2.2

- b. In residential subdivisions of four lots or less, or for a first division of land not meeting the definition of a subdivision, the Commission, by Special Permit, may modify the density requirements. An Applicant must demonstrate compliance with Section 7.1.C of these Regulations. This provision shall not apply to resubdivisions.
- c. In residential resubdivisions of four lots or less, the Commission, by Special Permit, may also modify the calculated number of allowable lots, after application of the density Regulations, to be rounded up to the next integer value when said calculation is within 0.10 of this next integer value. An Applicant must demonstrate compliance with Section 7.1.C of these Regulations.

5. Living Area Standards

All residential dwelling buildings shall be designed and constructed in accordance with the appropriate Building and Fire Codes.

6. Collector & Arterial Streets

The following is a comprehensive list of those streets in the Town of Avon that are classified as collectors and arterial streets by the State or Town. This list should be referred to when determining the front yard requirements within a Residential District.

ROAD NAMES			
Arch Road	Burnham Road	Carriage Drive	Chevas Road
Climax Road	Country Club Road	Deercliff Road	Harris Road
Hollister Drive	Huckleberry Hill Road	Juniper Drive	Lofgren Road
Lovely Street	New Road	Nod Road	Northington Drive
Old Farms Road	Rt. 10 (Simsbury Rd, Waterville Rd)	Rt. 44 (E. Main St., W. Main St., Avon Mountain Road)	Scoville Road
Stagecoach Road	Talcott Notch Road	Thompson Road	Tillotson Road
West Avon Road	Woodmont Road		

7. Site Development Standards

The Commission may require compliance with Section 5 of these Regulations regarding landscaping, parking, signage, accessory structures (Section 5.1), and other requirements; and with Section 4.3 of these Regulations regarding use-related standards.

3.3 Commercial & Industrial Districts

The Town of Avon's Commercial and Industrial Districts are Office Park (OP), Neighborhood Business (NB), Commercial Retail (CR), Commercial Specialized (CS), Commercial Park A (CPA), Commercial Park B (CPB), Industrial Park (IP), Industrial (I), and Restricted Industrial (RI). The purpose(s), permitted uses, dimensional standards and site development standards in each district are provided herein below.

A. Office Park (OP)

1. Purpose

The purpose of the Office Park Zone is to establish a district for business and professional offices as a gradual transition between Commercial and Residential areas; to retain open space and natural features of the area; and to promote the construction of buildings that are architecturally compatible in type, scale, and exterior materials with the character of the area.

2. Permitted Uses

See Section 4.2 (Consolidated Use Table) for all permitted and Special Permit uses.

3. Dimensional Standards

District	Minimums					Maximums		
	Lot Area	Lot Width	Yards		Building Footprint	Landscaped Area	Lot Coverage	Height / Stories
			Front	Side/Rear				
OP	40,000 sq.ft	150 ft	50 ft	25 ft ¹	1,500 sf	50%	10%	35 ft / 2 Stories

¹Yards abutting a residential district shall be 50 feet.

4. Site Development Standards

See Section 5 for additional Regulations regarding landscaping, parking, signage, accessory structures, and other requirements; and with Section 4.3 of these Regulations regarding use-related standards.

B. Neighborhood Business (NB)

1. Purpose

The purpose of the Neighborhood Business District is to establish a district for small specialty stores, offices, and other compatible land uses which furnish convenience goods and services for the daily needs of the residents of the neighborhood. Development within this district shall be compatible, by use and design, with the surrounding residential neighborhood(s).

2. Permitted Uses

See Section 4.2 (Consolidated Use Table) for all permitted and Special Permit uses.

3. Dimensional Standards

District	Minimums					Maximums			
	Lot Area	Lot Width	Yards		Building Footprint	Land-scaped Area	Lot Coverage	Height / Stories	Floor Area
			Front	Side/Rear					
NB	60,000 sq.ft	200 ft	50 ft	25 ft ¹	1,500 sf	50%	10%	35 ft / 2 Stories	2,500 sf ²

¹ Yards abutting a residential district shall be 50 feet.

² Per Building. The Commission may approve a greater floor area up to a maximum of 6,500 sq. ft. per building, by Special Permit, provided that the scale of the building is consistent with the purpose of this zoning district. An Applicant must demonstrate compliance with the criteria set in Section 7.1.C of these Regulations.

4. Design Standards

In addition to those standards outlined in Section 3.3.B.3 (above), development within the Neighborhood Business District shall consider the following design standards:

Architecture. Building size, materials, colors, mass, scale, and details shall be chosen so as to be compatible with the surrounding neighborhood. The design shall reduce larger building volumes into smaller forms to lessen total building mass appearance.

Neighborhood Continuity. The proposed use for the structure shall be one which is compatible with the residential neighborhood and provide an appropriate transition between commercial and residential uses. The Commission will also give consideration to hours of operation for the proposed use, noise, traffic generation, lighting levels, lot coverage, and other issues which relate to the overall intensity of the use.

Landscaping. The Commission shall review the quality of the overall landscape design including plant quantities, sizes, and the reduction of on-site views from adjacent properties and public streets. Other amenities shall be considered which improve the appearance of the proposed building(s), its setting and features, which provide benefits to the public's welfare. (See also Sec 5.9.C. for landscape standards)

History. When appropriate, the building design should reflect local historic detailing related to the history of the Town and Avon's colonial past.

5. Site Development Standards

See Section 5 (Site Development Standards) for additional Regulations regarding landscaping, parking, signage, accessory structures, and other requirements; and with Section 4.3 (Use Specific Standards) of these Regulations regarding use-related standards.

C. Commercial Retail (CR)

1. Purpose

The purpose of the Commercial-Retail Zone is to establish a central shopping district consisting of larger stores and satellite shops for the convenience of shoppers, to facilitate the construction of new access roads for the control of traffic, and to encourage the development of business by consolidating individual parcels of land into a total integrated plan.

2. Permitted Uses

See Section 4.2 (Consolidated Use Table) for all permitted and Special Permit uses. For uses that require a Special Permit, the Commission shall consider the relationship of the proposed use to the orderly development of the district, and aesthetic contribution of the proposed development to the attractiveness of the area and shall find that the proposed use is in harmony with the purpose of the Commercial-Retail Zone.

3. Dimensional Standards

District	Minimums					Maximums		
	Lot Area	Lot Frontage	Yards		Total Building Footprint	Landscaped Area	Lot Coverage	Height / Stories
			Front	Side /Rear				
CR	50,000 sq.ft	200 ft	40 ft	20 ft	4,000 sq.ft	50%	25%	35 ft / 2 Stories

4. Site Development Standards

See Section 5 for additional Regulations regarding landscaping, parking, signage, accessory structures, and other requirements; and with Section 4.3 of these Regulations regarding use-related standards.

D. Commercial Specialized (CS)

1. Purpose

The purpose of the Commercial-Specialized Zone is to establish a district for specialty stores and other compatible land uses which do not generate large volumes of traffic, encourage the most appropriate use of land, and retain the present architectural and aesthetic character of the area for the purpose of conserving property values.

2. Permitted Uses

See Section 4.2 (Consolidated Use Table) for all permitted and Special Permit uses. For uses that require a Special Permit, the Commission shall consider the size and architectural design of the proposed building in relation to other buildings in the area, the amount of traffic generated, and the aesthetic contribution of the proposed development to the existing character of the area.

3. Dimensional Standards

District	Minimums					Maximums			
	Lot Area	Lot Width	Yards		Building Footprint	Land-scaped Area	Lot Coverage	Height / Stories	Building Floor Area
			Front	Side /Rear					
CS	30,000 sq.ft	150 ft	40 ft	20 ft	1,500 sq.ft	50%	25%	35 ft / 2 Stories	6,500 sq.ft ¹

¹ Per Building. The Commission may by Special Permit approve a greater building floor area provided that the scale of the building is consistent with the purpose of this zoning district. An Applicant must demonstrate compliance with the criteria set in Section 7.1.C of these Regulations.

4. Design Standards

In addition to those standards outlined in Section 3.3.D.3 (above), development within the Neighborhood Business District shall consider the following design standards:

Architecture. Building size, materials, colors, mass, scale, and details shall be chosen so as to be compatible with the surrounding neighborhood. The design shall reduce larger building volumes in smaller forms to lessen total building mass.

Neighborhood Continuity. The proposed use for the structure shall be one which is compatible with the residential neighborhood and provide an appropriate transition between commercial and residential uses. The Commission will also give consideration to hours of operation for the proposed use, noise, traffic generation, lighting levels, lot coverage, and other issues which relate to the overall intensity of the use.

Landscaping. The Commission shall review the quality of the overall landscape design including plant quantities, sizes, and the reduction of on-site views from adjacent properties and public streets. Other amenities shall be considered which improve the appearance of the proposed building(s), its setting and features, which provide benefits to the public's welfare. (See also Sec 5.9.C for landscape standards)

History. When appropriate, the building design should reflect local historic detailing related to the history of the Town and Avon’s colonial past.

5. Site Development Standards

See Section 5 for additional Regulations regarding landscaping, parking, signage, accessory structures, and other requirements; and with Section 4.3 of these Regulations regarding use-related standards.

E. Commercial Park A (CPA)

1. Purpose

The purpose of the Commercial Park A Zone is to establish a district for office, commercial, light industrial, and other related uses; permit flexible site development; retain the natural features and open character of the area; and create a park type environment.

2. Permitted Uses

See Section 4.2 (Consolidated Use Table) for all permitted and Special Permit uses. For uses that require a Special Permit, the Commission shall consider the size of the enterprise, the number of employees, the process employed, services rendered, and the relationship of the proposed use to the orderly development of the district.

3. Dimensional Standards

District	Minimums				Maximums		
	Lot Area	Lot Width	Yards		Landscaped Area	Lot Coverage	Height / Stories
			Front	Side/Rear			
CPA	60,000 sq.ft	150 ft	40 ft ¹	20 ft ²	50%	20%	40 ft / 3 Stories

¹Yards abutting a State highway shall be 75 feet.

²No building shall be closer than 100 feet, or parking closer than 50 feet, to any residential district boundary.

4. Site Development Standards

See Section 5 for additional Regulations regarding landscaping, parking, signage, accessory structures, and other requirements; and with Section 4.3 of these Regulations regarding use-related standards.

F. Commercial Park B (CPB)

1. Purpose

The purpose of the Commercial Park B Zone is to establish a district for compatible commercial and residential uses, and to permit flexible site development in order to retain natural site features and promote harmonious development.

2. Permitted Uses

See Section 4.2 (Consolidated Use Table) for all permitted and Special Permit uses. For uses that require a Special Permit, the Commission shall consider the size of the enterprise, the number of employees, the process employed, services rendered, and the relationship of the proposed use to the orderly development of the district.

3. Dimensional Standards

District	Minimums				Maximums		
	Lot Area	Lot Width	Yards		Landscaped Area	Lot Coverage	Height / Stories
			Front	Side/Rear			
CPA	5 acres	200 ft	60 ft	--	50%	20%	40 feet / 2 ½ Stories

4. Site Development Standards

See Section 5 for additional Regulations regarding landscaping, parking, signage, accessory structures, and other requirements; and with Section 4.3 of these Regulations regarding use-related standards.

G. Industrial Park (IP)

1. Purpose

The purpose of the Industrial Park Zone is to establish a district for industry and other suitable uses, to permit flexible site development in order to retain the natural features and open character of the area, and to produce a park-type environment for industry and other compatible uses.

2. Permitted Uses

See Section 4.2 (Consolidated Use Table) for all permitted and Special Permit uses. For uses that require a Special Permit, the Commission shall consider the size of the enterprise, the number of employees, the process employed, and the relationship of the proposed use to the orderly development of the district.

3. Dimensional Standards

District	Minimums				Maximums		
	Lot Area	Lot Width	Yards		Landscaped Area	Lot Coverage	Height
			Front	Side/Rear			
IP	40,000 sq.ft	150 ft	60 ft	25 ft ¹	50%	20%	60 ft

¹ No building or parking shall be closer than 100 ft. to a residential district boundary.

4. Site Development Standards

See Section 5 for additional Regulations regarding landscaping, parking, signage, accessory structures, and other requirements; and with Section 4.3 of these Regulations regarding use-related standards.

H. Industrial (I)

1. Purpose

The purpose of the Industrial Zone is to establish a district for light manufacturing and other suitable uses to encourage the most appropriate development of industrial land, in harmony with the neighborhood.

2. Permitted Uses

See Section 4.2 (Consolidated Use Table) for all permitted and Special Permit uses. For uses that require a Special Permit, the Commission shall consider the size of the enterprise, the number of employees, the process employed, the services rendered.

3. Dimensional Standards

District	Minimums				Maximums		
	Lot Area	Lot Width	Yards		Landscaped Area	Lot Coverage	Height
			Front	Side/Rear			
I	40,000 sq.ft	150 ft	60 ft	25 ft / 20 ft	50%	25%	60 ft

4. Site Development Standards

See Section 5 for additional Regulations regarding landscaping, parking, signage, accessory structures, and other requirements; and with Section 4.3 of these Regulations regarding use-related standards.

I. Restricted Industrial (RI)

1. Purpose

The purpose of the Restricted Industrial Zone is to establish a district for light manufacturing and other specific and suitable uses to encourage the most appropriate

development of land which can be used for the permitted uses and for Special Permit uses which the Commission finds meet the applicable requirements and which will still remain in harmony with the neighborhood.

2. Establishment of District & Approval Process

A Restricted Industrial District may be established by approval of a Zone Change from the Commission. Once established, any request to establish a new use, or any substantial change in use in a Restricted Industrial District, shall require a complete Site Plan with a detailed narrative to be presented and approved by the Commission.

3. Permitted Uses

See Section 4.2 (Consolidated Use Table) for all permitted and Special Permit uses.

4. Dimensional Standards

District	Minimums				Maximums		
	Lot Area	Lot Width	Yards		Landscaped Area	Lot Coverage	Height
			Front	Side/Rear			
RI	40,000 sq.ft	150 ft	60 ft ¹	25 ft ²	50%	20%	60 ft

¹ Unless existing buildings and parking are proposed to be used and found acceptable.
² No building or parking shall be closer than 100 ft. to a residential district boundary.

5. Site Development Standards

See Section 5 for additional Regulations regarding landscaping, parking, signage, accessory structures, and other requirements; and with Section 4.3 of these Regulations regarding use-related standards.

3.4 Other Districts

The Town of Avon's Other Districts includes the Avon Village Center. The purpose(s), permitted uses, dimensional standards and site development standards are provided herein below.

A. Avon Village Center

1. Purpose

The purpose of the Avon Village Center Zone is to provide for village center-scale development that reflects the historic character of Avon Center while enabling flexibility in development styles and uses. Development within the Avon Village Center Zone is intended to meet the following criteria:

- a. Promote the goals and objectives of the Town of Avon's Plan of Conservation and Development (POCD), including the Design Guidelines and Recommendations for the Avon Village Center Zone;
 - 1) Maintain and enhance village center-style character through architectural design, building orientation, street design and layout, pedestrian and nonmotorized vehicular accommodations, landscaping and the provision of public open space;
 - 2) Establishing controls that will facilitate development while protecting the public interest and promoting a range and balance of land uses;
 - 3) Protect, preserve and promote the unique historic and environmental character of the Avon Village Center area;
 - 4) Provide for uses and activities that complement and reinforce those uses and activities existing in areas adjacent to the Avon Village Center, thereby facilitating integrated physical design and encouraging interaction among activities;
 - 5) Promote the development of housing types and forms that meet the needs of smaller households and families;
 - 6) Promote low-impact development (LID) principles, techniques and best management practices;
 - 7) Provide a system of roads and streets that connects with the surrounding transportation network in a cohesive manner, accommodates pedestrians and non-motorized vehicles; and
 - 8) Be consistent with the principles, objectives and guidelines of G.S. § 8-2j of the Connecticut General Statutes, as amended and generally known as the Village Districts Act.

2. Definitions

Mixed Use Development Plan (MUDP): A generalized plan of proposed development within the Avon Village Center Zone. The MUDP is a required submittal as part of a zone map amendment application to "land" the AVC Zone or extend the zone beyond its original boundaries. The requirements for the submittal of a MUDP are set forth in Section 3.4.A.4.

The MUDP will become the formally adopted master plan for the Avon Village Center Zone, or extensions thereto, upon approval of the zone map amendment by the Commission.

Avon Center Design District: An individual development block or area identified within an MUDP. After the approval of a MUDP, individual Avon Center Design Districts (ACDDs) plans may be submitted to the Commission as Special Permit and Site Plan applications. The requirements for the submittal of an individual ACDD plan are set forth in Section 6.1

3. Establishment of District

The Avon Village Center Zone is hereby designated as a Village District as authorized by G.S. § 8-2j, as amended. When an Applicant requests a Zoning Map Amendment to extend the boundaries of the AVC Zone, the zone map amendment application must be accompanied by a mixed-use development plan (MUDP), as described in greater detail in Section 3.4.A.4, below.

4. Mixed-Use Development Plan

When applying to extend the boundaries of the AVC Zone, the Applicant must provide a comprehensive mixed-use development plan (MUDP) that encompasses and plans for the entirety of all property owned by the Applicant within the Avon Village Center Zone in conjunction with a zone map amendment application (Section 7.1.D). This subsection establishes the requirements associated with the MUDP.

- 1) Intent. A mixed-use development plan is intended to provide for a multistep process that permits development flexibility within the context of a unified general master plan. It is also intended to define mixed use development projects in terms of physical design, architectural character, public amenities, site improvements, traffic improvements, mitigation actions, categories of uses and the general location of buildings. MUDP applications that provide a balanced variety of different uses compatible with the intent of the AVC Zone are strongly encouraged.
- 2) Application Requirements. The MUDP application shall meet the following plan for the entirety of all property owned by the Applicant or its successors in interest, as of the effective date of these Regulations, within the proposed Avon Village Center Zone. The MUDP shall provide:
 - a) A direct traffic connection that links all ACDDs within the MUDP and is designed, in both physical form and function;
 - b) A general conceptual site development plan (prepared by a licensed landscape architect in collaboration with an architect and/or other pertinent design/engineering professionals) showing the location and size of footprints for all proposed buildings; architectural style; a site grading plan indicating spot grade elevations; a parking plan; a landscaping plan; a roadway and traffic circulation plan; a preliminary earth removal and filling plan; a sidewalk plan illustrating walkways and accessways; an open space plan; and a description and map identifying any environmental constraints within the MUDP;

- c) Maps, plans and other graphic illustrations that identify the general layout and organization of individual development blocks, referred to as "Avon Center Design Districts," including building footprints, heights, scale and massing. The Applicant shall include a building setback schedule for each ACDD, identifying the proposed front yard, side yard and rear yard setbacks. Where necessary, the building setback schedule shall differentiate between setbacks for the perimeter of each ACDD and setbacks along new public or private streets within the ACDD. In addition, the Applicant shall provide a building height schedule for each ACDD, identifying both maximum and minimum building heights;
- d) A preliminary utilities plan showing the general location of wastewater collection facilities; the location and type of stormwater management facilities; and the water distribution system to be used on the site;
- e) A preliminary parking and traffic circulation plan that demonstrates both how the parking and traffic circulation system for the entire mixed-use development will function cohesively and that each ACDD will have sufficient parking and traffic circulation to function independently during the course of a phased development. Such plan shall include a description of the proposed roads and streets within the mixed-use development, including roadway classification, roadway ownership (private or public), typical sections and details for proposed roads and streets, and specific information regarding the integration of pedestrian connections and nonmotorized vehicular accommodations within the overall MUDP development plan;
- f) An ownership, maintenance and management plan for all internal streets and roads, both private and public; sidewalks and other pedestrian circulation elements; and other areas of public use and congregation. All streets and roads that remain in private ownership shall have dedicated public easements of travel;
- g) A descriptive narrative and associated graphic illustration of the proposed phasing of infrastructure components. The Commission shall have the ability to modify the proposed infrastructure phasing plan, at its sole discretion, as a condition of approval of the MUDP;
- h) A text-based narrative that lists and discusses the following items, which shall be addressed both in aggregate for the entire proposed development and for each individual development block (ACDD):
 - i. The potential mix of uses in the proposed development;
 - ii. Descriptions and estimates of the total square footage of each use;
 - iii. Total number of dwelling units (where applicable);
 - iv. Public and private amenities included as part of the proposed development;
 - v. Amount of open space acreage;

- vi. Discussion of traffic and environmental impacts resulting from the development;
 - vii. Any mitigation actions that may be required; and
 - viii. General information regarding site lighting, signage and other site furnishing and amenities.
- (9) Reports or studies conducted by a qualified third-party professional firm or individual to address the following potential impacts from the proposed development in the areas of traffic, the environment, the provision for and utilization of public services, and surrounding property values.
- c. **Review Criteria.** The Commission shall determine that the MUDP is in conformity with the purpose of the Avon Village Center Zone, the intent of the MUDP process, and the MUDP requirements under this Section. As part of the MUDP application review process, and in addition to the design professionals retained under the authority of G.S. § 8-2j as amended, the Commission may engage qualified peer reviewers to review all MUDP applications and subsequent ACCD applications. The Applicant shall be required to pay for all peer review costs associated with the assessment of submitted data and analyses, in accordance with Ordinance #55 of the Town of Avon, effective March 31, 2010.

5. Permitted Uses

See Section 4.2 (Consolidated Use Table) and Section 6.1 for all permitted and Special Permit uses.

6. Architectural Review & Design Guidelines

The architectural and design guidelines described below are intended to preserve, restore and enhance resources, improve property values, promote and support a vibrant business and residential environment, enhance the architectural character and attractiveness of the village center, and maintain the quality of character in Avon's village center. These guidelines shall be considered by the Commission during the review process of and MUDP or ACCD within the AVC.

- 1) All new construction and substantial reconstruction activities for buildings existing as of the adoption of the Avon Village Center Zone that are visible from public roadways and that have not previously received Special Permit and/or Site Plan approval from the Commission shall be reviewed by an architectural or design professional designated by the Commission. Those reconstruction activities that constitute substantial reconstruction shall be determined by the Town's Director of Planning. All such activities shall comply with the general design guidelines and principles contained in G.S. § 8-2j, as amended, as well as the specific design guidelines provided in herein.
- 2) In all cases, the determination of compliance with said design guidelines and approval of construction and modification activities shall be governed by the Regulations and conditions contained in G.S. § 8-2j, as amended.

- 3) The principles of Village Center Design are meant to apply to those building facades and spaces that are subject to public view from public areas and in public use. Interior spaces and building code compliance are not the subject of these guidelines but may be considerations under these design standards. Overall principles include:
 - a) Support the village center redevelopment with projects that support multiple modes of accessibility and transit.
 - b) Support village center vitality with uses and spaces that contribute to the commercial and entertainment aspects of the village center and promote attractiveness for visitors and patrons of the area.
 - c) Reinforce the village center as a civic place with spaces for small public gatherings and discourse.
 - d) Use examples of existing architecture and design in the AVC as models for renovation and new design.

7. Dimensional Requirements

Minimums			Maximums			
Lot Area	Setbacks ²	Usable Open Space ³	Setbacks	Impervious Coverage	Building Coverage	Height
5 Acres ¹	20 ft	15%	40 ft	50%	30%	TBD ⁴

¹ Per each ACCD.

² Boundaries that are adjacent to or across a public right-of-way from a residential use or residential zone shall be required a minimum setback of 35 feet and a maximum of 60 feet and landscaped and design in accordance with the "B Bufferyard" standards under Section 5.9 of these Regulations.

³ The determination of whether designated areas constitute usable open space shall be made at the sole discretion of the Planning Commission.

⁴ To be determine by the Commission, but in no case higher than 40 feet as measured according to the definition of "building height" in Section 2.3 of these Regulations.

8. Site Development Requirements

- 1) **Public Gathering Space:** Any MUDP must include open space available for public use and congregation and shall be composed of a mix of appropriate landscape and hardscape elements. The design and selected location for this open space must be appropriately and effectively integrated into the overall site design for the MUDP, with particular attention paid to its connection to pedestrian circulation systems and elements
- 2) **Utilities:** All utility lines serving new construction shall be buried underground in any MUDP.
- 3) **Parking:** In general, the standards for the required number of parking spaces for each land use as established under Section 5.11 of these Zoning Regulations shall apply in the Avon Village Center Zone. However, it is recognized that the Avon

Village Center Zone encompasses a unique area of the Town that is envisioned as a mixed-use development, many of which uses may have shared and complementary off-street parking needs. Therefore, in cases where the required number of parking spaces for a particular land use under Section 5.11. is greater than an applicable standard for the number of parking spaces required for such use according to data from the Institute of Transportation Engineers (ITE) or the Urban Land Institute (ULI), the Commission in its sole discretion may allow the use of the lesser parking space requirement standard. The Applicant must provide sufficient evidence indicating that such parking reduction will neither create a shortage of parking spaces nor create ancillary negative traffic circulation impacts.

- d. Residential Uses: Total aggregate development within the AVC Zone shall adhere generally to the following guidelines:
 - a) The total residential development component within the AVC shall be composed of approximately 400 to 500 dwelling units for the entire mixed-use development, of which no less than ten percent shall be situated in mixed use structures. All dwelling units generally shall have two bedrooms or fewer.
 - b) The total nonresidential development component within the AVC shall be composed of approximately 500,000 to 600,000 square feet of gross floor area.
- e. Streets: Streets shall be laid out in a manner that promotes safe and logical traffic circulation. Unless specifically approved by the Commission, the use of cul-de-sacs and other types of dead-end streets should be avoided in all ACDDs that have any nonresidential land uses. Within ACDDs consisting entirely of residential uses, cul-de-sacs and other types of dead-end streets may be permitted at the Commission's discretion.
- f. Pedestrian Accessibility & Connectivity: All MUDP developments must provide:
 - 1) A cohesive and coherent system of pedestrian connections and nonmotorized vehicular accommodations linking together the various ACDDs.
 - 2) Integration of pedestrian connections and nonmotorized vehicular accommodations to the Farmington Valley Greenway trail as part of their overall design.
 - 3) Pedestrian connections between development within the Avon Village Center Zone and Route 44 and Route 10.
- g. Traffic & Circulation: All MUDP developments shall consider the following traffic and circulation elements in their design and operations:
 - 1) Truck traffic associated with pickups and deliveries for uses in the Avon Village Center Zone is allowed only during approved hours of operation, generally 6:00 a.m. to 7:00 p.m. unless otherwise designated by the Commission.

- 2) Truck traffic shall not impede general traffic circulation within the Avon Village Center Zone. As part of any proposed development, an Applicant shall provide reasonable off-street accommodations for all expected truck traffic associated with such development.
 - 3) As part of any ACDD application, an Applicant shall submit information describing the expected number, size and frequency of delivery and pickup vehicles to service the proposed development in each ACDD.
- h. Low Impact Design: All MUDP developments shall implement low impact development (LID) and best management practices wherever and whenever feasible. When considering issues of overall site design, stormwater drainage and infrastructure design, developers within a MUDP shall first consider LID best management practices (BMPs). If such BMPs are shown to be inappropriate or infeasible for use in a particular area or areas of the MUDP, conventional development methods may be considered and utilized.
- 1) LID BMP categories shall include, but not be limited to, the following:
 - i. Hydrologic design elements (infiltration, retention and detention, biofilters)
 - ii. Permeable pavement elements and disconnected impervious surfaces
 - iii. Roadway, parking lot, driveway and pedestrian circulation design elements
 - iv. Structural design elements (green roofs, rainwater harvesting, foundation planting)
 - v. Landscaping design elements (soil amendments, street trees, selection of appropriate plant species)
 - 2) All stormwater runoff generated from land development and land use conversion activities shall not discharge untreated stormwater runoff directly to a wetland, local water body, municipal drainage system, or abutting property, without adequate treatment.
 - 3) The implementation and use of any alternative energy infrastructure, including, but not limited to, solar panels, micro wind turbines and micro water turbines, shall be appropriately integrated within buildings and structures so as to minimize any visual impacts associated with such infrastructure.
- i. Environmental Impact: Any environmental impacts or potential environmental impacts identified as part of a report submitted by the Applicant per this Section, or any environmental impacts or potential environmental impacts identified through the peer review process, must be addressed to the satisfaction of the Commission prior to the start of construction.

- j. **Earth Removal & Filling:** In general, all earth removal, grading and filling activities shall be conducted in a manner such that these activities will result in no net change in the amount of earth material brought into or removed from within the MUDP. Within each individual ACDD, the Applicant shall demonstrate a balance of cuts and fills, unless waived by the Commission. At the Commission's discretion, removal of earth material from the MUDP may be permitted if it can be demonstrated by the Applicant that doing so would produce a better overall development design.
- k. **Construction Phasing:** The intent of the AVC Zone Regulations is to encourage cohesive mixed-use developments with a balance of uses designed in a walkable, village center style. As such, any AVC Zone should be developed in a balanced manner throughout its development phasing cycle. The phasing plan for any MUDP must consider the need for a balanced approach for the development of individual uses. It is the Town's intention and desire that any MUDP must be composed of a mix of land uses during all phases of its development, not just as an end product. Therefore, the following sequence of requirements for pro rating the development of specific uses shall apply to all MUDPs:
- 1) Zoning certification for up to but not exceeding 25 percent of the residential units proposed in a MUDP may be issued only if 20 percent of the total non-residential gross floor area proposed in the MUDP has also received zoning certification.
 - 2) Zoning certification for up to but not exceeding 50 percent of the residential units proposed in a MUDP may be issued only if 40 percent of the total non-residential gross floor area proposed in the MUDP has also received zoning certification.
 - 3) Zoning certification for up to but not exceeding 50 percent of the residential units proposed in a MUDP may be issued only if all of the parks, recreation and open space elements proposed in the MUDP also have been constructed and, when required, conveyed to the Town of Avon.
 - 4) Zoning certification for the full number of residential units proposed in an MUDP may be issued only if 60 percent of the total nonresidential gross floor area proposed in the MUDP has also received zoning certification.
 - 5) The Commission, in its discretion, may modify the above percentage requirements by up to ten percentage points if the Applicant can demonstrate, and the Commission determines, that doing so would still enable the proposed development to meet the purpose and intent of the AVC Zone and would result in a development that is generally consistent with the Town of Avon's Plan of Conservation and Development. It shall be the responsibility of the Applicant to notify any future purchasers of property within the MUDP of these conditions.

9. MUDP Modifications

Amendments to, and modifications of, the MUDP may be permitted with the separate submission of a ACDD Site Plan subject to the following restrictions:

- a. Modifications to the mix of uses in an ACDD shall not consist of more than 20 percent of floor area changing from either a commercial use to a residential use or from a residential use to a commercial use.
- b. Modifications to the gross floor area of all uses in an ACDD shall not consist of a change of more than 20 percent in the amount of gross floor area in the ACDD.
- 4) Modifications to the height (in feet) of any structure in an ACDD shall not change by more than 25 percent of the original base height of the subject structure.
- 5) Modifications in the amount of usable open space shall not reduce the allocation of open space with the Site Plan without compensation elsewhere within the development areas approved under the MUDP.
- 6) Modifications to roads and accessways shall not eliminate the direct traffic connection that links all ACDDs within the MUDP designed as a "main street."
- 7) In addition, any changes proposed to the individual ACDD plans that would clearly result in a significant alteration to the character, function and/or the composition of the MUDP, as determined by the Commission, shall require the submission of a new Special Permit application. The new Special Permit application must follow the same process as described in Section 7.1.C of these Regulations, and in conformance with the requirements of G.S. § 8-3c, as amended.

B. Avonwood Housing Opportunity District (HOD)

1. Purpose

The “Avonwood Road Housing Opportunity District” (the “Avonwood Road HOD”) is intended to allow the development of a multi-family rental apartment community as a “set-aside development,” as defined in General Statutes § 8-30g(a)(6) and to promote housing choice and economic diversity within the Town of Avon.

2. Eligible Location. Land with the following characteristics may be rezoned to the Avonwood Road HOD:

- a. Lot size between 1 and 3 acres; and
- b. Lot must have frontage on Avonwood Road

3. Permitted Uses.

- a. Residential development that qualifies as a “set-aside development” as defined in General Statutes § 8-30g(a)(6).
- b. Accessory uses customarily associated with, or incidental to, any permitted use in the Avonwood Road HOD.

4. Design Standards and Dimensional Requirements for Avonwood Road HOD developments.

The following standards shall apply to the design and development of all projects in the Avonwood Road HOD:

- a. **Density.** In order to meet the purposes of these Regulations and to increase the supply of affordable housing in the Town of Avon, the maximum number of dwelling units shall be 25 units per net buildable acre and a maximum density of 64 units per applicable property.
- b. **Dimensional Requirements.** All buildings in any Avonwood Road HOD shall comply with the following dimensional requirements, which requirements shall supersede the dimensional standards otherwise noted in these Regulations:

MINIMUM LOT AREA	40,000 SQ. FT.
Minimum Lot Frontage	100 ft.
Minimum Front Yard Setback	10 ft.
Minimum Side Yard Setback	15 ft.
Minimum Rear Yard Setback	20 ft.
Maximum Lot Coverage	65%
Maximum Building Height	55ft.

- c. **Parking.** All Avonwood Road HOD developments shall provide a minimum of one parking space for each one-bedroom dwelling unit and two parking spaces for each two-bedroom dwelling unit.
- d. **Utilities.** All utilities shall be underground, or as mandated by the utility provider.
- e. **Landscaping.** The following landscape design standards shall apply:
 - 1. All landscaping, trees and planting material adjacent to parking areas, loading areas or driveways shall be properly protected by barrier, curbs, or other means from damage by vehicles.
 - 2. Native plant species are encouraged throughout, and existing vegetation is to be protected when feasible.
- f. **Lighting.** Exterior lighting shall be provided and maintained within the Avonwood Road HOD to ensure proper illumination of parking areas, building entrances, walkways, and wherever else they may be required for the safety of vehicular and pedestrian traffic. All exterior lights shall be low-level, and glare from any light sources shall be shielded from dwelling unit interiors, public highways, and abutting properties so that light falling outside the Avonwood Road HOD shall be of low

intensity. There shall be no light trespass off of any property in the Avonwood Road HOD that creates any hazardous or objectionable situation for abutting users or motor vehicles in the area, as evidenced by a photometric plan.

g. Signage. All signage in the Avonwood Road HOD shall comply with the applicable Town of Avon signage Regulations for design and permitting. All signage that complies with the aforementioned requirements shall be permitted in the Avonwood Road HOD without the need for additional approvals.

5. Stormwater Management. All applications for an Avonwood Road HOD development shall include a Stormwater Management Plan. The Plan shall comply with the Storm Drainage Design criteria established by the Avon Engineering Department in place as of the date hereof and the CT DEEP 2004 Stormwater Quality Manual, as amended.

6. Soil Erosion and Sediment Control. Soil erosion and sediment control standards shall be in accordance with the Town of Avon erosion and sedimentation control Regulations and any applicable State Regulations.

7. Excavation and Filling or Removal of Earth Products. Earth excavation, removal, including off-site removal, and/or fill, shall be permitted for any Avonwood Road HOD development without the need for additional Special Permit approval, provided that such excavation, removal and/or fill is conducted in connection with the construction or alteration of a building or other structure for which the Commission has issued a Site Plan approval. Notwithstanding the foregoing, prior to earthwork commencing on the site, town staff shall be provided with a Phase 1 report for the applicable property and prior to any new soils being imported onto the site, town staff shall be provided with evidence that the soils are safe and that they are coming from a known origin that provides for conformance with all applicable public health and safety requirements. Additionally, any excavation or removal of soils shall meet the applicable requirements of the Avon Planning & Engineering Departments.

8. Maximum Income and Rent Restrictions for § 8-30g “Set-Aside” Units. The Applicant shall submit an Affordability Plan explaining how household income and rental price limits for the set-aside units will be calculated and administered, and how the development will comply with General Statutes § 8-30g. The following requirements shall apply to apartments that will be “set-aside” units in compliance with General Statutes § 8-30g:

- a. Set-aside apartment homes shall be of a construction quality that is comparable to a baseline specification schedule for market-rate apartment homes within the community.
- b. Calculation of the maximum monthly payment for set-aside apartment homes, so as to satisfy General Statutes § 8-30g, shall utilize the median income data as published by the U.S. Department of Housing and Urban Development in effect on the day a lease is executed.

- c. A set-aside apartment home rented in compliance with General Statutes § 8-30g shall be occupied only as a principal residence. Sub-leasing of a set-aside apartment home shall be prohibited.
- d. Notice of availability of the set-aside apartment homes shall be provided by advertising such availability in the real estate section of a newspaper of general circulation in the Town of Avon, and through the procedures outlined in the affirmative fair housing marketing section in the Affordability Plan.
- e. The forty (40) year affordability period shall be calculated separately for each set-aside apartment home in an Avonwood Road HOD development, and the period shall begin on the date, as stated in the lease, of occupancy of the apartment home.
- f. A third-party non-conflicted firm shall provide the required certifications to the Town of Avon regarding the eligibility of occupants for every set-aside unit at the time of its initial occupancy, the renewal of any lease, or the initial rental or move-in of a set-aside tenant, in accordance with the applicable requirements of General Statutes § 8-30g.
- g. The owner or Administrator (as defined in the Affordability Plan) shall provide an annual certification to the Town of Avon, which shall be notarized, that the property is being operated in accordance with the Affordability Plan and the applicable requirements of General Statutes § 8-30g.

9. Procedure and Application for Avonwood Road HOD development.

- a. All applications for an Avonwood Road HOD development shall be subject to Site Plan review by the Commission. Site Plans shall contain the information in Appendix C – Application Checklist. No Special Permit shall be required.

C. Educational Land (EL)

1. Purpose

The purpose of the Educational Land district is to establish a district that permits public and private educational uses / structures and the associated accessory uses / structures such as land owned by the Avon Old Farms School. Historically the EL Zone has been viewed as a holding zone for the AOFS land.

The following accessory uses are permitted in the Educational Land District.

2. Permitted Accessory Structure and Requirements

- a. Residential structures accessory to the principal use.
- b. Recreation, maintenance, utility, and other structures accessory to the principal use.
- c. Any proposal for wind or solar must obtain a special permit.

See Section 4.2 (Consolidated Use Table) for all permitted and Special Permit uses.

3. Dimensional Standards

District	Minimums				Maximums		
	Lot Area	Lot Width	Yards		Landscaped Area	Lot Coverage	Height
			Front	Side/Rear			
EL	25 acres	-	60ft	25 ft / 35 ft	-	-	55 ft

4. Site Development Standards

Site Plan approval under Section 7.1.B is required. The Commission may require compliance with Section 5 of these Regulations regarding landscaping, parking, signage, accessory structures (Section 5.1), and other requirements; and with Section 4.3 of these Regulations regarding use-related standards.

3.5 Overlay Zones

The following sections discuss Avon's various overlay districts, as defined in Section 2.3, and the purpose(s), permitted uses, dimensional standards and site development standards in each district are provided herein below.

A. Ridgeline Protection

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. Applicability

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 3.5.A.3 (below). 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.

3. Definitions

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

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 two inches or more in diameter at a height of four feet.

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 birdwatching.

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 (two 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 (two 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 six 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.

4. Prohibited Uses & Operations

The following shall be prohibited in the ridgeline setback areas:

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

5. Special Permit Required

A Special Permit shall be required for any development, or clear-cutting activities proposed for, or occurring within, a ridgeline setback area. Exceptions to this Special Permit requirement include:

- 1) Emergency work necessary to protect life or property.
- 2) 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.
- 3) Selective timbering.
- 4) Passive recreation.
- 5) 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.
- 6) 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.

6. Special Permit Criteria

In addition to the requirements of Section 7.1.C of the Zoning Regulations, the Commission shall require compliance with the following:

- 1) 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.
- b. 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.
- c. 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.
- d. 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 stormwater 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.
- e. That areas of archaeological and historic importance have been identified and adequate steps have been taken to preserve and/or record these areas.
 - f. 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.

7. Site Plan Requirements

An application for any Special Permit required under subsection[s] above shall be accompanied by the following Site Plan information. The Commission may modify the requirement for all or a portion of this information upon a finding that it is not essential to determining compliance with the Special Permit criteria contained in Section 7.

- 1) The Applicant shall submit a plan showing the proposed or existing location of each structure, road, driveway, and other manmade 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.
- 2) 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 manmade features.
- 3) The Applicant shall provide a map showing the location of all existing trees having a diameter of six inches or more at a height of four feet. The map shall be prepared by a licensed land surveyor and shall be certified to A-2 standards of accuracy.
- 4) 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.

- 5) 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 manmade features. Such methods and mechanisms shall include but are not limited to the following:
 - a) 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.
 - b) 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 five years from the time of the installation of plant material.

The Commission may require, as a condition of approval of any application for activities within a ridge line 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.

B. Attainable Housing Overlay (AHOZ)

1. Purpose

The Attainable Housing Overlay Zone (AHOZ) is intended to create additional housing opportunities within Avon while promoting the appropriate development and protection of Avon's historic areas and other areas of the community. It also provides an opportunity for the creation of mixed-use development and housing. This AHOZ regulation is authorized under CGS Section 8-13 (m-x) as amended.

2. Nature of Zone

The AHOZ enables a property owner to apply for approval of a housing or mixed-use development using the provisions of this Section instead of those for the underlying zone. The AHOZ exists in addition to the current (underlying) zone for the property. The provisions of the AHOZ are an option for the property owner and such owner would voluntarily choose to comply with these provisions when or if new housing as authorized herein is proposed.

In the event of any conflict between the provisions of this section and any other section of the Regulations, the provisions of this section shall control. If the specific matter is not addressed by this section, then the other section(s) of the Regulations shall control, unless revised by the Commission.

3. Establishment of Zone

Establishment of the AHOZ district requires a Zone Change application to the Zoning Commission in accordance with Section 7.1.D of these Regulations, including a declaration of the proposed type of sub-district(s) and plans and drawings depicting the proposed development;

The approval of an AHOZ shall also include approval of a Site Plan by the Commission in accordance with Section 7.1.B of these Regulations. Pre-application meetings for any proposed development are strongly recommended.

4. Sub-Districts

Due to the diversity of desired development patterns in different parts of Avon, the Attainable Housing Overlay Zone consists of six different sub-districts as described below:

- a. **Mixed Use (AHOZ-MXD):** On arterial roads and other areas with potential for development with mixed use developments and/or buildings.
- b. **Mixed Housing (AHOZ-MXH):** A development including a combination of housing types as noted in the following paragraphs.
- c. **Multi-Family (AHOZ-MF):** Existing buildings and other areas with potential for development with multi-family housing.
- d. **Townhouse (AHOZ-TH):** Areas with potential for residential townhouse development (a residential building consisting of three or more attached units in which each unit shares a wall extending from foundation to roof with the adjacent unit(s) and has exterior walls on at least two sides).
- e. **Duplex (AHOZ-DX):** Areas with potential for development with duplex housing units designed to be compatible with single-family units in adjacent residential neighborhoods.
- f. **Single Family (AHOZ-SF):** Areas with potential for development with single-family units compatible with adjacent residential neighborhoods.

5. Permitted Uses

Each subdistrict of the AHOZ has its own permitted uses, as described herein.

Mixed-Use: Mixed use development and/or mixed-use buildings, as defined above, with a mix of residential and commercial uses, with a residential density at up to 20 units/acre of site area and uses and structures accessory thereto.

Mixed-Housing: Two or more housing types at maximum densities for each as provided herein and uses and structures accessory thereto.

Multi-Family: Multi-family residential development at up to 20 units/acre of site area and uses and structures accessory thereto.

Townhouse: Townhouse residential development at up to ten units/acre of site area and uses and structures accessory thereto.

Duplex: Duplex residential development (two-unit buildings) at up to ten units/acre of site area and uses and structures accessory thereto.

Single Family: Single family residential development at up to six units/acre of site area and uses and structures accessory thereto.

6. Dimensional Standards

The dimensional standards including height and setback standards of the underlying zone shall continue to apply except that the Commission may, through granting of a separate Special Permit, modify any dimensional standard in order to:

- 1) Facilitate the creation of housing opportunities as provided in this section.
- 2) Address on-site constraints or protect important resources.
- 3) Enhance the design of the development and/or surrounding neighborhoods.
- 4) Be approximately consistent with the setbacks of nearby buildings in order to create a desirable streetscape.

7. Affordability Requirements

At least twenty percent of all dwelling units constructed in a development approved under this section of the Regulations shall be deed-restricted to be affordable and attainable to be ~~and~~ occupied by households earning 80 percent or less of the area median income for Avon, as determined and reported by the United States Department of Housing and Urban Development (HUD). When a calculation performed under this subsection results in a number that includes a fraction, the fraction shall be rounded up to the next higher whole number. Each such attainable unit shall be subject to a housing restriction acceptable to the Town Attorney and the Commission, which shall be recorded on the Avon Land Records and shall, at a minimum, include the following:

- 1) An identification of the affordable housing units within the development.
- 2) A requirement that such affordable unit shall only be occupied by a household earning 80 percent or less of the area median income for Avon, as determined and reported by the United States Department of Housing and Urban Development (HUD).
- 3) A statement of whether the affordable units will, at the time of initial occupancy, be rented or owner-occupied.
- 4) A detailed statement of the method for determining the rental rate or sale price or resale price of an affordable housing unit at any point in time.
- 5) A statement that the term of the deed restriction for each affordable unit shall be a minimum of 30 years from the date of first occupancy of that affordable unit.
- 6) The Applicant shall prepare and submit a final "Housing Affordability Plan" in accordance with the requirements of CGS § 8-30g, section 8-30g-1 et seq. of the Regulations of Connecticut State Agencies and the "Housing Affordability Plan Requirements" as adopted by the policy of the Zoning Commission and as the same may be modified from time to time, including:

- a) The name and address of the proposed administrator of the deed restricted affordable units.
- b) Provision that the proposed administrator shall file an annual report to the Commission by January 31, in a form specified by the Zoning Commission, certifying compliance with the provisions of this section.

8. Site Development Requirements

- 1) Unless otherwise approved by the Commission, all developments approved under this Section shall be served by public water and public sewer.
- 2) Unless otherwise approved by the Commission, any development approved under this section shall provide for off-street parking as follows:
 - a) As provided in Section 5.11 of the Zoning Regulations; or
 - b) At a ratio of 1.5 spaces per dwelling unit if shown by the Applicant based on submitted credible evidence and accepted by the Commission to be adequate parking for the proposed development.
- 3) Any developments proposed under this section shall, unless modified by the Commission, construct or improve the sidewalks abutting the project site in order to enhance the pedestrian nature and character of the proposed development and the surrounding area.

9. Building Design

Since design of buildings and sites is an important part of integrating housing at permissible densities into the community, all development in the AHOZ shall be designed to a high level of architectural character so that the quality of the overall design of any development will be an important positive addition to the area. This consideration will be an important consideration as part of the review and granting of any approval for such a development.

Overall Character. Proposed development projects should enhance the general physical character and add to the architectural desirability of a historic New England community and where appropriate, complement the scale and architecture of adjacent buildings. An overall design theme (including building placement, building massing, exterior treatments, signage and other design considerations) shall be established where harmony in textures, lines, and masses is provided and monotony is avoided. The illustrative AHOZ design guidelines, found in Appendix A, shall be used by Applicants and the Commission as a general reference for desirable characteristics of buildings and sites. The design and site development provisions of the Avon Town Center Study shall also be used, when and where appropriate. A desirable streetscape and attractive landscape transitions to adjoining properties shall be provided. Landscape treatment shall be provided to enhance architectural features, shield unsightly areas, provide shade, and relate to the natural environment and topography.

Building Placement & Siting. Buildings shall be organized in a coordinated and functional manner that is compatible with site features and the desirable characteristics of adjoining

areas. In general, new buildings shall be placed near to the public street and shall be oriented with the main façade parallel to the public street in order to strengthen the overall streetscape. The Commission may modify or waive this requirement when the Applicant demonstrates that a greater setback or alternative orientation such as the main façade perpendicular to the street, will enhance the overall effect of a historic New England community and/or allow for the creation of a public amenity (such as a wider sidewalk, a public seating area, etc.). Off-street parking and loading shall not be located between buildings and a public street unless approved by the Commission and any parking area visible from a public street or public sidewalk, shall be screened with landscaping, walls, fencing, or combination thereof. Buildings shall be designed and located on the site so as to retain the existing topography and desirable natural features of the land to the extent feasible.

Building Mass. Monolithic building forms shall be avoided through the use of variations in length of unbroken exterior walls, structure placement, color, texture and/or material and variations in the height of buildings or use of architectural features such as balconies, cornices, step-backs, or other articulating features. The height and scale of each building shall be compatible with its site and the existing or planned character of the area. Architectural features shall be evaluated based on the scale of the building(s), the quality of the design, and the relationship to surroundings. Façades and rooflines shall be articulated and/or varied to reduce the appearance of inappropriate bulk and provide architectural interest.

Exterior Material & Colors. Exterior building materials and their placement on a building shall be consistent with the overall look of a historic New England community. Building materials shall have durable quality and shall be selected for harmony or compatibility of the building with adjoining desirable materials.

Doorways & Windows. In mixed use and multi-family developments, recessed doorways are preferred. Where a recessed doorway is not used, an awning or similar architectural overhang is encouraged. Adequate lighting for the doorway shall be incorporated into the design of the doorway. Windows should be taller than they are wide and windows on upper floors should not be larger than windows on lower floors. Windows should be inset from the exterior wall surface and shall have visually prominent sills, lintels, or other forms of architectural detailing to add visual relief to the wall.

Roofs & Mechanical Equipment. Roof forms should be appropriate for a historic New England community and complement the principal building in terms of style, detailing, and materials. Roof overhangs (eaves and cornices) should be a minimum of two feet or as appropriate to the proposed architecture. Any mechanical equipment shall be screened from public view using landscaping, walls, fencing, parapets or other architectural elements, or combination thereof. Utility and service equipment areas shall be screened from public view with materials compatible with the building.

10. Design Guidelines

Design guidelines for single family, duplexes, townhomes, multifamily, and mixed-use structures within this District are provided in Appendix A.

C. Darling Drive Housing Opportunity Zone (DD)

1. Purpose

The Darling Drive Housing Opportunity Zone (DD) is intended to allow the development of multi-family rental apartment units as “assisted housing” as defined in General Statutes § 8-30g(a) and to promote housing choice and economic diversity within the Town of Avon.

2. Eligibility

Only lots with frontage on Darling Drive and at between 9-12 acres may be rezoned to DD.

3. Application Procedures

All applications for DD development shall be subject to Site Plan review, in accordance with Section 7.1.B of these Regulations. No Special Permit shall be required.

4. Permitted Uses

See Section 4.2 (Consolidated Use Table) for all permitted uses.

5. Dimensional Standards

District	Minimums					Maximums			
	Lot Area	Lot Width	Frontage	Yards		Height & Stories	Coverage		Density ²
				Front	Side/Rear		Impervious	Building	
DD	9 Acres ¹	150 ft	50 ft	60 ft	25 ft / 25 ft	60 ft / 4 Stories	50%	20%	17 Units

¹ Lots shall not be greater than 12 acres.

² Per net developable area.

6. Affordability Requirements

The Applicant shall prepare and submit an “Affordability Plan” in accordance with the requirements of CGS § 8-30g and shall, at a minimum, include the following:

- 1) An identification of the housing units to be initially preserved as affordable within the development.
- 2) A requirement that such affordable unit shall only be occupied by a household earning 80 percent or less of the area median income for the region in which Avon is located, as determined and reported by the United States Department of Housing and Urban Development (HUD).
- 3) A detailed statement of the method for determining the qualifying household income and rental rate of an affordable housing unit at any point in time.

- 4) A statement of the term of the preservation period for each affordable unit from the date of first occupancy of that affordable unit.

7. Design Standards

- 1) Architectural and site designs shall comply with the area and dimensional standards in this section.
- 2) All developments shall comply with handicap accessibility requirements mandated by local, state and federal laws.
- 3) All Site Plans shall make adequate provision for facilities and access for fire, police, and other emergency protection.

8. Site Development Standards

- 1) Landscaping shall be provided, approved, and permanently maintained on the lot with an intent to reduce excessive heat, glare and dust, to provide privacy from noise and visual intrusion to control erosion of soil and stormwater runoff, to enable recharge of groundwater and to avoid degradation of groundwater, wetlands and watercourses. The following requirements shall be adhered to:
 - a) The use of native plant species, where feasible, is strongly encouraged.
 - b) The introduction of invasive plant species is prohibited, and eradication of existing invasive species may be a required element of the landscaping plan.
- b. All parking, service and storage areas adjacent to perimeter buffers shall be enhanced if necessary to provide screening from abutting properties.
- c. All landscaped buffers shall be planted or preserved in a natural state in a mixture of evergreen and deciduous trees and shrubs and shall be maintained in proper order. A landscaped buffer shall not be required along driveways or roadways providing access to or from a DD development, or in any location that will create a traffic visibility or safety issue, or in any area requiring drainage runoff improvements, such as drainage swales or detention basins.
- d. Off-street parking shall be 1.0 spaces for each one-bedroom residential unit and 1.5 spaces for each two-bedroom residential unit, and parking spaces shall otherwise comply with Section 5.11.
- e. Open space shall not be required for an HOZ development but is encouraged. Land designated for recreation shall not be used for the storage of equipment or the deposit of debris. Any physical improvements to open space/recreation areas approved as part of the HOZ development shall be completed prior to issuance of a certificate of zoning compliance.
- f. Signage shall comply with Section 5.13 of these Regulations.
- g. Lighting shall be provided for pedestrian safety; shall be outfitted with cut offs or similar shields to prevent glare on adjacent and neighboring properties; and shall be arranged to meet zero-foot candles at the property line.
- h. Retaining walls may be constructed as necessary to provided grading and stability for residential use, provided that no retaining wall shall exceed 12 feet in height;

each wall shall be built with a guardrail or equivalent safety feature as required by code; and specifications of the wall material, appearance shall be stated on the Site Plan and approval by the Town Engineer as safely designed prior to issuance of a building permit.

- i. All applications for a DD development shall include a Stormwater Management Plan.
- j. Soil erosion and sediment control standards shall comply with Section 5.7 of these Regulations.
- k. Earth excavation, removal, including off-site removal, and/or fill, shall be permitted for any DD development without the need for additional Special Permit or special approval, provided that such excavation, removal and/or fill is conducted in connection with the construction or alteration of a building or other structure for which the Zoning Commission has issued a Site Plan approval. All earth excavation, removal, and/or fill for an DD development shall comply with the substantive standards in Section 5.5 of these Regulations.

9. Building Design

Since design of buildings and sites is an important part of integrating housing at permissible densities into the community, all development in the DD shall be designed to a high level of architectural character so that the quality of the overall design of any development will be an important positive addition to the area.

Overall Character: Overall design theme (including building placement, building massing, exterior treatments, signage and other design considerations) shall be established where harmony in textures, lines, and masses is provided and monotony is avoided. A desirable streetscape and attractive landscape transitions to adjoining properties shall be provided. Landscape treatment shall be provided to enhance architectural features, shield unsightly areas, provide shade, and relate to the natural environment and topography.

Building Placement and Siting. Buildings shall be organized in a coordinated and functional manner that is compatible with site features and the desirable characteristics of adjoining areas. Buildings shall be designed and located on the site so as to retain the existing topography and desirable natural features of the land to the extent feasible.

Building Mass. The height and scale of each building shall be compatible with its site and the existing or planned character of the area. Architectural features shall be evaluated based on the scale of the building(s), the quality of the design, and the relationship to surroundings.

Exterior Materials and Colors. Building materials shall have durable quality and shall be selected for harmony or compatibility of the building with adjoining desirable materials.

D. Floodplain Overlay District

1. 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. More specifically, it is the purpose of these Regulations:

- 1) To protect human life and health, and prevent damage to property;
- 2) To minimize expenditure of public funds for costly flood control projects;
- 3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- 4) To minimize prolonged business interruptions and other economic disruptions;
- 5) 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.
- 6) 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;
- 7) To ensure that potential buyers are notified that property is in a flood hazard area;
- 8) To prevent increase in flood heights that could increase flood damage and result in higher costs and conflicts between property owners;
- 9) To ensure that those who occupy the flood hazard areas assume responsibility for their actions; and
- 10) To discourage development in a floodplain if there is any practicable alternative to locate the activity, use or structure outside of the floodplain.

As a result of past flooding including the effects of the 1938 and 1955 hurricanes in Avon, as well as projected increases in future flood frequency and intensity due to climate change, these Regulations exceed the minimum requirements of the Federal Emergency Management Agency (FEMA). These Regulations discuss standards for the 100- and 500-year floodplains (also known as the 1-percent and 0.2-percent annual chance floodplain). According to FEMA, properties within the 100-year (1-percent) floodplain have a one-in-four chance of flooding during a 30-year mortgage.

2. Definitions

0.2-Percent Annual-Chance Floodplain. Areas of special flood hazard within which there is a 0.2-percent or greater chance that flooding will occur in a given year. Includes all land adjacent to the Farmington River and Roaring Brook and all land adjacent to Hawley Brook, Big Brook, Lake Erie Brook, Nod Brook, Chidsey Brook, and Thompson Brook which falls below the 500-year-flood-frequency profile as determined by the Federal Emergency Management Agency in their flood insurance study of September 26, 2008, and any subsequent revisions thereto which establishes detailed flood profile and elevations. Since mapping is legally adopted by reference into this regulation, it must take precedence

when it is more restrictive until such time as a map amendment or map revision is obtained from FEMA. The 0.2 Percent Annual-Chance Floodplain is also sometimes referred to as the 500-year Floodplain or the “FEMA Zone X (Shaded)”.

1-Percent Annual-Chance Floodplain. Areas of special flood hazard within which there is a 1-percent or greater chance that flooding will occur in a given year. Includes all land adjacent to the Farmington River and Roaring Brook and all land adjacent to Hawley Brook, Big Brook, Lake Erie Brook, Nod Brook, Chidsey Brook, and Thompson Brook that falls below the 1-percent annual-chance flood profile as determined by the Federal Emergency Management Agency in their flood insurance study of September 26, 2008, and any subsequent revisions thereto which establishes detailed flood profile and elevations. Since mapping is legally adopted by reference into this regulation, it must take precedence when it is more restrictive until such time as a map amendment or map revision is obtained from FEMA. The One Percent Annual-Chance Floodplain is also sometimes referred to as the 100-year Floodplain.

Base Flood. The flood having a one percent chance of being equaled or exceeded in any given year, also referred to as the 1-percent annual-chance flood, as published by the Federal Emergency Management Agency (FEMA) as part of a flood insurance study (FIS) and depicted on a flood insurance rate map (FIRM).

Base Flood Elevation (BFE). The elevation expected to be reached in a given location by the crest of the Base Flood or 1-percent annual-chance flood. BFE is given in relation to the North American Vertical Datum of 1988 (NAVD88), unless otherwise specified.

Basement. A building or the portion of a building where the ceiling is less than three feet above the average ground level. For floodplain management purposes, a basement is any area of the building having its floor subgrade (below ground level) on all sides.

Construction, New. For structures for which the Start of Construction commenced on or after the effective date of a floodplain-management regulation adopted by a community and includes any subsequent improvements to such structures.

Construction, Start of. For other than new construction or substantial improvements, under the Coastal Barrier Resources Act (CBRA), this is the date the building permit was issued, provided that the actual start of construction, repair, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a building on site, such as the pouring of a slab or footing, the installation of piles, the construction of columns or any work beyond the stage of excavation; or the placement of a manufactured (mobile) home on a foundation. 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.

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 components, structural components,

utility and service equipment); sales tax on materials; building equipment and fixtures, including heating and air conditioning and utility meters; labor; built-in applicants; 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 walls, landscaping, sidewalks, fences, yard lights, irrigation systems, and detached structures such as garages, sheds, and gazebos.

Design Flood Elevation. The design flood elevation (DFE) shall be the 0.2-percent annual-chance flood (sometimes referred to as the 500-year flood) elevation plus two feet ~~one foot~~ of freeboard.

Design Flood Hazard Area (DFHA). DFHAs in Avon are determined utilizing the 0.2 percent annual-chance floodplain elevations provided on the flood profiles in the flood insurance study (FIS) for a community, and include, but are not necessarily limited to, the land shown as Zones A, AE and Zone X shaded. 0.2 percent annual-chance floodplain elevations are not provided on the flood insurance rate map (FIRM) and must be extracted from the FIS. Floodplain Regulations in Avon are enforced within the DFHA.

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

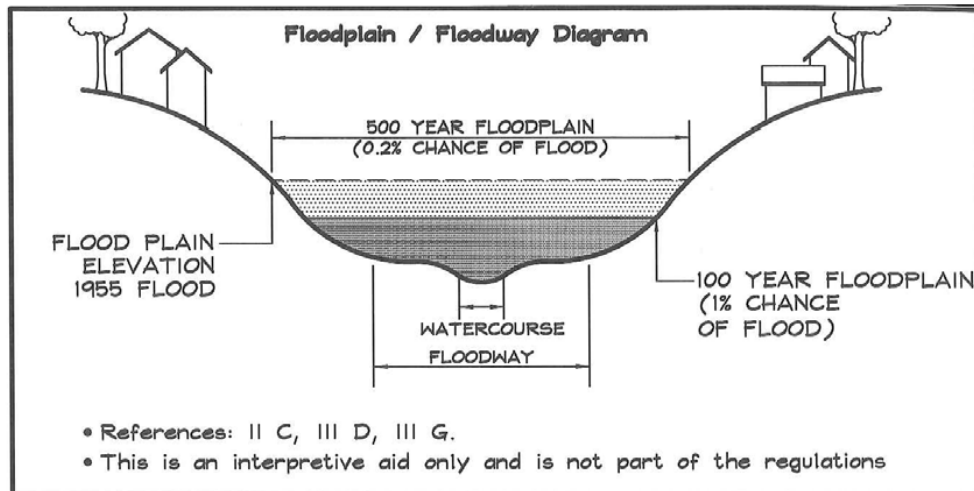
Federal Emergency Management Agency (FEMA). The federal agency that administers the National Flood Insurance Program (NFIP).

Floodway. The channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot as shown on the Federal Emergency Management Agency's flood insurance rate maps for the Town of Avon, CT, dated September 26, 2008, and any subsequent revisions thereto. For the purposes of these Regulations, the term "regulatory floodway" is synonymous in meaning with the phrase "floodway".

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

Flood Insurance Study (FIS). A flood insurance study is a compilation and presentation of flood risk data for specific watercourses, lakes, and coastal flood hazard areas within a community. When a flood study is completed for the NFIP, the information and maps are assembled into an FIS. The FIS report contains detailed flood elevation data in flood profiles and data tables.



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

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 preliminarily determined by the Secretary to qualify as a registered historic district;
- (c) Individually listed on a state inventory of historic place[s] 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.

Manufactured Home. A structure, transportable in one 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 "manufactured home" also includes park trailers, travel trailers, recreational vehicles and other similar vehicles placed on a site for greater than 180 consecutive days.

Market Value. The market value of the structure shall be determined by the appraised value of the structure prior to the start of the initial repair or improvements.

Recreational Vehicle. A vehicle which can be towed, hauled or driven and is designed primarily for recreational use or as temporary living accommodations for recreational, camping or travel use. For floodplain management purposes, 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 primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

Special Flood Hazard Area (SFHA). An area having special flood or flood-related erosion hazards and shown on a FEMA Flood Hazard Boundary Map (FHBM) or a Flood Insurance Rate Map (FIRM) Zone A, AO, A1-A30, AE, A99, AH, AR, AR/A, AR/AE, AR/AH, AR/AO, AR/A1-A30, V1-V30, VE or V. The SFHA is the area where the National Flood Insurance Program's (NFIP's) floodplain management Regulations must be enforced and the area where the mandatory purchase of flood insurance applies. Avon enforces floodplain Regulations within and beyond the FEMA-defined SFHA (see Design Flood Hazard Area).

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

Substantial Damage. 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, or 50 percent of the median home price in Avon at the time of damage.

Substantial Improvement. Any combination of repairs, reconstruction, rehabilitation, alterations, additions or other improvements to a structure, taking place during a ten-year period in which the cumulative cost equals or exceeds 50 percent of the market value of the structure as determined at the beginning of such ten-year period or if cumulative cost of improvements over a ten year period exceeds 50 percent of the median home price in Avon at the start of initial repair or improvements. This term includes structures that have incurred "substantial damage", regardless of the actual repair work performed. For purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:

- 1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- 2) Any alteration of a "historic" structure, provided that the alteration will not preclude the structure's continued designation as a "historic structure".

Violation. The failure of a structure or other development to be fully compliant with Avon's floodplain-management ordinance. A structure or other development without required permits, lowest floor elevation documentation, floodproofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as proper documentation is provided.

Water Surface Elevation. The height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

3. Permitted & Special Permit Uses

- a. The following uses are permitted in the SFHA, provided that no regrading or filling is necessary:
 - 1) Agriculture/farming;
 - 2) Forestry;
 - 3) Nurseries;
- b. The following uses and activities may be permitted within the SFHA when authorized by the Commission as a Special Permit, in accordance with the criteria established in Section 7.1.C of these Regulations and the applicable criteria contained in this section:
 - 1) Golf courses, playgrounds, recreation areas, parks, and open spaces;
 - 2) Municipal or public utility uses not subject to major flood damage;
 - 3) Parking areas as an accessory use;
 - 4) Buildings, structures, and signs accessory to a permitted principal use located outside the floodplain provided that such accessory structures are located so as to minimize potential flood damage;
 - 5) Filling of land within the floodplain, above the DFE, where the Commission evaluates the following:
 - a) The impact of flooding on the proposed use,
 - b) The availability of public services and facilities during and after flooding,
 - c) Whether any loss of flood-storage volume can be compensated for the provision of equivalent flood-storage volume elsewhere on the site,

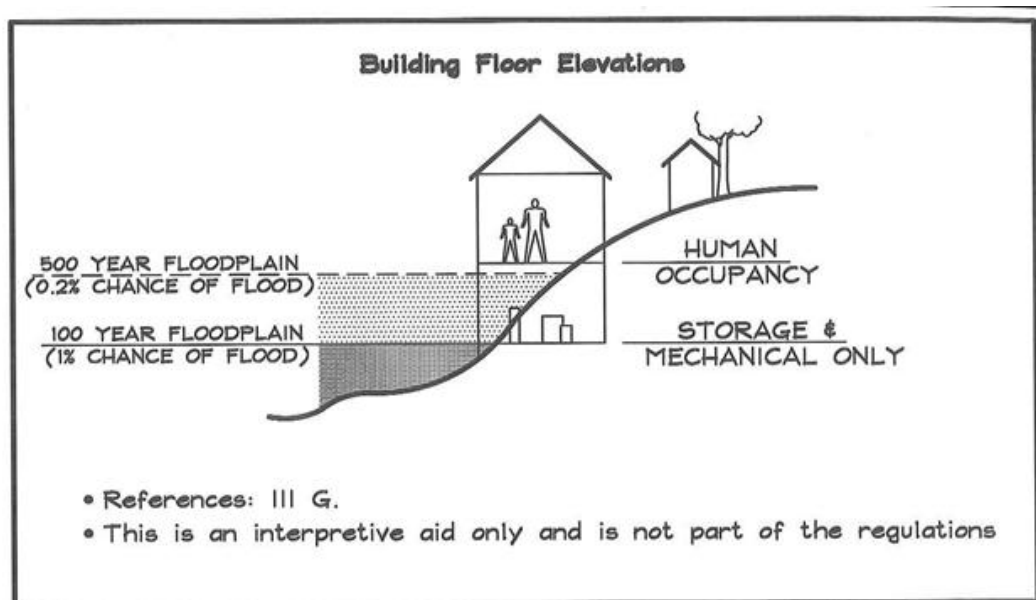
- d) Any adverse effects that the proposed use or activity will have on flooding, flow velocity or flow direction on the site and surrounding properties,
 - e) The cumulative effect of filling in the flood plain.
- c. Regrading of land below the DFE but outside the floodway where the Commission determines that:
- 1) Compliance. All the requirements as specified in Section 3.5.D.3.E (A-E) above are met.
 - 2) Compensatory storage provided. The water-holding capacity of the DFHA, 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 floodwater at each elevation, up to and including the DFE, 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 proven equal and approved by the Flood Plain Administrator (Town Engineer).
 - 3) Equal conveyance. Within the DFHA, 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 during a one-percent annual chance flood. Work within the DFHA and the land adjacent to the DFHA, including work to provide compensatory storage shall not be constructed in such a way so as to cause an increase in one-percent annual chance flood stage or velocity.

4. Site Development Requirements

The following are minimum site development requirements within the DFHA:

- 1) Filling of land as authorized above shall only be allowed as logical extensions of land lying at higher elevations.
- 2) Filling of land in the DFHA shall only be allowed where the resulting landscape is enhanced and where the neighborhood's essential characteristics have not been negatively altered.

- 3) No encroachments, including structural use, fill, new construction, substantial improvement, repairs to substantially damaged structures, and other developments shall be permitted within the floodway unless permitted by the Commission as a Special Permit for such public purposes as road crossings, minor recreational improvements, or safety improvements, provided that no (0.00) increase occurs in flood levels during the 1-percent annual-chance flood discharge as certified by a Connecticut licensed professional engineer with supporting technical data. Fences in the floodway must be aligned with the flow and be of an open design. When the 1-percent annual-chance elevation has been determined on the community's FIRM but a floodway has not been designated, the Commission must require that no new construction, substantial improvements, repair to structures which have sustained substantial damage or other development, including fill, shall be permitted which will increase the water surface elevation of the base flood more than one foot at any point within the community when all existing and anticipated development is considered cumulatively with the proposed development. The Commission may request floodway data of an Applicant for watercourses without FEMA-published floodways. When such data is provided by an Applicant or whenever such data is available from any other source (in response to the municipality's request or not), the community shall adopt a regulatory floodway based on the principle that the floodway must be able to convey the waters of the base flood without increasing the water surface elevation more than one foot at any point within the community.
- 4) Building floor elevations shall comply with the following standards:



- a) All new construction, substantial improvements, and repair to structures that have sustained substantial damage, both residential and nonresidential

structures that are used for human occupation, shall have the floor elevation of all stories elevated above DFE.

- b) Stories used exclusively for access, mechanical equipment or storage may be built below the DFE provided that: the building is designed to remove the hazards of flooding; spaces below the DFE are designed to preclude finished living space and are designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls (designs for complying with this requirement must either be certified by a registered professional engineer or architect as meeting the requirements of ASCE 24 Section 2.6.2.2, or meet the minimum criteria presented in NFIP Technical Bulletin 1 (2020) and approval is granted by the Commission based upon hydrologic study and recommendation by the Town Engineer. Methods to reduce flood damage may be required.
- e. All manufactured homes are prohibited in the DFHA.
- f. Recreational vehicles shall not be placed within the one-percent annual-chance floodplain but may be stored temporarily in the 0.2-percent annual-chance floodplain if they are registered, road ready and parked in accordance with any other applicable Avon Zoning Regulation.
- g. Above-ground storage tanks (oil, propane, etc.) which are located outside or inside of the structure must be elevated completely above the 0.2-percent annual-chance flood elevation on a concrete pad and be securely anchored with tie-down straps to prevent flotation or lateral movements and have a screw fill cap that does not allow for the infiltration of floodwater.
- h. If any portion of a structure lies within the 0.2-percent annual-chance floodplain or special flood hazard area (SFHA), the entire structure is considered to be in that zone and the entire structure must meet the construction requirements of that flood zone. If a structure lies within two or more flood zones, the construction standards of the most-restrictive zone, or the zone with the highest DFE, apply to the entire structure (i.e., An A Zone is more restrictive than a X Zone; structure must be built in compliance with the highest DFE). 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 unless the attached structure is cantilevered such that no horizontal or vertical member of the attached structure extends below the DFE of the zone in question.
- i. New construction, substantial improvements and repair to structures that have sustained substantial damage cannot be constructed or located entirely or partially over water unless they are a functionally dependent use or facility, or unless the over-water portion of the structure is cantilevered such that no horizontal or vertical member of the over-water portion extends below the DFE of the flood zone in question.
- j. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system. New and replacement sanitary sewage

systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharges from the system into floodwaters. On-site waste-disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

- k. New construction, substantial improvements, and structures that have sustained substantial damage shall be constructed using methods and practices that minimize flood damage and be constructed with materials and utility equipment resistant to flood damage. 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.
- l. The bottoms of all electrical, heating, ventilation, plumbing, air conditioning equipment, HVAC ductwork, and other service facilities, or any machinery or utility equipment or connections servicing a structure, whether located within or outside the structure, shall be elevated to or above the 0.2-percent annual-chance flood elevation, but may be below the DFE. This includes, but is not limited to, furnaces, oil or propane tanks, air conditioners, heat pumps, hot water heaters, ventilation ductwork, washer and dryer hookups, electrical junction boxes, and circuit breaker boxes. Any such work proposed to be installed below the 0.2-percent annual-chance flood level must be properly certified as completely flood-proofed and must be agreed to as such by the Avon Building Official / Town Engineer.
- m. In any portion of a watercourse that is proposed to be altered or relocated, the flood-carrying capacity must be maintained. Notification to adjacent communities and the Connecticut Department of Energy and Environmental Protection (DEEP), Inland Water Resources Division, prior to any such alteration or relocation of a watercourse is required.