

SOUTHINGTON

Zoning Regulations



Home of the Annual Apple Harvest Festival
Effective – November 4, 2023
As amended through March 9, 2024

Welcome to Southington!



Start

Quick Start Guide

From the Zoning Map, identify the zoning district for the property you are interested in. The Zoning Map is available on-line at:

https://www.southington.org/departments/planning_zoning_department/index.php

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

- [Section 1](#) = Residential Zones
- [Section 2](#) = Business Zones
- [Section 3](#) = Industrial Zones
- [Section 4](#) = Special Zones

The Regulations are constructed so that, if something is not clearly permitted, it is prohibited. Check with the Director of Planning and Community Development or the Zoning Enforcement Officer if you have questions.

From there, you may seek additional relevant information in:

- [Section 5](#) = More detailed provisions specific to certain uses.
- [Section 6](#) = Basic standards related to the use and development of property
- [Section 7](#) = Standards related to special situations, uses, or activities

[Section 8](#) describes the process involved in obtaining any permissions or permits required.

A	1. Allowed = No zoning approvals are required (although other approvals may be required).
ZP	2. Zoning Permit = You will need to apply for a Zoning Permit from the Planning and Zoning Department and this procedure is administered by Staff. A plot plan may be required.
S	3. Site Plan = This is an approval obtained from the Planning and Zoning Commission. A detailed plan map is generally required to demonstrate compliance with these Regulations.
SP	4. Special Permit = This approval from the Planning and Zoning Commission is based on the applicant demonstrating that "Special Permit criteria" in Section 8.D.5 of the Regulations have been addressed to the satisfaction of the Commission. A plot plan may be required.
SPS	5. Special Permit And Site Plan = A "Special Permit" application (see #4 above) for the use and a Site Plan application (see #3 above) for the configuration.
SE	6. Special Exception = This is an approval obtained from the Zoning Board of Appeals. The applicant will need to demonstrate that criteria in the Regulations have been addressed to the satisfaction of the Board. A plot plan or a detailed Site Plan may be required.

[Section 9](#) covers the overall regulatory framework.

[Section 10](#) contains a glossary of terms used in the regulations.

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Zoning Regulations were originally established and became effective in Southington on May 20, 1957.

- START
- 1. RESIDENTIAL
- 2. BUSINESS
- 3. INDUSTRIAL
- 4. SPECIAL ZONES
- 5. USE-STDS.
- 6. BASIC STDS.
- 7. SPECIAL STDS.
- 8. PROCEDURES
- 9. FRAMEWORK
- 10. DEFINITIONS

1 RESIDENTIAL ZONES

QUICK LINKS

- 1.A [Purposes](#)
- 1.B [Permitted Principal Uses & Structures](#)
- 1.C [Permitted Accessory Uses & Structures](#)
- 1.D [Area & Dimensional Standards](#)
- 1.E [Special Provisions](#)

1.A Purposes

1. The various residential districts are established to designate areas primarily for residential use and development appropriate to the environmental characteristics of the land and the characteristics of the neighborhood.
2. The differentiation among the residential districts is intended to provide for variety in the size and density of residential neighborhoods and a diversity of housing opportunities after consideration of soil types, terrain, and infrastructure capacity.
3. The residential districts may allow for certain non-residential uses when it can be demonstrated that they are compatible with nearby residential uses and preserve neighborhood characteristics.

Lower Density (R-80)



Medium Density (R-20/25)



Higher Density (R-12)



Higher Density (R-HD)



1.B Permitted Principal Uses & Structures

1. BASIC RESIDENTIAL USES	R-80	R-40	R-20/25	R-12	R-12L	R-O	R-HD
a) Single family dwellings	ZP	ZP	ZP	ZP	ZP	ZP	ZP
b) Two-family dwellings provided the minimum land area shall be at least 12,000 SF per dwelling unit	x	x	x	ZP	ZP	ZP	(see next row)
c) Two-family dwellings provided the minimum land area shall be at least 8,000 SF per dwelling unit	x	x	x	x	x	x	ZP
d) Conversion of an existing dwelling to a two-family dwelling provided the lot contains 18,000 SF and any exterior stairs are enclosed.	x	x	x	SE	x	SE	x
e) Three-family dwellings provided the minimum land area shall be at least 8,000 SF per dwelling unit	x	x	x	x	x	x	ZP
2. SPECIAL RESIDENTIAL USES							
a) Community residence per CGS Section 8-3e	ZP	ZP	ZP	ZP	ZP	ZP	ZP
b) Housing for the elderly subject to Section 5.B.1	x	x	SPS	SPS	x	x	x
c) Multi-family dwellings up to 5.4 units/acre subject to Section 5.B.2	x	x	x	SPS	x	SPS	SPS
d) Multi-family dwellings up to 14.5 units/acre subject to Section 5.B.3	x	x	x	x	x	x	SPS
e) Planned Unit Development subject to Section 5.B.4	x	x	x	SPS	x	x	x
f) Open Space Preservation Subdivision subject to Section 5.B.5	SPS	SPS	SPS	x	x	x	x
g) Age-Restricted Cluster Housing Zone subject to Section 4.E	x	Zone Change	Zone Change	Zone Change	x	x	x

Legend

A	ZP	S	SP	SPS	SE	x
Allowed	Zoning Permit	Site Plan	Special Permit	Special Permit + Site Plan	Special Exception	Not Permitted
	Staff	PZC	PZC	PZC	ZBA	
	See Section 8.A	See Section 8.C	See Section 8.D	See Section 8.D See Section 8.C	See Section 8.G.4	

3. AGRICULTURAL USES	R-80	R-40	R-20/25	R-12	R-12L	R-O	R-HD
a) Farming subject to Section 5.A.1	A	A	A	A	A	A	A
4. RECREATION RELATED FACILITIES							
a) Recreation facilities, operated on either a profit or non-profit basis including, for example, but not limited to, golf courses, ski areas, riding academies, playfields, playgrounds, etc.	SPS	SPS	SPS	SPS	x	SPS	SPS
b) Recreation/Amusement Park subject to Section 5.D.9 .	SPS	SPS	SPS	SPS	x	SPS	SPS
c) Camps subject to Section 5.J.2 .	SPS	SPS	SPS	SPS	x	SPS	SPS
d) Community theater buildings of a duly incorporated non-profit organization.	SPS	SPS	SPS	SPS	x	SPS	SPS
e) Private clubs, restricted to members only, and operated not for profit.	SPS	SPS	SPS	SPS	x	SPS	SPS
5. BUSINESS-RELATED USES							
a) Childcare center in which care is provided for 13 or more clients and subject to Section 5.D.1 (see Section 1.C for <13 clients)	SPS	SPS	SPS	SPS	x	SPS	SPS
b) Adult day-care services subject to Section 5.D.2	SPS	SPS	SPS	SPS	x	SPS	SPS
c) Medical facilities for the care and treatment of mental and/or nervous disorders, including alcoholism and addiction to drugs.	SPS	SPS	SPS	SPS	x	SPS	SPS
d) The conversion of existing buildings to business or mixed use subject to Section 5.D.3	x	x	x	x	x	S	x
e) The use of buildings for commercial uses subject to Section 5.D.3 .	x	x	x	x	x	SPS	x

Legend

A	ZP	S	SP	SPS	SE	x
Allowed	Zoning Permit	Site Plan	Special Permit	Special Permit + Site Plan	Special Exception	Not Permitted
	Staff	PZC	PZC	PZC	ZBA	
	See Section 8.A	See Section 8.C	See Section 8.D	See Section 8.D See Section 8.C	See Section 8.G.4	

6. INSTITUTIONAL FACILITIES / USES		R-80	R-40	R-20/25	R-12	R-12L	R-O	R-HD
a)	Churches, synagogues, and other places of worship subject to Section 5.H.1. ¹	SPS	SPS	SPS	SPS	x	SPS	SPS
b)	Private schools and colleges.	SPS	SPS	SPS	SPS	x	SPS	SPS
c)	Hospitals, convalescent, and nursing homes.	SPS	SPS	SPS	SPS	x	SPS	SPS
d)	Managed residential communities operated by an assisted living services agency.	SPS	SPS	SPS	SPS	x	SPS	SPS
7. GOVERNMENT FACILITIES								
a)	Town, State and Federal governmental facilities and uses.	SPS	SPS	SPS	SPS	x	SPS	SPS
8. UTILITY FACILITIES								
a)	Public utility lines, stations, and buildings.	SPS	SPS	SPS	SPS		SPS	SPS
b)	Telephone community service cabinets not larger than 8'x3'x6'	S	S	S	S	x	S	S
9. CHANGE OF USE								
a)	Notwithstanding other provisions of this Section, a change of occupant or a minor change of use (as defined in these Regulations) in an existing building.	ZP	ZP	ZP	ZP	x	ZP	ZP
10. OTHER USES								
b)	Cemeteries.	SPS	SPS	SPS	SPS	x	SPS	SPS
c)	Circuses, carnivals, or similar types of entertainment of a temporary nature, for local, civic, fraternal or philanthropic purposes only.	SE	SE	SE	SE	x	SE	x
d)	Christmas trees or similar seasonal sales of a temporary nature by a civic, fraternal, or philanthropic group (as a principal use or an accessory use).	SE	SE	SE	SE	x	SE	x

Legend

A	ZP	S	SP	SPS	SE	x
Allowed	Zoning Permit	Site Plan	Special Permit	Special Permit + Site Plan	Special Exception	Not Permitted
	Staff	PZC	PZC	PZC	ZBA	
	See Section 8.A	See Section 8.C	See Section 8.D	See Section 8.D See Section 8.C	See Section 8.G.4	

¹ Revised, ZA #539, effective 8/24/07

1.C Permitted Accessory Uses & Structures

1. PARKING	R-80	R-40	R-20/25	R-12	R-12L	R-O	R-HD
a) Parking of registered vehicles	A	A	A	A	A	A	A
b) Parking of one (1) commercial vehicle per dwelling unit subject to Section 5.C.1 provided such vehicle is owned or assigned to the property owner or occupant	A	A	A	A	A	A	A
c) Parking of one recreational vehicle (RV), one trailer, and/or one boat per dwelling provided that: <ul style="list-style-type: none"> Such lot contains a dwelling as a primary use, Any such vehicle or equipment is owned by a resident or the owner of the premises, The RV, trailer, or boat is appropriately registered, if required, and The RV, trailer, or boat shall not be used for human habitation unless authorized for use as a mobile home under the conditions provided for in Section 5.C.5.¹ 	A	A	A	A	A	A	A

Legend

A	ZP	S	SP	SPS	SE	x
Allowed	Zoning Permit	Site Plan	Special Permit	Special Permit + Site Plan	Special Exception	Not Permitted
	Staff	PZC	PZC	PZC	ZBA	
	See Section 8.A	See Section 8.C	See Section 8.D	See Section 8.D See Section 8.C	See Section 8.G.4	

¹ Revised, ZA #582, effective 1.9.15

2. ACCESSORY BUILDINGS (subject to lot coverage limitations)		R-80	R-40	R-20/25	R-12	R-12L	R-O	R-HD
a)	Attached or detached garage(s) housing motorized vehicles subject to Section 5.C.5 :							
	• If less than 1,092 SF and resulting in three or fewer garage spaces on the lot	ZP						
	• If more than 1,092 SF or resulting in more than 3 garage spaces on the lot	SP						
b)	Storage shed (limited to one such shed), gazebo, pool house, or other accessory structure subject to Section 5.C.5							
	• If not more than 150 SF and not placed on a permanent foundation	A	A	A	A	A	A	A
	• If larger than 150 SF or placed on a permanent foundation (maximum building size)	ZP 350 SF	ZP 300 SF	ZP 260 SF	ZP 200 SF	ZP 200 SF	ZP 200 SF	ZP 200 SF
c)	Barns / buildings used to shelter animals and/or farm equipment on a parcel designated as a farm	ZP						
d)	Barns / buildings used to shelter animals and/or farm equipment on a parcel not designated as a farm	SP						
e)	Temporary healthcare structure in accordance with CGS Section 8-1bb	ZP						
3. ACCESSORY FEATURES								
a)	Fences and walls (free-standing walls and retaining walls) installed in accordance with Section 5.1.1 .	A	A	A	A	A	A	A
b)	Swimming pools subject to Section 5.C.5	ZP						
c)	Accessory solar arrays (roof, wall) in accordance with Section 7.B.2	ZP						
d)	Accessory solar arrays (ground mount) in accordance with Section 7.B.2	SPS						

Legend

A	ZP	S	SP	SPS	SE	x
Allowed	Zoning Permit	Site Plan	Special Permit	Special Permit + Site Plan	Special Exception	Not Permitted
	Staff	PZC	PZC	PZC	ZBA	
	See Section 8.A	See Section 8.C	See Section 8.D	See Section 8.D See Section 8.C	See Section 8.G.4	

4. KEEPING OF ANIMALS		R-80	R-40	R-20/25	R-12	R-12L	R-O	R-HD
See Section 1.C.2 with regard to buildings for the keeping of horses, livestock, or similar animals								
a)	The keeping of chickens, subject to Section 5.A.2	SE	SE	SE	SE	SE	SE	SE
b)	On lots having an area of 3 acres or more, the keeping of up to two horses or ponies subject to Section 5.A.2	A	A	A	A	A	x	x
5. AGRICULTURAL ACTIVITIES								
a)	For farms, buildings which are accessory to and customarily a part of a farm use such as barns, shed, silos, stables, chicken houses, garages for motor vehicles and farm machinery	ZP	ZP	ZP	ZP	ZP	x	x
b)	For farms, warehouses, processing plants, refrigeration plants and other secondary uses frequently a part of the primary agricultural use.	ZP	ZP	ZP	ZP	ZP	x	x
c)	Temporary farm stand subject to Section 5.A.1	ZP	ZP	ZP	ZP	ZP	x	x
6. HOME BASED BUSINESS ACTIVITIES								
a)	Home office subject to Section 5.C.2	A	A	A	A	A	A	A
b)	Minor home occupation subject to Section 5.C.2	ZP	ZP	ZP	ZP	ZP	ZP	ZP
c)	Cottage Food Operation in accordance with CGS Section 21a-62a et seq.	ZP	ZP	ZP	ZP	ZP	ZP	ZP
d)	Family childcare home (1-6 children) licensed by the State in accordance with Section 5.D.1 .	A	A	A	A	A	A	A
e)	Group childcare home (7-12 children) licensed by the State in accordance with Section 5.D.1 .	ZP	ZP	ZP	ZP	ZP	ZP	ZP
f)	Adult day care facilities in a private home in accordance with Section 5.D.2 .	ZP	ZP	ZP	ZP	x	ZP	x

Legend

A	ZP	S	SP	SPS	SE	x
Allowed	Zoning Permit	Site Plan	Special Permit	Special Permit + Site Plan	Special Exception	Not Permitted
	Staff	PZC	PZC	PZC	ZBA	
	See Section 8.A	See Section 8.C	See Section 8.D	See Section 8.D See Section 8.C	See Section 8.G.4	



7. ACCESSORY DWELLING UNIT	R-80	R-40	R-20/25	R-12	R-12L	R-O	R-HD
a) A parent/grandparent apartment subject to Section 5.C.3.	SP	SP	SP	SP	x	SP	x
8. LODGING							
a) A bed and breakfast facility subject to Section 5.C.4. 2	SPS	SPS	SPS	x	x	x	x
b) Tourist homes subject to Section 5.C.4	x	x	x	SPS	x	SPS	SPS
c) Boarding or rooming house with up to two (2) rooms subject to Section 5.C.4	A	A	A	A	A	A	A
d) Boarding and rooming house with more than two (2) rooms subject to Section 5.C.4	x	x	x	SPS	x	SPS	SPS
9. ALCOHOL SERVICE							
a) Sale or service of alcoholic beverages when in accordance with the provisions of Section 5.D.6	See Section 5.D.6				x	See Section 5.D.6	x

Legend

A	ZP	S	SP	SPS	SE	x
Allowed	Zoning Permit	Site Plan	Special Permit	Special Permit + Site Plan	Special Exception	Not Permitted
	Staff	PZC	PZC	PZC	ZBA	
	See Section 8.A	See Section 8.C	See Section 8.D	See Section 8.D See Section 8.C	See Section 8.G.4	

¹ Revised, ZA #539, effective 8/24/07

² Revised, ZA #539, effective 8/24/07

START

1. RESIDENTIAL

2. BUSINESS

3. INDUSTRIAL

4. SPECIAL ZONES

5. USE-STDS.

6. BASIC STDS.

7. SPECIAL STDS.

8. PROCEDURES

9. FRAMEWORK

10. DEFINITIONS

1.D Area & Dimensional Standards

Except as may be provided in [Section 7.A](#) of these regulations, no lot shall be used and no building or structure shall be erected except in conformance with the following schedule:

	R-80	R-40	R-20/25
1. Minimum Lot Area (SF) [A]	80,000	40,000	22,500
2. Minimum Frontage (feet) [A]	200	150	[B]
3. Minimum Yard Setbacks (feet)			
• Front	60	50	40
• Side – Principal building	30	25	20
Accessory building located in the side yard	30	25	20
• Rear – Principal building	50	40	25
Accessory building located in the rear yard	10	10	10
4. Maximum Lot Coverage (%)	15	20	20
5. Maximum Height			
• Stories	2 ½	2 ½	2 ½
• Feet	35	35	35

- [A] Subdivision applications must also meet requirements in Section 3-18 of Subdivision Regulations. ¹
- [B] Minimum 100 feet of frontage required in R-20/25 if serviced by both municipal water and municipal sewers; otherwise 125 feet

See Section 5.A for special setbacks for buildings housing livestock and poultry.
 See Section 5.J.4 for provisions related to rear lots in residential zones.
 See section 3-17 in the Subdivision Regulations for possible alternate standards.

¹ Revised, ZA #536, effective 5/23/07

START
1. RESIDENTIAL
2. BUSINESS
3. INDUSTRIAL
4. SPECIAL ZONES
5. USE-STDS.
6. BASIC STDS.
7. SPECIAL STDS.
8. PROCEDURES
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10. DEFINITIONS

	R-12 / R-12L	R-O	R-HD
1. Minimum Lot Area (SF)	12,000	12,000	8,000
2. Minimum Frontage (feet) [A]	80	80	65
3. Minimum Yard Setbacks (feet)			
• Front	40	40	25
• Side – Principal building	15	10	10
Accessory building located in the rear yard	10	10	10
• Rear – Principal building	20	20	20
Accessory building located in the rear yard	10	10	10
4. Maximum Lot Coverage (%)	25	30	50
5. Maximum Height			
• Stories	2 ½ [C]	2 ½	3
• Feet	35 [C]	35	40

[A] Subdivision applications must also meet requirements in Section 3-18 of Subdivision Regulations.¹

[C] For a Multi-family development in the R-12 zone, a maximum height of 3 stories and 40 feet is allowed.

See Section 5.A for special setbacks for buildings housing livestock and poultry.
 See Section 5.J.4 for provisions related to rear lots in residential zones.
 See section 3-17 in the Subdivision Regulations for possible alternate standards.

1.E Special Provisions

<reserved>

¹ Revised, ZA #536, effective 5/23/07

2 BUSINESS ZONES

QUICK LINKS	
2.A	Purposes
2.B	Permitted Principal Uses & Structures
2.C	Permitted Accessory Uses & Structures
2.D	Area & Dimensional Standards
2.E	Special Provisions
Please see Section 4 for the following zoning districts: <ul style="list-style-type: none"> • West Street Business • Mixed Use Transition 	

2.A Purposes

1. The various business districts are intended to provide suitable areas for business development appropriate to overall community and regional needs, the location and characteristics of the land, and the characteristics of the area.
2. The differentiation among the business districts is intended to provide for variety in the size and intensity of business development appropriate to community needs and desires.
3. The principal uses in business zones are commercial, devoted mainly to retail trading and service although some business zones may allow for certain non-business uses when it can be demonstrated that they shall be compatible with nearby uses and enhance neighborhood and community characteristics.
4. The Business Overlay Zone (BOZ) is an overlay zoning district which authorizes uses in addition to those allowed in the underlying zoning district and is not intended to prohibit the use of land as prescribed in the underlying zoning district.



2.B Permitted Principal Uses & Structures

1. GENERAL		CB	B	BOZ
a)	Notwithstanding other provisions of this Section, a change of occupant or a minor change of use (as defined in these Regulations) in an existing building.	ZP	ZP	ZP
b)	Any development of a site 4 acres in size or larger, or with 60 or more parking spaces. ¹	SPS	n/a	n/a
2. RETAIL ESTABLISHMENTS (see separate listing if alcohol-related)				
a)	Retail stores and shops including, for example, but not limited to: <ul style="list-style-type: none"> Groceries, food shops, bakeries, delicatessens Department stores, clothing stores, shoe stores Drugstores, hardware stores, bookstores, gift shops Furniture stores, home decorating stores, pet shops Florists, jewelry stores, opticians 	S	S	S
b)	Package store, wine store, liquor store in accordance with Section 5.D.6	See Section 5.D.6		
3. SERVICE ESTABLISHMENTS		CB	B	BOZ
a)	Personal service establishments including, for example, but not limited to: <ul style="list-style-type: none"> Gyms and fitness facilities Barber shop, beauty salon, manicure Custom tailoring, clothes making, shoe repair shops Laundry / dry cleaning (pick-up / drop-off only) Self-service laundrettes 	S	S	S
b)	Banks and similar financial institutions	S	S	S
c)	Printing, publishing and reproduction establishments	S	S	x
d)	Laundries, dry cleaning and dyeing establishments (including on-site processing)	x	S	x
e)	Adult day care establishment in accordance with Section 5.D.2	SPS	SPS	x

Legend

A	ZP	S	SP	SPS	SE	x
Allowed	Zoning Permit	Site Plan	Special Permit	Special Permit + Site Plan	Special Exception	Not Permitted
	Staff	PZC	PZC	PZC	ZBA	
	See Section 8.A	See Section 8.C	See Section 8.D	See Section 8.D See Section 8.C	See Section 8.G.4	

¹ New, ZA #540, effective 9/8/07

4. OFFICE-RELATED		CB	B	BOZ
a)	Business and professional offices	S	S	S
b)	Real estate and insurance agencies	S	S	S
5. FOOD / DRINK ESTABLISHMENTS (see separate listing if alcohol-related)				
a)	Restaurants and eating establishments without entertainment or sale or service of alcoholic beverages	S	S	S
b)	Restaurants and eating establishments including sale or service of alcoholic beverages in accordance with the provisions of Section 5.D.6	See Section 5.D.6		
c)	Restaurants and eating establishments including sale or service of alcohol and entertainment	SE	SE	x
d)	Brewery / distillery (including brew pub or distillery pub) in accordance with the provisions of Section 5.D.6	See Section 5.D.6		
6. LODGING FACILITIES				
a)	Hotels	S	S	x
b)	Motels	x	S	x
7. ANIMAL-RELATED				
a)	Facilities for the practice of veterinary medicine (including spay/neuter clinics and animal hospitals)	x	S	x
b)	Animal groomer in accordance with Section 5.A.3.	x	ZP	x
c)	Animal trainer in accordance with Section 5.A.3.	x	SPS	x
d)	Animal day care facilities in accordance with Section 5.A.3.	x	SPS	x
e)	Animal boarding facilities in accordance with Section 5.A.3.	x	SPS	x

Legend

A	ZP	S	SP	SPS	SE	x
Allowed	Zoning Permit	Site Plan	Special Permit	Special Permit + Site Plan	Special Exception	Not Permitted
	Staff	PZC	PZC	PZC	ZBA	
	See Section 8.A	See Section 8.C	See Section 8.D	See Section 8.D See Section 8.C	See Section 8.G.4	



8. VEHICLE-RELATED		CB	B	BOZ
a)	Vehicle fueling facilities of any kind in accordance with the provisions of Section 5.D.4	x	SPS	x
b)	Vehicle maintenance and/or repair facilities of any kind in accordance with the provisions of Section 5.D.4	x	SPS	x
c)	Vehicle sales and/or display of any kind (including new or used, interior, exterior, etc.) in accordance with the provisions of Section 5.D.4	x	SPS	x
d)	Vehicle washing facilities of any kind (including car, truck, and/or bus) subject to Section 5.D.4	x	SPS	x
e)	Truck service center in accordance with the provisions of Section 5.D.8	x	SPS	x
f)	Parking areas as a principal use of property	S	S	SPS
g)	Parking structures as a principal or accessory use of property	SPS	SPS	SPS
h)	Bus passenger stations, taxi service, railroad stations	SPS	SPS	SPS
9. ENTERTAINMENT / RECREATION				
a)	Lodges and/or private clubs, restricted to members only, and operated not for profit.	SPS	SPS	SPS
b)	Movie houses and/or theaters in accordance with the provisions of Section 5.D.7	S	S	x
c)	Bowling alleys, billiard parlors, dance halls, assembly halls, drive-in theaters	x	S	x
d)	Indoor recreation facilities including, for example, but not limited to: <ul style="list-style-type: none"> Tennis, squash, racquetball, pickleball, etc. Soccer, lacrosse, football, etc. 	SPS	SPS	SPS
e)	Outdoor recreation facilities including, for example, but not limited to: <ul style="list-style-type: none"> Golf courses and ski areas. Riding academies. Playfields, playgrounds, and similar recreational areas operated on a profit or non-profit basis. Camps subject to Section 5.H.2. 	SPS	SPS	SPS
f)	Recreation/Amusement Park subject to Section 5.D.9	SPS	SPS	SPS
g)	Community theater buildings of a duly incorporated non-profit body.	SPS	SPS	SPS

Legend

A	ZP	S	SP	SPS	SE	x
Allowed	Zoning Permit	Site Plan	Special Permit	Special Permit + Site Plan	Special Exception	Not Permitted
	Staff	PZC	PZC	PZC	ZBA	
	See Section 8.A	See Section 8.C	See Section 8.D	See Section 8.D See Section 8.C	See Section 8.G.4	



10. RESIDENTIAL		CB	B	BOZ
a)	Conversion of an existing dwelling to a two-family or three-family subject to the following conditions: <ul style="list-style-type: none"> The use shall be served by public water and sewer. The minimum land area shall be 8,000 SF per dwelling unit. Exterior stairs shall be enclosed. 	SE	SE	x
b)	Housing for the elderly, subject to Section 5.B.1	SPS	SPS	x
c)	Multi-family dwellings up to 5.4 units/acre subject to Section 5.B.2	SPS	x	SPS
d)	Planned Unit Development subject to Section 5.B.4	SPS	SPS	SPS
e)	Managed residential communities operated by an assisted living services agency.	SPS	SPS	SPS
11. MIXED USE				
a)	Conversion of a residential wood-frame structure which was in existence on March 30, 1982 to a mixed-use buildings (both residential and business), provided: <ul style="list-style-type: none"> The standards of the State Fire and Building Codes shall be met. The structure is designed to be not more than two stories in height. The commercial use is limited to the ground floor and the residential use is limited to the upper floor. 	S	S	S
b)	Mixed use (both commercial and residential) subject to Section 5.J.1	SPS	x	x
c)	Conversion of existing industrial buildings to a mixed-use development subject to Section 5.G	SPS	SPS	x
12. INSTITUTIONAL				
a)	Town, State and Federal facilities and uses	SPS	SPS	SPS
b)	Churches, synagogues, and other places of worship subject to Section 5.H.1 . ¹	SPS	SPS	SPS
c)	Private schools and colleges.	SPS	SPS	SPS
d)	Business colleges and secretarial schools	SPS	x	x
e)	Hospitals, convalescent, and nursing homes.	SPS	SPS	SPS
f)	Community center buildings	S	S	S

Legend

A	ZP	S	SP	SPS	SE	x
Allowed	Zoning Permit	Site Plan	Special Permit	Special Permit + Site Plan	Special Exception	Not Permitted
	Staff	PZC	PZC	PZC	ZBA	
	See Section 8.A	See Section 8.C	See Section 8.D	See Section 8.D See Section 8.C	See Section 8.G.4	

¹ Revised, ZA #539, effective 8/24/07

13. OTHER	CB	B	BOZ
a) Other uses which, in the opinion of the Commission, are of the same general characteristics as those listed as permitted uses or Special Permit uses and which will not, in the opinion of the Commission, be detrimental to the zone.	SPS	SPS	SPS
b) Agriculture / farming in accordance with Section 5.A.1	A	A	A
c) Child care center in which care is provided for 13 or more children and subject to Section 5.D.1	SPS	SPS	SPS
d) Adult day-care services in which care is provided for 13 or more clients and subject to Section 5.D.2	SPS	SPS	SPS
e) Conversion of a residential wood-frame structure in existence on March 30, 1982 to conforming commercial uses provided the standards of the State Fire and Building Codes shall be met.	S	S	S
f) Public utility lines, stations and buildings essential to public convenience or welfare.	SPS	SPS	SPS
g) Museums / art galleries	S	S	S
h) Funeral parlors	S	S	x
i) Cemeteries.	SPS	SPS	SPS
j) Medical facilities for the care and treatment of mental and/or nervous disorders, including alcoholism and addiction to drugs.	SPS	SPS	SPS
k) Adult oriented businesses	x	S	x
l) Medical Cannabis Dispensary / Licensed Dispensary in accordance with Section 7.D.1. ¹	SPS	SPS	x
m) Cannabis establishment other than a Medical Cannabis Dispensary / Licensed Dispensary	x	x	x

Legend

A	ZP	S	SP	SPS	SE	x
Allowed	Zoning Permit	Site Plan	Special Permit	Special Permit + Site Plan	Special Exception	Not Permitted
	Staff	PZC	PZC	PZC	ZBA	
	See Section 8.A	See Section 8.C	See Section 8.D	See Section 8.D See Section 8.C	See Section 8.G.4	

¹ New, ZA #565, effective 10/6/12

2.C Permitted Accessory Uses & Structures

1. ACCESSORY USES	CB	B	BOZ
a) Uses customarily subordinate and incidental to a use permitted by these Regulations	S	S	S
b) Off-street parking and loading spaces in accordance with Section 6.B	S	S	S
c) Crematorium accessory to a funeral parlor subject to Section 5.D.5 .	SPS	SPS	SPS
d) Drive-through service	ZP	ZP	ZP
e) Boarding and rooming houses within an existing residential dwelling subject to Section 5.C.4 .	SPS	SPS	SPS
f) Family childcare home (1-6 children) within an existing residential dwelling when licensed by the State in accordance with Section 5.D.1 .	ZP	ZP	ZP
g) Group childcare home (7-12 children) within an existing residential dwelling when licensed by the State in accordance with Section 5.D.1 .	SPS	SPS	SPS
h) Adult day care facilities within an existing residential dwelling when in accordance with Section 5.D.2 .	SPS	SPS	SPS
2. ACCESSORY BUILDINGS / STRUCTURES			
a) Buildings/structure customarily subordinate and incidental to a use permitted by these Regulations.	S	S	S
b) Signage subject to Section 6.A	See Section 6.A		
c) Greenhouses	S	S	S
d) Accessory solar arrays (roof, wall) in accordance with Section 7.B.2	ZP	ZP	ZP
e) Accessory solar arrays (ground-mount) in accordance with Section 7.B.2	SPS	SPS	SPS
f) Accessory wind turbine in accordance with Section 7.B.2	SPS	SPS	SPS
g) Satellite dish antennas provided such structures shall: <ul style="list-style-type: none"> comply with all building setback requirements for the applicable zoning district, and be located in the rear yard, when possible. 	S	S	S
3. ACCESSORY STORAGE			
a) One (1) storage shed per property when accessory to a permitted use (but not for operation of a business) <ul style="list-style-type: none"> 200 SF or smaller Larger than 200 SF 	ZP	ZP	ZP
	S	S	S
b) Garages for vehicles used by the occupant of the premises	ZP	ZP	ZP
c) Outside Storage (Business) subject to Section 5.F.1	x	SPS	x
d) Outside Display subject to Section 5.F.3	S	S	x

START

1. RESIDENTIAL

2. BUSINESS

3. INDUSTRIAL

4. SPECIAL ZONES

5. USE-STDS.

6. BASIC STDS.

7. SPECIAL STDS.

8. PROCEDURES

9. FRAMEWORK

10. DEFINITIONS

2.D Area & Dimensional Standards

Except as may be provided in [Section 7.A](#), no lot shall be used and no building or structure shall be erected except in conformance with the following schedule:

	CB	B	BOZ
Minimum Lot Area (SF)	8,000	20,000	Z
Minimum Frontage (feet)	50	100	Z
Minimum Yard Setbacks (feet)			
• Front	10	40	Z
• Side	A	B	Z
• Rear	C	C	Z
Maximum Lot Coverage (%)	75	25	Z
Maximum Height			
• Stories	4	3	Z
• Feet	55	40	Z

- (A) 20 ft. if adjacent to a residential zone; otherwise none required
- (B) 40 ft. if adjacent to a residential zone; otherwise 10 feet
- (C) 40 ft. if adjacent to a residential zone; otherwise 20 feet
- (D) 100 ft. if serviced by both municipal water and municipal sewers; otherwise 125 feet

- (Z) Establishment of uses in the BO Zone not allowed in the underlying zone ,if established via the BOZ provisions, shall be subject to the following area and dimensional requirements:
 - A minimum lot area of 30,000 square feet of land area shall be required for the establishment of a commercial use or activity.
 - Buildings used for commercial purposes shall not contain a gross floor area of more than 20,000 square feet.
 - A minimum of 20% open space shall be provided on the site. Pedestrian oriented open space including hardscaped and landscaped areas, such as outdoor dining areas or exterior landscaped customer waiting areas, are encouraged and may be counted towards the minimum open space requirement.

When discrepancies exist with the requirements in the underlying zone , the more stringent requirement shall apply.

START
1. RESIDENTIAL
2. BUSINESS
3. INDUSTRIAL
4. SPECIAL ZONES
5. USE-STDS.
6. BASIC STDS.
7. SPECIAL STDS.
8. PROCEDURES
9. FRAMEWORK
10. DEFINITIONS

2.E Special Provisions

1. New commercial structures shall not be attached to, or located on the same lot as, a residential wood-frame structure.¹
2. In the Business Overlay Zone:
 - a. Renderings depicting proposed commercial signage shall be required as part of a site plan application submittal. Each premises shall be allowed one (1) non-internally illuminated detached sign. Such sign shall be set back a minimum of 15 feet from the public right-of-way and shall not exceed 10 feet in height nor 45 square feet in area. Additionally, each individual business tenant shall be allowed one (1) non-internally illuminated attached sign (wall mounted sign). The allowed area of an attached sign shall be calculated in accordance with [Section 6.A](#) of the Zoning Regulations, except that no individual attached sign shall exceed sixty (60) square feet in area. The provisions outlined in [Section 6.A.8](#) of the Zoning Regulations shall not be applicable in the Business Overlay Zone.
 - b. Prominent site features shall be shown on a site plan submittal; including trees, shrubbery, rock walls, historical structures, etc. The applicant shall make every effort to preserve and incorporate such features into the design of the site.
 - c. In order to conserve and protect the existing topography of a site, reasonable measures shall be taken, wherever possible, to avoid substantial removal of fill and alteration of grades.
 - d. In addition to those requirements listed above, principal buildings constructed after December 31, 1996 shall comply with the following requirements:
 - All structures shall be setback a minimum of 20 feet from a public right-of-way.
 - The applicant shall submit architectural drawings depicting all four sides of all proposed buildings and structures. In considering a site plan application, the Commission shall consider the type and style of wall finish, roof design, type of shingles, stairs and architectural appendages and other design features of the proposed structure(s).

¹ Revised, ZA #586, effective 8.8.15

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START
1. RESIDENTIAL
2. BUSINESS
3. INDUSTRIAL
4. SPECIAL ZONES
5. USE-STDS.
6. BASIC STDS.
7. SPECIAL STDS.
8. PROCEDURES
9. FRAMEWORK
10. DEFINITIONS

- START
- 1. RESIDENTIAL
- 2. BUSINESS
- 3. INDUSTRIAL
- 4. SPECIAL ZONES
- 5. USE-STDS.
- 6. BASIC STDS.
- 7. SPECIAL STDS.
- 8. PROCEDURES
- 9. FRAMEWORK
- 10. DEFINITIONS

3 INDUSTRIAL ZONES ¹

QUICK LINKS	
3.A	Purposes
3.B	Permitted Principal Uses & Structures
3.C	Permitted Accessory Uses & Structures
3.D	Area & Dimensional Standards

3.A Purposes

1. The various industrial districts are intended to provide suitable areas for industrial development appropriate to overall community and regional needs, the location and characteristics of the land, and the characteristics of the area.
2. The uses allowed encompass a wide range of operations but some are limited to the Industrial-2 Zones or prohibited altogether in the interest of public welfare, and site preparation is strictly regulated for the purpose of environmental protection.
3. The differentiation among the industrial districts is intended to provide for variety in the size and intensity of industrial development appropriate to community needs and desires.
4. The principal uses in industrial zones are industrial although some such zones may allow for certain non-industrial uses when it can be demonstrated that they shall be compatible with nearby uses and enhance neighborhood and community characteristics.

Industrial 1 (I-1)



Industrial 2 (I-2)



¹ Revised effective 5/23/07

3.B Permitted Principal Uses & Structures

New industrial structures shall not be attached to, or located on the same lot as, a residential use.

1. GENERAL	I-1	I-2
a) Notwithstanding other provisions of this Section, a change of occupant or a minor change of use (as defined in these Regulations) in an existing building.	ZP	ZP
b) All development involving an area of four (4) acres or larger in size, and/or requiring in excess of sixty (60) parking spaces.	SPS	SPS
2. SPECIAL		
a) Executive Park, as defined in Section 10.D subject to Section 5.D.10	SPS	SPS
b) Industrial Park subject to Section 5.D.11	x	S
3. MANUFACTURING / PRODUCTION / INDUSTRY		
a) The manufacture, processing or assembly of goods which, by the nature of their operation, do not produce objectionable noise, glare, air pollution, fire hazard or safety hazard	S	S
b) Manufacturing and/or assembly of electronic, computer or robotic goods	S	S
c) Scientific research, manufacture of bio-medical products	S	S
d) Greenhouses and nurseries	S	S
e) Plants generating power, disposing of sewage and/or garbage	x	SPS
f) The production, processing and storage of coal, coal tar, petroleum and asphalt products including, for example, but not limited to, coke manufacture, illuminating gas production, petroleum refining, bulk gasoline and petroleum products storage, asphalt products, linoleum manufacture, oil cloth manufacture, roofing material manufacture	x	SPS
g) The use of hammer mills, ball mills, rolling mills, or drop forges in any industrial process	x	SPS

Legend

A	ZP	S	SP	SPS	SE	x
Allowed	Zoning Permit	Site Plan	Special Permit	Special Permit + Site Plan	Special Exception	Not Permitted
	Staff	PZC	PZC	PZC	ZBA	
	See Section 8.A	See Section 8.C	See Section 8.D	See Section 8.D See Section 8.C	See Section 8.G.4	

4. WAREHOUSE / STORAGE / DISTRIBUTION		
a) Warehouses for finished goods as will carry out the purpose and intent of these regulations as expressed in Section 9.A , herein	S	S
b) Storage of construction materials (including pipe),	x	S
c) Storage and repair of construction equipment / well drilling equipment	x	S
d) Trucking terminals	x	S
5. OFFICE / RESEARCH		
a) Business and professional offices	S	S
b) Research laboratories	S	S
c) Professional Offices as defined in these regulations provided no human patient is hospitalized or housed overnight	S	S
d) Conference Center	SPS	SPS
1) Meeting the provisions outlined in Section 5.D.12 of these Regulations.		
2) Located within 3,000 feet of access to an interstate highway.		
3) Located on a parcel of not less than (6) six acres in area and having legal frontage on a state designated highway.		
4) Vehicular access and egress to and from a conference center shall be by means of a state designated highway.		
6. BUSINESS USES		
a) Hotels	S	S
b) Health clubs and gymnasiums	S	S
c) Movie Houses and/or Dinner Theaters subject to Section 5.D.7	SPS	SPS
d) Crematorium provided no services are conducted on the premises	x	SPS
7. ANIMAL-RELATED USES		
a) Facilities for the practice of veterinary medicine (including spay/neuter clinics and animal hospitals)	S	S
b) Animal groomer, trainer in accordance with Section 5.A.3 .	ZP	ZP
c) Animal boarding facilities in accordance with Section 5.A.3 .	SPS	SPS
d) Animal day care facilities in accordance with Section 5.A.3 .	SPS	SPS

Legend

A	ZP	S	SP	SPS	SE	x
Allowed	Zoning Permit	Site Plan	Special Permit	Special Permit + Site Plan	Special Exception	Not Permitted
	Staff	PZC	PZC	PZC	ZBA	
	See Section 8.A	See Section 8.C	See Section 8.D	See Section 8.D See Section 8.C	See Section 8.G.4	





8. VEHICLE-RELATED USES		I-1	I-2
a)	Vehicle fueling facilities of any kind in accordance with the provisions of Section 5.D.4	SE	x
b)	Vehicle maintenance and/or repair facilities of any kind in accordance with the provisions of Section 5.D.4	SE	SE
c)	Vehicle sales and/or display of any kind (including new or used, interior, exterior, etc.) in accordance with the provisions of Section 5.D.4	SE	x
d)	Any expansion to an existing nonconforming gas station/ convenience store within 1,500 feet of an interstate highway interchange ramp terminus. ¹	x	SPS
9. SPECIAL SALES / SERVICE			
a)	Building materials, sales and storage yards and buildings	x	S
b)	Farm or construction equipment sales and services	S	S
c)	Blasting Services Business, as defined in these Regulations. Subject to the provisions of Section 5.E.1	x	SPS
10. OTHER USES			
a)	Agriculture / farming in accordance with Section 5.A.1	A	A
b)	Other uses which, in the opinion of the Commission, are of the same general characteristics as those listed as permitted uses and which will not, in the opinion of the Commission, be detrimental to the zone.	S	S
c)	Governmental facilities and uses including Town, State, Federal	SPS	SPS
d)	Public utility lines, stations and buildings.	SPS	SPS
e)	Redevelopment of industrial sites subject to Section 5.G	SPS	SPS
f)	Private or public playfields that promote retention of open space including playgrounds, golf courses, driving ranges, ski areas, riding academies and similar recreational areas operated on either a profit or non-profit basis.	x	SPS
g)	The processing or washing of earth materials including batching plants	x	SPS
h)	Medical marijuana production facilities in accordance with the provisions of Section 7.F.1.	SPS	SPS
i)	Cannabis establishment other than a medical marijuana production facility	x	x

Legend

A	ZP	S	SP	SPS	SE	x
Allowed	Zoning Permit	Site Plan	Special Permit	Special Permit + Site Plan	Special Exception	Not Permitted
	Staff	PZC	PZC	PZC	ZBA	
	See Section 8.A	See Section 8.C	See Section 8.D	See Section 8.D See Section 8.C	See Section 8.G.4	

¹ New, ZA #602, effective 12/4/19

3.C Permitted Accessory Uses & Structures

1. ACCESSORY USES	I-1	I-2
a) Uses customarily subordinate and incidental to a use permitted by these Regulations	S	S
b) Off-street parking and loading spaces as required in Section 6.B	S	S
c) Cafeterias, restaurants, clinics, and/or hospital facilities accessory to a principal use and used exclusively by the employees of the principal use	S	S
d) Uses accessory to an Executive Park subject to Section 5.D.10	S	S
e) Industrial showroom accessory to a permitted principal use in accordance with Section 5.F.2	SPS	S
f) Drive-through service at an existing nonconforming gas station / convenience store located within 1,500 feet of an interstate highway interchange ramp terminus.	x	SPS
g) A restaurant ancillary to, and/or a separate restaurant building accessory to, a hotel on the same site provided: <ul style="list-style-type: none"> • The property is located within 1500' of an interstate highway interchange, • The property has at least 200 feet of frontage on a state highway, and • Said restaurant building does not exceed 3,000 square feet.¹ 	S	S
h) A brew pub / distillery pub accessory to the production of beer or spirits in accordance with Section 5.D.6	See Section 5.D.6	
i) Family childcare home (1-6 children) within an existing residential dwelling when licensed by the State in accordance with Section 5.D.1 .	SP	SP
j) Group childcare home (7-12 children) within an existing residential dwelling when licensed by the State in accordance with Section 5.D.1 .	SP	SP
k) Adult day care facilities within an existing residential dwelling when in accordance with Section 5.D.2 .	SPS	SPS

Legend

A	ZP	S	SP	SPS	SE	x
Allowed	Zoning Permit	Site Plan	Special Permit	Special Permit + Site Plan	Special Exception	Not Permitted
	Staff	PZC	PZC	PZC	ZBA	
	See Section 8.A	See Section 8.C	See Section 8.D	See Section 8.D See Section 8.C	See Section 8.G.4	

¹ revised, ZA #570, effective 2.2.13



2. ACCESSORY BUILDINGS / STRUCTURES			
a)	Buildings/structure customarily subordinate and incidental to a use permitted by these Regulations.	S	S
b)	Signage subject to Section 6.A	S	S
c)	Garages for commercial vehicles or vehicles necessary in connection with the principal use	S	S
d)	Greenhouses	S	S
e)	Accessory solar arrays (roof, wall) in accordance with Section 7.B.2	ZP	ZP
f)	Accessory solar arrays (ground mount) in accordance with Section 7.B.2	SPS	SPS
g)	Accessory wind turbine in accordance with Section 7.B.3	SPS	SPS
h)	Satellite receiving antennas provided such structures shall: 1) comply with all building setback requirements for the applicable zoning district, and 2) be located in the rear yard, when possible.	S	S
3. ACCESSORY STORAGE / DISPLAY			
a)	One (1) storage shed per property when accessory to a permitted use (but not for operation of a business)	S	S
b)	Outside Storage (Industrial) subject to Section 5.F.2	SPS	S
c)	Outside Display subject to Section 5.F.3	S	S

Legend

A	ZP	S	SP	SPS	SE	x
Allowed	Zoning Permit	Site Plan	Special Permit	Special Permit + Site Plan	Special Exception	Not Permitted
	Staff	PZC	PZC	PZC	ZBA	
	See Section 8.A	See Section 8.C	See Section 8.D	See Section 8.D See Section 8.C	See Section 8.G.4	

3.D Area & Dimensional Standards ^{1 2}

Except as may be provided in [Section 7.A](#), no lot shall be used and no building or structure shall be erected except in conformance with the following schedule:

	I-1	I-2
Minimum Lot Area (SF)		
• With both public water and public sewer	20,000	20,000
• Without both public water and public sewer	40,000	80,000
Minimum Frontage (feet)		
• With both public water and public sewer	100	100
• Without both public water and public sewer	200	200
Minimum Yards (feet)		
• Front	40	30
• Side		
○ With both public water and public sewer	15	20
○ Without both public water and public sewer	20	20
• Rear		
○ With both public water and public sewer	20	20
○ Without both public water and public sewer	30	30
Maximum Lot Coverage (%)		
• Basic limitation	35	50
• If both public water and public sewer are available	50	n/a
• If both public water and public sewer are available to an I-1 parcel and such parcel is bordered by I-1, I-2, or WSB on all sides	50	n/a
Maximum Height (Stories / Feet)		
• Executive Park	6 / 65	6 / 65
• Otherwise	3 / 55 #	3 / 65 ##

Allowable height may increase to a maximum of 4 stories, provided the building is setback an additional distance of 100 feet from all property lines. Such setback requirement shall be in addition to underlying setback requirements.

Allowable height may increase to a maximum of 5 stories, provided building is setback a minimum distance of 100 feet for each additional level above three stories. Such setback requirement shall be measured from all property lines and shall be in addition to underlying setback requirements.

See Section 5.J.4 for provisions related to rear lots in industrial zones.

¹ New, ZA #610, effective 6/1/21

² New, ZA #615, effective 6/25/22

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4 SPECIAL ZONES

QUICK LINKS	
4.A	Ridgeline Zoning
4.B	Aquifer Protection District
4.C	Floodplain Overlay Zone
4.D	Housing Opportunity District (HOD)
4.E	Age-Restricted Cluster Housing (ARCH) Zone
4.F	Village Residential (VR)
4.G	West Street Business Zone (WSB)
4.H	Mixed Use Transition Zone (MUT)

4.A Ridgeline Zoning

4.A.1 Basic Framework

- Purpose** - The following ridgeline zoning provisions are enacted to protect the unique and distinctive geological and ecological characteristics of the community’s traprock ridgeline. It is further the intent of these regulations to protect prominent vistas, prevent the destruction of natural habitat in the ridgeline setback area and minimize potential harm and damage to down-gradient property. Ridgeline zoning is adopted pursuant to CGS Section 8-2.
- Applicability** – Regulations and requirements pertaining to ridgeline zoning shall be applicable to all geographic areas located within the specified ridgeline setback area as defined in Section 4.A.4 of these Regulations.
- Delineation Of Regulated Area** – The ridgeline setback area is depicted on the Town of Southington, Connecticut Zoning Map and is referred to as the “Ridgeline Overlay District”. The Ridgeline Overlay District generally delineates the location of the ridgeline setback area and is intended to serve only as a guide for locating regulated areas. The specific and actual location of the ridgeline setback area shall be determined by an interpretation in accordance with the applicable definitions as provided in Section 4.A.2 of these regulations.
- Abrogation And Greater Restriction Clause** – These regulations are not intended to repeal, abrogate or impair any existing regulations; however, where these regulations impose greater standards or restrictions, the provisions of these regulations shall prevail.

4.A.2 Definitions

For purposes of this Section of these Regulations, the following terms shall be defined as follows:

BUILDING(S) – Any structure other than (A) a facility as defined in CGS Section 16-501 or (B) structures of relatively slender nature compared to the buildings to which they are associated, including, for example, but not limited to, chimneys, flagpoles, antennas, utility poles, steeples.

CLEAR CUTTING - The harvest of timber in a fashion which removes all or substantially all trees over two inches (2”) in diameter as measured at breast height from any ten-foot square area.

DEVELOPMENT - The construction, reconstruction, alteration, or expansion of a building.

EMERGENCY WORK - Any work necessary to protect life and property.

PASSIVE RECREATION - means any non-motorized recreation such as hiking, bicycling, picnicking and bird watching.

QUARRYING - The removal, excavation, processing or grading of stone, fill or other earth product, regardless of the methods utilized.

RIDGELINE - The line on a traprock or amphibolite ridge created by all points at the top of a 50% slope and which is maintained for a distance of fifty horizontal feet perpendicular to the slope and which consists of surficial basalt geology, identified on the map prepared by Stone et al., United States Geological Survey, Entitled “Surficial Materials Map of Connecticut”.

RIDGELINE SETBACK AREA - The area bounded by:
(A) a line that parallels the ridgeline at a distance of one hundred fifty feet on the more wooded side of the ridge, and
(B) the contour line where a ridge of less than fifty percent is maintained for fifty feet to more on the rockier side of the slope, mapped pursuant to CGS Section 8-2, as amended.

SELECTIVE TIMBERING - The harvesting of no trees less than six inches (6”) in diameter as measured at breast height.

TRAPROCK RIDGE - Short Mountain, Ragged Hill and the portion of West Peak which extends into Southington.

4.A.3 Use-Related Provisions

1. **Permitted By Right** - The following uses shall be permitted by right within the ridgeline setback area:
 - a. Emergency work necessary to protect life and property;
 - b. Any nonconforming use that was approved and established before the adoption of these regulations; and
 - c. Selective timbering, grazing of domesticated animals and passive recreation.
2. **Special Permit Uses** - In accordance with [Section 8.D](#) of these regulations, the Planning and Zoning Commission may grant a Special Permit authorizing the establishment of the following uses within the ridgeline setback area:
 - a. Agricultural and farming activities (excluding selective timbering and the grazing of domesticated animals);
 - b. Public utility lines and stations, whether located above or below ground;
 - c. Wireless telecommunication facilities and related equipment, subject to the provisions of [Section 7.G](#) of these regulations; and
 - d. Public or private camps.
3. **Prohibited Uses** - The following uses shall be prohibited when located within the ridgeline setback area:
 - a. Quarrying,
 - b. Clear cutting,
 - c. Buildings as defined in Section 4.A.2 of these regulations, and
 - d. Any use or activity which is either prohibited or not listed in the underlying zoning district.

4.A.4 Decision Criteria And Considerations

In addition to the Special Permit requirements set forth in [Section 8.D](#) of the Zoning Regulations, the Commission shall require and consider the following information in determining the suitability of a proposed activity:

1. **Visual Impact** –
 - a. The applicant shall provide illustrations of the visual impact of proposed activities as viewed from public highways, public parks or other areas accessible to the general public. Such illustrations may be by means of photographic, graphic or other means sufficient to portray the visual impact of the proposed activity.
 - b. In considering such information, the Commission shall not approve applications which result in the establishment of unnatural gaps, cuts, projections, or other obvious artificial alterations to the existing natural tree lines, ridgelines, prominent topographic features or rock formations.
 - c. Furthermore, the Commission shall not approve buildings or structures comprising materials which by their color, reflectiveness, finish, size or orientation disrupt the natural characteristics of the ridgeline setback area.

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2. **Environmental And Ecological Impact -**
 - a. The applicant shall be responsible for providing an inventory of any federal and/or state rare or endangered species inhabiting, breeding, foraging or migrating through or over the area of the proposed activity.
 - b. In addition, the applicant shall provide an inventory of any known wildlife resources, an analysis of the ridgeline area as a wildlife resource (habitat, breeding ground, foraging area, migratory pathway, etc.) and an analysis of the impact of the proposed activity on such resource(s).
 - c. In considering such information, the Commission may restrict the size of lawn areas or other clearings in connection with any development proposal and may require the use of retaining walls or other methods to reduce disturbance to topography and vegetation.
 - d. The Commission may restrict the size of areas used for agricultural purposes and may require the alteration to the shape, location or characteristics of such areas in order to minimize disturbance of wildlife and wildlife habitat.
 - e. The Commission may require the reforestation or landscaping of areas disturbed by development activity.
3. **Archaeological And Historic Impact –**
 - a. The Commission shall require an archaeological examination of the area of the proposed activity, and an analysis by a qualified archaeologist of the impact of the proposed activity on any known or potential archaeological resources.
 - b. In addition, the Commission shall require the report of a qualified historian concerning the role which the site may have played in any recorded chapter of American history, and the impact which the proposed activity would have on the preservation of that historic resource.
4. **Erosion And Drainage Impact -** The applicant shall provide the Commission with a study adequately addressing the impact of drainage, storm water runoff, control of erosion and sedimentation and the promotion of site stabilization. Such information shall be certified by a Connecticut licensed professional engineer.
5. **Miscellaneous Information -** The Commission may require other information as may be required to determine compliance with the purposes and criteria of this section, or any other applicable section of these regulations.

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4.B Aquifer Protection District

This Section contains Southington specific regulations adopted by the Commission. The generalized extent of these aquifer protection areas may be found [here](#). (see Additional Data / Natural Resources/Ground Water Quality)

In accordance with State law, Southington also has State-defined aquifer areas and separate State-approved regulations:

- State-defined aquifer mapping for Southington may be found [here](#).
- State-approved regulations for Southington may be found [here](#).

4.B.1 Basic Framework

1. **Purpose** - This Section is adopted pursuant to the authority conferred by Section 8-2 of the Connecticut General Statutes in order to:
 - a. aid in securing the public health, safety, and general welfare,
 - b. preserve the quality and quantity of the Town’s ground water resources in order to ensure a safe and adequate water supply for present and future generations; and
 - c. preserve ground water resources currently in use and those aquifers having a potential for future use as a public water supply.

2. **Applicability** - The provisions of this section shall apply to all properties which lie within that portion of any district which is designated as an Aquifer Protection District as defined herein, the boundaries of which are indicated on maps entitled “Ground Water Zones, Town of Southington, Connecticut” as delineated on townwide photogrammetric mapping at a scale of 1” = 200’ as prepared by Fuss & O’Neill. These maps and regulations and any amendments thereto are made an integral part of these Regulations and the Official Zoning Map, as overlay districts of the Town of Southington.

3. **Establishment of Aquifer Protection District Boundaries** - The GAA, GAAs, GA1, GA2 and GB/GAA Districts, as delineated on the maps specified in Section 4.B.1 herein, are adopted as the regulatory boundaries subject to the provisions herein and those provisions prescribed in Section 4.B.1.4.

4. **Abrogation And Greater Restriction Clause** - The provisions in this section are not intended to repeal, abrogate, or annul any portion of these Regulations, existing State and Federal Regulations, or existing easement, covenants or deed restrictions. In any case where there is a conflict, whichever imposes the more stringent restriction shall apply.

4.B.2 Definitions

For the purpose of this Section of these Regulations , certain words and terms shall have the meanings as listed below. Questions as to the precise meaning of other words and terms shall be determined by the Commission and [Section 10](#) herein.

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Aquifer - A geologic unit of stratified drift capable of yielding useable amounts of water.

Aquifer Protection District - The areas identified as GAA, GAAs, GA1, GA2, and GB/GAA on the 1"=200' scale maps identified per Section 4.B.1.2 of these Regulations are to be governed by the regulations set forth herein.

1. **GAA Districts** - Aquifers currently used as a source of drinking water supply.
2. **GAAs Districts** - Aquifers that recharge a surface water body currently used as a source of drinking water supply.
3. **GA1 Districts** - Aquifers that are not currently being used as a source of drinking water supply but have a potential to be developed as future sources of drinking water supply on a municipal scale based upon existing land use and hydrogeologic data.
4. **GA2 Districts** - Stratified drift deposits that serve as secondary recharge areas adjacent to GAA or GA1 zones.
5. **GB/GAA Districts** - Aquifers which have been contaminated and have been used or are currently being used as a source of drinking water supply. Water from these resources requires treatment or dilution prior to potable use.

Contamination - The degradation of natural water quality as a result of human activities to the extent that its usefulness is impaired.

GA Districts - Ground water basins in stratified drift or till areas which have limited potential as a municipal scale water supply.

GA3 Districts - glacial till deposits that serve as limited recharge areas adjacent to GAA, GA and GA2 Districts.

GB Districts - Ground water basins in stratified drift or till areas which have been contaminated but can be used as a source of drinking water supply provided the water is properly pre-treated.

GB/GA2 Districts - Stratified drift deposits that serve as secondary recharge areas and have been contaminated.

Ground Water - Water in the subsurface zone beneath the water table in which all pore spaces are completely saturated.

Hazardous Material - Material which may pose a present or potential hazard to human health or the environment when improperly stored, transported or disposed of or otherwise managed including without exception hazardous waste identified and listed in accordance with Section 3001 of the Resource Conservation and Recovery Act of 1976 (PL 94-580) and the subsequent regulations promulgated in the Federal Register.

Solid Wastes - Unwanted or discarded materials, including solid, liquid, semisolid or contained gaseous material.

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Secondary Recharge Area - That area contiguous to GAA, and GA Districts from which rainfall that infiltrates the ground moves laterally to enter the aquifer and identified on the photogrammetric maps (1" = 200') as GA2 Districts.

Stratified Drift - Unconsolidated sorted sediment composed of layers of sand, gravel, silt or clay, deposited by meltwater from glaciers.

4.B.3 Uses Permitted

All uses which are permitted in the underlying zones shall be permitted in the Aquifer Protection Districts with the following exceptions, restrictions and requirements:

1. Prohibited Uses

- a) The disposal, storage, or treatment of hazardous and solid waste material.
- b) Road salt storage and loading areas.
- c) Dry wells directly connected to any floor drain, wash basin, sink, or paved parking areas.
- d) Outside storage of any materials which, in the opinion of the Planning and Zoning Commission, could contaminate ground water resources.
- e) Vehicle fueling stations using petroleum products,
- f) Cemeteries or crematoriums
- g) Vehicle maintenance and/or repair facilities of any kind,
- h) Vehicle sales and/or display of any kind.

2. Underground Storage of Petroleum Fuels

- a) Any proposal to install an underground petroleum fuel storage tank shall obtain an application and permit from the local Fire Marshal. The applicant shall notify the Fire Chief at least 24 hours in advance of all work.
- b) All underground tanks shall be double-hulled steel or fiberglass encased in a concrete vault and shall be installed per CGS Section 29-62.

3. Site Plans - Site Plans for an industrial or commercial use per [Section 8.C](#) of these Regulations shall be accompanied by a written statement which describes the proposed use and operations.

4. Additional Information –

- a. When a question arises as to a proposed use (principal and/or accessory) and its potential to degrade or contaminate the aquifers designated for protection herein, the Commission shall solicit input from the State Department of Energy and Environmental Protection and the State Department of Health Services.
- b. Each application shall include any necessary Federal or State permits, unless the Commission determines that such permits are not required for the Commission to make a determination on the application .

4.C Floodplain Overlay Zone

The regulations applicable to the Floodplain Overlay Zone are contained in [Appendix C](#) of these Regulations because the numbering of the regulations tracks the numbering system used in the 2018 DEEP Model Floodplain Management Regulations.

This was done in order to facilitate updating and maintenance of these Zoning Regulations in the future.

For the correct citation, the prefix “4.C” should be added to the numbering system in [Appendix C](#) (the DEEP Model Regulations) to reflect the Section number in the Southington Zoning Regulations.

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4.D Housing Opportunity District (HOD) ¹

4.D.1 Purpose

The Housing Opportunity District (HOD) is made part of the Comprehensive Plan of Zoning for the following purposes:

- To encourage the construction of housing that is both affordable as defined by State Statutes and is consistent with design and construction standards present in the community.
- To assist the Town of Southington in complying with the State Zoning Enabling Act, CGS Section 8-2 by adopting zoning regulations that promote housing choice and economic diversity, including housing for low- and moderate-income households.
- To utilize existing infrastructure efficiently and to promote neighborhood planning by providing, where infrastructure support is available, a mix of housing types, densities, sizes, and prices.

4.D.2 Establishment

1. The Housing Opportunity District (HOD) is a class of district that may be established by the Commission and delineated on the Zoning Map upon petition by the owner of property or by any person duly authorized by said owner and after due notice and public hearing as required by law for amendment of these Regulations.
2. **Petition / Site Plan Application** –
 - a. A petition for a change in zone boundary for the purpose of establishing a HOD may be filed with the commission in accordance with the provisions of [Section 8.F.](#)
 - b. After a zone change is approved, approval of a site plan application is required in accordance with the provisions of [Section 8.C.](#) ²
3. **Area of HOD** – The area to be zoned HOD shall consist of not less than 30 acres in a single tract by a number of contiguous tracts under one ownership, or consolidated into a single tract by a number of different owners by means of a binding agreement which will assure the uniform treatment of an overall development for the entire tract from the time of application and continuing thereof.

¹ New, ZA #538, effective 9/22/07

² revised, ZA #543, effective 6/6/09

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4.D.3 Permitted Uses

1. Multi-family dwelling units for rental use or for sale, subject to the following requirements:
 - a. Each multi-family dwelling shall be served by public sewer and water.
 - b. No building shall contain more than 6 dwelling units.
 - c. The minimum distance between multi-family buildings shall be 45 feet. Two-family and detached single-family dwellings may be a minimum of 30 feet apart in a common interest act community.¹
 - d. The minimum setback from the road shall be 25 feet.²
 - e. The minimum side yard setback shall be 40 feet.
 - f. The minimum rear yard setback shall be 40 feet.
 - g. The minimum distance between the rear of the units shall be 45 feet. .
 - h. Decks and patios shall not be in the building setback.
 - i. No residential or accessory building shall exceed three stories or 35 feet in height.

2. A lease or sales office accessory to the multi-family use, recreational facilities and garages for the private use of the residents and their guests;

3. One or more swimming pools and such buildings as are reasonably associated with the use of swimming pools. Swimming pools must be fenced in with a locking gate for safety.

4. Active and passive recreational uses, including, for example, but not limited to, walking trails, tot playlots, and picnic areas. Plans shall provide on the same parcel of land adequate playspace for the children of such dwellings³, except in the case of elderly housing units where such space shall be provided for active or passive adult recreation. The Commission in its sole discretion, if subject to a two-thirds affirmative vote, may reduce recreational requirements for elderly housing set forth herein above, if it finds that the proposed use is designed exclusively for elderly housing, that all or a majority of the proposed units shall be designed to have not more than one bedroom per unit and that the lot is located within a reasonable safe distance to a public park, public school or other facility with a reasonable area of land dedicated to recreational usage.

5. Signs, as provided in Section 6.A.

6. Other accessory uses customary with and incidental to the aforesaid permitted uses.

¹ revised, ZA #543, effective 6/6/09
² revised, ZA #543, effective 6/6/09
³ revised, ZA #543, effective 6/6/09

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4.D.4 Development Requirements

1. **Maximum Development Density** – Dwelling unit density in the HOD shall not exceed eight (8) dwelling units per acre of land. For purposes of computing allowable density, the minimum required area of the HOD shall exclude the area of ponds, marshes and other wetlands and other areas with a natural slope in excess of 25 percent.

2. **Affordability Requirement** –
 - a. Not less than thirty percent (30%) of the dwelling units in the HOD development (and each phase of the development) shall be subject to deed restrictions that shall require that such dwelling units be sold or rented at or below prices that will preserve the units as affordable housing, as defined by CGS Section 8-30g, with fifteen percent (15%) reserved for persons and families whose income is at or below eighty percent (80%) and fifteen percent (15%) reserved for persons whose income is at or below sixty percent (60%), as applicable, of the area median income (for the HUD area including Southington) or the statewide median income, whichever is less, as determined by the United States Department of Housing and Urban Development (HUD).
 - b. Such restrictions shall remain in effect for at least forty (40) years after the initial occupation of the proposed development.
 - c. Those units to which deed restrictions will apply shall be designated with the submission of the final site plan.
 - d. In addition to the materials required to be submitted under [Section 8.C](#) as part of a site plan application, the applicant shall submit an “Affordability Plan” that complies with the requirements of CGS Section 8-30g including, for example, but not necessarily limited to pro rata construction of affordable units, equitable distribution of affordable units, etc..

3. **Access** -
 - a. Streets providing access to the proposed use or development shall be adequate in width, grade, alignment and visibility, and shall have adequate capacity for the additional traffic generated by the proposed use.
 - b. The Commission may deny any proposed development which causes the level of service (LOS) on a roadway or roadway to fall below LOS D . Alternately, offsite roadway improvements or signalization may be required to ensure the adequacy of the local roadway system and public safety.
 - c. Provisions shall be made for vehicular traffic to enter and exit the site which do not create an undue traffic hazard and/or cause undue traffic congestion.
 - d. All access points shall accommodate two lanes of traffic entering and exiting the site unless the Commission deems it in the interests of public safety and the welfare of the general public, due to the existing conditions, to permit alternative access to the site including, for example, but not necessarily limited to restricted turning movements and shared access.
 - e. Entrance and exit driveways shall be laid out to achieve reasonable safety.

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4. **Circulation and Parking -**

- a. A grid street pattern or interconnecting loops shall be required for the purposes of ensuring adequate public safety access and effective traffic circulation. For developments over 25 units in density, applicants shall provide two entrance/exits from the development.
- b. At least two and one-half (2.5) off-street parking spaces shall be provided for each HOD dwelling unit. Parking spaces in front of garages shall be counted towards this requirement. The parking and loading facilities shall be deemed to be adequate and properly located, and the entrance and exit driveways are laid out to achieve reasonable safety.
- c. If a community center is proposed, the community center shall have one parking space for every 200 SF of gross area of the community center in accordance with [Section 6.B](#) of the Zoning Regulations. ¹

5. **Screening –**

- a. Each property line along which residential units are proposed shall be paralleled by a screen of naturally existing vegetation at least 20 feet wide, or shall be landscaped by planting a double row of pine trees.
- b. All landscaping shall be appropriately maintained.
- c. Applicants shall avoid clearing existing vegetation where possible, but may propose additional plantings where necessary to improve screening.
- d. Such landscaping is not required in areas where utilities are proposed or where wetlands or watercourses are located. ²
- e. Mechanicals and outside generators that serve the entire community ³ and dumpsters shall be screened with a lightproof fence. In the case of dumpsters, a detail of the proposed dumpster enclosure shall be included on the plans and a note shall be added to the plans stating that the top of the dumpster shall be no higher than the top of the fence. A lightproof fence shall be required.

6. **Landscaping** - The property and proposed parking areas shall be suitably landscaped with a combination of trees, shrubs and other plant materials to filter and screen the view of the proposed development from the surrounding area and adjacent properties and enhance the appearance of the proposed development. The Commission may require as a condition of approval a performance bond to assure the completion of any site and/or public improvements.

7. **Site Lighting / Illumination** - Full cutoff light fixtures and recessed lenses only shall be used on the property and no light shall be positioned so as to cause a nuisance external to the site from excessive glare.

8. **Utility Adequacy** - The applicant shall demonstrate that the water supply, the sewage disposal, and the storm water drainage shall conform with accepted engineering criteria, comply with all standards of the appropriate regulatory authority, and that such utilities have, or can be improved by the developer to have, adequate capacity for the proposed use.

¹ revised, ZA #543, effective 6/6/09

² revised, ZA #543, effective 6/6/09

³ revised, ZA #543, effective 6/6/09

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9. **Environmental Suitability** –

- a. A Phase I Environmental Report must be submitted to verify there are no environmental concerns and no potential environmental equity concerns.
- b. The proposed use, proposed buildings and structures and other site features are to be designed and maintained in such a manner as not to impose an unacceptable risk to aquifers and public water supplies.
- c. The proposed plans shall provide for the reasonable conservation of natural features,¹ the utilization of best management practices to minimize degradation of storm water run-off, and the utilization of landscape and/or buffer areas to protect environmentally sensitive portions of the site.

10. **Issuance of Certificates of Occupancy**² - The issuance of Certificates of Occupancy shall be limited to 75% of the dwelling units contained in the project until:

- a. A pro rata share of all the affordable units have received Certificates of Occupancy.
- b. All common and/or public improvements, landscaping or erosion and sedimentation control measures covered by a financial guaranty have been completed to the satisfaction of Town staff. Town staff may support bonding for outstanding improvements due to extenuating circumstances, subject to a 2/3 vote by the Commission. Bonding in lieu of improvements for these developments shall be the exception and not the rule.
- c. As built plans of utilities and public improvements within the development, certified by a registered professional engineer, have been received and accepted by the Town Engineer or their designee.
- d. All recreational facilities shown on the approved final plan have been installed.
- e. The final course of pavement has been installed or a financial guaranty has been provided to guarantee such installation.

¹ revised, ZA #543, effective 6/6/09

² New, ZA #543, effective 1/5/08

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4.E Age-Restricted Cluster Housing (ARCHZ) Zone ¹

4.E.1 Purpose

The purpose of the Age-Restricted Cluster Housing Zone (ARCHZ) is:

- To increase the types of available housing with emphasis on privately developed common interest communities targeted to empty nesters and seniors.
- To provide landowners with a land use option on suitably located land with necessary utilities, access, and other important attributes.
- To create high-quality developments capable of sustaining long-term value.
- To promote project designs that enhance and protect open spaces, natural resources, natural features, and other elements of the Town's characteristics.
- To achieve the goals and objectives of the Town's Plan of Conservation and Development (POCD) in providing housing options for an aging population.

The intent of the ARCHZ is to provide sufficient flexibility in design standards in order to achieve important public objectives. Therefore, in the event a provision of the ARCHZ requirements conflicts with other provisions of the Zoning Regulations, the ARCHZ requirements shall prevail. In the event a requirement of the Zoning Regulations is not addressed in the ARCHZ regulations, that requirement shall be in addition to the ARCHZ requirements. The Commission shall have the sole authority to evaluate and render a determination on any such matters.

4.E.2 Permitted Uses

1. Property zoned ARCHZ shall only be used for age-restricted units as follows:

Parcel Area	Allowable Configurations
Less than 30 acres	Single-family detached residential housing units only
30 acres or more	Single-family detached residential housing units and, if served by public water and private septic, a mix of single family and two-family units except that two-family units shall not exceed 30% of total units and at a maximum total site density not to exceed 3.5 units per acre. Total septic flow discharge shall be subject to State Health and/or DEEP approval as necessary. ²

¹ New, ZA 597, effective 2/20/19

² New, ZA 604, effective 7/2/20

2. An ARCHZ development may include related accessory uses for the exclusive use of project residents and their guests. Permitted accessory uses shall be those customarily associated with common interest residential communities and shall clearly be subordinate and incidental to the principal residential uses; however, this limitation is not intended to expressly disallow other accessory uses if said uses are deemed appropriate, in the Commission's sole judgment, such that said uses will add to the long-term value of the community, provide special health, lifestyle or therapeutic benefits to the resident population, or otherwise help achieve the core objectives of the ARCHZ.

4.E.3 Age-Related Restrictions / Occupancy Requirements

1. Each ARCHZ housing unit shall be occupied by:
 - a. At least one individual who is age 55 years or older.
 - b. Such individual may have a spouse or other occupant who must be age 18 or older.
 - c. An occupant pursuant to Subsection b above who has survived the individual in Subsection a above and who has an ownership interest in the dwelling.
 - d. Any occupant pursuant to Subsection b above who has an ownership interest in the dwelling and where the individual in Subsection a above has entered into a long-term continuing care facility.
2. The purchase of a dwelling unit for investment purposes by an entity or an individual not intending to occupy the dwelling is prohibited, except that a nonresident family member may purchase up to one unit for a family member who will reside in the dwelling unit and otherwise comply with the requirements of this section.
3. The community association, or management entity, shall verify annually to the Southington Planning Department that the active adult community development is in compliance with the occupancy requirements of this section.
4. Dwelling units designated as active adult housing units shall have deed restrictions which shall be filed in the land records of the Town of Southington limiting occupancy as required above.
5. In accordance with CGS Section 8-12, the Town of Southington, acting through its duly appointed officials, may enter onto the premises for the purpose of verifying compliance with federal, state and local laws, rules and regulations, including the approvals issued in connection with the development. As a condition of approval, each applicant, owner or residents' association shall provide legal documents which shall hold harmless and indemnify the Town of Southington and its duly appointed officials from any claims or liability arising from the correction of violations cited. The provisions of this subsection shall survive the issuance of a certificate of occupancy or determination of zoning compliance.

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4.E.4 Workforce Housing Requirement

1. Not less than 10% of all the dwelling units in the ARCHZ development shall be Workforce Housing Units. 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.
2. Within this Subsection, the following terms shall be defined as indicated:
 - a. Eligible Household – A household whose annual income is at or below eighty percent (80%) of the median income (as defined below) for Southington, as determined and reported by the United States Department of Housing and Urban Development (HUD).
 - b. Incentive Housing Restriction – A deed restriction constituting a binding obligation with respect to the restrictions on household income, sale price, and housing costs in accordance with the Connecticut General Statutes, as amended.
 - c. Median Income – After adjustments for family size, the lesser of the state median income or the median income for the area in which Southington is located as determined by the United States Department of Housing and Urban Development (HUD).
 - d. Workforce Housing Development – A residential development that contains not less than ten percent (10%) of the dwelling units that will be conveyed subject to an Incentive Housing Restriction requiring that such dwelling units shall be sold at, or below, prices which will preserve the units as housing for which Eligible Households pay thirty percent (30%) or less of their annual income on housing costs, where such income is less than or equal to eighty percent (80%) of the median income in accordance with the Connecticut General Statutes, as amended.
 - e. Workforce Housing Unit - A dwelling unit that is within a Workforce Housing Development that is subject to an Incentive Housing Restriction.
3. Workforce Housing Units shall only be sold or rented to Eligible Households.
4. Each Workforce Housing Unit shall be subject to an Incentive Housing Restriction and such Incentive Housing Restrictions must, at a minimum, include the following:
 - a. A description of the Workforce Housing Development.
 - b. An identification of the Workforce Housing Units.
 - c. A requirement that only an Eligible Household may reside in a Workforce Housing Unit.
 - d. The formula pursuant to which the maximum sale price of a unit will be calculated.
5. The purchase of a Workforce Housing Unit for investment purposes by an entity or an individual not intending to occupy the dwelling is prohibited, except that a nonresident family member may purchase up to one unit for a family member who will reside in the dwelling unit and otherwise comply with the requirements of this section.

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6. No Workforce Housing Unit shall transfer unless the Zoning Enforcement Officer has made a determination of zoning compliance finding that the provisions of this section have been satisfied.
7. An affordability plan in accordance with any requirements of the Connecticut General Statutes or the Regulations of Connecticut State Agencies shall be submitted with the application. In addition to complying with state statute and state agency regulations, an affordability plan shall include the identity of the person, entity or agency responsible for administration of the affordability plan and its compliance with income and sale price limits, a fair housing marketing plan governing the sale of Workforce Housing Units, a description of the sequence in which Workforce Housing Units will be built and occupied and designation of Workforce Housing Units within the development.

4.E.5 ARCHZ Development Requirements

1. **Parcel Requirements -**
 - a. Minimum 5 acres of contiguous land. The project may consist of multiple legal parcels of record as long as the sufficient binding covenants are placed on the land records to ensure the continued single operation, management and ownership of the project in accordance with all approval requirements.
 - b. A minimum of 75 feet along and direct access to a public collector or arterial street.
 - c. Public sewer and public water service, or as otherwise provided for under the requirements of [Section 4.E.2.](#)¹

2. **Density, Height, And Yard Requirements -**

Maximum Units per Acre (For purposes of calculating net density, 50% of areas defined as inland wetlands, water bodies, watercourses, 100-year floodplain, and areas over thirty-percent slope shall not be included.	5
Minimum Side and Rear Yard of Entire Project	25 feet
Minimum Setback from Interior Drive	20 feet
Minimum Setback from Surface Parking Area	10 feet
Minimum Building Separation (measured at the exterior foundation)	25 feet
Maximum Impervious Coverage	50%
Maximum Building Height	32 feet

¹ Revised ZA #604, effective 7.2.20

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4.E.6 Design-Related Provisions -

1. **Overall** - The applicant shall provide sufficient detail to demonstrate to the Commission's satisfaction that all project architecture (the design of all buildings) and hardscape elements (including, for example, but not limited to, project signage, walkways, benches, fences, retaining and other walls, decorative elements and similar project features) will meet the highest standards in terms of materials, finishes, durability and overall quality. The intent of these requirements is not to limit creativity by defining detailed prescriptive standards but to assure that the development will sustain its value over time, incorporate consistent design themes, take advantage of unique site attributes, and respect site constraints, all in an effort to accomplish the overall goals and objectives of the ARCHZ.
2. **Building Footprints** - Building footprints shall be varied by avoiding long expanses of single-plane walls. Applicants are encouraged to use architectural features as integral design elements to satisfy the intent of this objective.
3. **Parking and Access Drives** -
 - a. Interior Street Layout - All interior streets shall be privately owned and maintained as a condition of ARCHZ approval. In exchange, maximum design flexibility will be allowed, subject only to reasonable engineering standards for horizontal and vertical geometry, stormwater treatment, public safety and other typical considerations. Interior private project drives are not required to comply with the applicable subdivision regulation standards for public streets.
 - b. Detailed plans shall be provided in plan view, cross section and profile for all interior streets and in plan view and cross-sectional views for all proposed surface parking areas. Depending upon the scale and complexity of the project, a hierarchy of interior street designs may be required; however, in general the concept for interior streets shall be to limit the extent of paved width, provide features that slow ("calm") traffic, provide a strong emphasis on pedestrian activity and amenities, use landscaped medians and curvilinear horizontal geometry and otherwise avoid conventional approaches that emphasize the efficient movement of large volumes of vehicles over all other design considerations.
 - c. Unless otherwise specifically approved by the Commission, the paved width of interior access drives shall not exceed 22 feet. In order to permit these widths, sufficient surface parking shall be provided off street for all uses, in separate parking areas, unit garages, or in some combination of both.

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4. **Green Space -**

- a. Green space shall be an integral and fundamental component of the project purpose and design. One of the main objectives of the ARCHZ is to achieve community characteristics goals by maintaining rural characteristics, preserving green space, and protecting natural resources. Therefore, the location, intent, design, quality, extent, and long-term treatment of green spaces within the project are essential considerations in evaluating the project's acceptability.
- b. A minimum of 20% of the project shall be dedicated to green space and protected as such in perpetuity through conservation easements.
- c. The intent and acceptability of the green space design will necessarily vary project to project, depending upon the unique constraints and opportunities presented by a given project location. However, in general, the final approved green space design will need to satisfy one or more of the following design criteria, in the Commission's sole judgment:
 - Protects unique natural features, habitat or natural resources;
 - Complements other adjacent or proximal natural areas;
 - Protects unique historic and/or archaeological features;
 - Provides natural screening/buffers from adjacent streets;
 - Protects important views and vistas to and/or from the property; or
 - Protects landscape elements important to community characteristics, such as stone walls, mature trees, rock outcrops, and other like features.
- d. Unless otherwise required, the areas between residential units shall be landscaped, graded and otherwise designed to provide privacy for homeowners without sacrificing the ability to maintain the units or provide security, safety or for other purposes. Where appropriate, walls, fences, hedges or other elements may be provided or required to assure that each living unit has some exterior limited common area for the exclusive use and benefit of the unit owners.

5. **Landscape and Buffers** – Notwithstanding the landscaping considerations contained in [Section 6.E](#),

- a. Overall - Project landscaping shall be an integral component of the overall design. The proposed landscape plan shall be designed by a licensed landscape architect or Engineer. Projects shall be extensively landscaped with a variety of native shade trees, evergreens, flowering trees, shrubs, perennials and lawn areas. Where appropriate, landscape plans shall include planted berms, stone retaining walls, or other elements intended to achieve certain functional or aesthetic objectives.
- b. Existing Landscape - Where the existing landscape provides opportunities to selectively preserve individual specimen trees or stands of trees, applicants are encouraged to do so. This concept not only includes land cover but topography as well. Where possible the project should be designed to take advantage of existing land topography or to mitigate for the lack of natural contours.

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- c. Project Entry - Each project shall include a well-designed entry feature, including, for example, but not limited to a project identification sign (monument sign) in compliance with Section 6.A - Signs, landscape materials and flowerbeds, decorative stone walls, low-intensity lighting, and other elements. The project entry shall be consistent with the overall project design theme. Project entry features shall be provided at all main access drives to public streets.
- d. Foundation Plantings - Foundations plantings consisting generally of decorative flowering shrubs, perennials, ornamental grasses and like materials, located within landscaped beds surfaced with natural wood chips, shredded bark or other approved natural material, shall be provided for all residential units and community buildings.
- e. Streetscape (Exterior) - The approved design of the project's exterior streetscape will vary according to the unique attributes of the project parcel, the setting, current and anticipated abutting uses, nature and extent of existing suitable plant material, site topography, and other factors. In general, the exterior streetscape treatment shall be an integral and important element of the overall project design. Design themes shall respect and, where appropriate, attempt to enhance the existing characteristics of the streetscape, ranging from the preservation or enhancement of existing wooded areas to selective removal of existing wooded overgrowth or invasive species areas, planting of new trees and shrubs within cleared areas, and adding public sidewalks, lighting, benches, decorative fences, stone walls or other amenities.
- f. Streetscape (Interior) - In order to promote a healthy and active living environment, enhance opportunities for social interaction and sustain project value, the interior streetscape shall be an important design element throughout the project. All interior streets shall be provided with native deciduous street trees, located no more than 50 feet on center and a minimum of eight feet high and 2 1/2 inches in caliper at planting. Where possible, existing trees shall also be retained and incorporated into the project design. Interior streets shall also be provided with a graded and grassed snow shelf along the edge of pavement or curb line a minimum of six feet wide.
- g. Abutting Properties - Depending upon the existing and/or anticipated abutting uses, the Commission may require planted buffers to abutting property, including, where appropriate, the retention of existing mature natural vegetation or any combination of retention and new planting. If appropriate, in the Commission's sole discretion, decorative fences, screen walls or other methods may be selectively allowed, if they help achieve ARCHZ objectives.
- h. Screening - Where appropriate, landscape shall also be used to screen refuse collection areas, utility cabinets, recreational trails and other miscellaneous items. Use of generic screening shall be avoided, and screening designs shall reflect the same quality and variety provided in other areas of the project.

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6. **Lighting** - Notwithstanding the lighting / illumination considerations contained in [Section 6.D](#):
 - a. Height - The maximum height of freestanding pole-mounted lights shall be 12 feet.
 - b. Low Intensity - Project lighting for streets, parking areas, community facilities and other uses shall be the minimum necessary to provide safe and sufficient all-season lighting and shall be fully shielded, Dark Sky Compliant, LED fixtures.
 - c. Decorative - In that all lighting will be private, applicants are encouraged to provide decorative lighting designs, as opposed to standard street and other lighting typically used in public street and commercial applications.
 - d. Building Mounted - Building-mounted lighting shall be limited to the minimum necessary and shall meet all applicable standards noted herein. No exposed floodlights shall be permitted. Decorative uplighting for aesthetic purposes may be permitted but should be limited to important focal points or features, such as project entry signage, project landscaping and similar accents.
 - e. Ownership/Maintenance - Unless otherwise approved by the Commission for good cause and in its sole discretion, all project lighting shall be owned and maintained by the common interest community.

7. **Community Facilities** -
 - a. Each project may provide some form of community facility for the purposes of community association meetings, recreation, or for similar purposes.
 - b. If to be provided:
 - All community facilities shall reflect the same level of quality and consistency in design as other approved project elements.
 - The community facility shall be designed and located as an amenity within the project
 - The community facility shall be constructed and issued a certificate of occupancy before issuance of a certificate of occupancy for the units equaling 1/2 of the total approved project units.

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8. **Stormwater** - Notwithstanding the stormwater management considerations contained in [Section 6.C](#):
 - a. Stormwater treatment and management shall reflect the current best management practices promulgated by the CT DEEP. Each project shall be required to meet the stormwater requirements in the Connecticut “MS4” General Permit as promulgated by the Connecticut Department of Energy and Environmental Protection. In general and where approved by the Town Engineer, the use of curbless roads, swales, infiltration, and other like methods shall be preferred. Stormwater detention ponds shall not be designed solely to collect and hold water but shall be an integral design component of the project, graded, landscaped and located so as to provide an amenity wherever possible, or to meet other objectives of the ARCHZ regulation.
 - b. Applicants shall provide sufficient details of all stormwater-related systems, plans, data and mapping with each application. Without limitation, the Commission, at the request of the Town Engineer, may require all details and information deemed necessary to determine the sufficiency of the proposed system.
 - c. All such systems shall be privately owned and maintained, and such requirement shall be included in the project declaration.

9. **Refuse** - Notwithstanding the refuse management considerations contained in [Section 6.I](#):
 - a. Refuse collection shall be under private contract between the association and a licensed hauler.
 - b. All refuse containers shall be completely screened and located so as to provide sufficient access, as well as not to have negative effects on project units or uses located on adjacent lands.
 - c. Refuse collection areas shall be located on the site plan, including any common areas for that purpose.

10. **Utilities** -
 - a. All utilities shall be located underground and sufficient easements or other rights shall be provided to applicable public utility companies as a condition of project approval.
 - b. Where deemed necessary by the Town Engineer, interior sewer lines may be required to be publicly owned and maintained along with all town acceptable easements.
 - c. Interior hydrants shall be provided in locations, amounts and design according to the Fire Marshal, including any conditions relating to the ownership and ongoing maintenance of said hydrants.

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4.E.7 Process

1. The Age-Restricted Cluster Housing Zone (ARCHZ) is a floating zone, eligible to be designated on the Zoning Map only over existing R40, R20-25 and R12 zones, after approval by the Commission of a conceptual site plan and a concurrent petition for a zone change to ARCHZ.
2. Potential applicants for ARCHZ project approval are strongly encouraged to meet with Town staff for guidance prior to making a formal application. A pre-application meeting with town staff shall precede a formal application to the Planning and Zoning Commission to coordinate the conceptual layout of any proposed development in conformance with these regulations.
3. An application for a Zone Change and Conceptual Site Plan approval shall include the following materials:
 - a. Existing conditions plan for the subject property showing any buildings, structures, above- or below-ground utility locations, easements, site topography at two-foot intervals, inland wetlands and watercourses, floodplains, and land cover.
 - b. Conceptual site plan drawn to a scale of no less than one inch equals 100 feet showing the following:
 - Proposed roads;
 - Building locations;
 - Parking locations;
 - Common areas;
 - Landscaped areas;
 - Community facilities;
 - Utilities;
 - Proposed Green Space;
 - c. In addition to the above, applicants shall provide general architectural renderings for all unit types. If approved, the conceptual plan, including approved architectural concepts, shall establish the general basis for evaluating the final site plan and Special Permit, in order to confirm that the proposed detailed site plans and Special Permit are consistent with the basis for the rezoning approval.
 - d. Any additional information that the Commission may deem pertinent in order to evaluate the rezoning request.

4. After approval of a conceptual site plan and zone change, a Special Permit and final site plan must be approved prior to development of the site.
5. A final site plan application to be filed simultaneously with an application for a Special Permit to construct active adult housing in the ARCHZ shall be required and shall include the following:
 - a. Draft homeowner's declaration and covenants limiting occupancy and addressing ownership, maintenance and other issues regarding project green spaces and common areas and other concerns affecting project compliance with ARCHZ requirements.
 - b. Inland wetlands approval (if applicable).
 - c. Evidence the applicants have all necessary rights and interests to accomplish the development as proposed (grading rights, easements, access rights, etc.).
 - d. Architectural plans drawn to scale and including floor plans for all proposed models depicting the uses of all interior spaces and exterior elevations for all sides of all unit types indicating proposed materials, colors, finish, lighting, signs, and other building features.
 - e. Phasing plans, including grading plans and erosion and sediment control plans.
 - f. Details for all hardscape features.
 - g. Traffic Statement of Trip Generation or a Traffic Study if Peak Volumes exceed 75 trips.
11. In issuing zoning permits for units, the Planning Department shall be permitted to approve minor deviations in building footprint locations in order to allow flexibility, address unique and unanticipated site conditions, and for like purposes. In general, units shall not deviate more than 20 feet from the location approved on the detailed site plan and shall comply with all applicable bulk requirements of the ARCHZ regulation.

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4.F Village Residential (VR) ¹

4.F.1 Intent and Purpose

The purpose of the Village Residential (VR) Zone is to:

- Permit the development of multi-family residential use to support the continued revitalization of downtown Southington.
- Increase the availability of housing opportunities and, in particular affordable dwellings , in Southington where existing and adequate public facilities and services are present, and the proposal is located within walking distance of the businesses and services of downtown Southington.
- Promote housing choice and economic diversity, including housing for moderate and low-income households, within the Town of Southington.
- Efficiently utilize existing infrastructure and promote neighborhood planning.

4.F.2 Zone Location

1. A change of the zoning map to the Village Residential Zone shall only be permitted within the R-12 Zoning District as designated on the zoning map in effect the date of effectiveness of this zoning text amendment (June 7, 2021).
2. In addition, the VR zone shall be located entirely within a one-half mile radius of the intersection of Main Street and Columbus Avenue.

4.F.3 Permitted Uses

1. Any building or use permitted in the R-12 Residential Zone, subject to the requirements of this Section 4.F.
2. Multi-family residential dwellings subject to the requirements of this Section 4.F.

4.F.4 Area and Bulk Requirements

All multi-family residential development shall conform to the following standards notwithstanding any other requirement of these Regulations.

Minimum Parcel Size:	1.5 acres
Minimum lot area for each unit:	2,000 SF
Minimum Building Rear Yard Setback:	10'
Minimum Building Side Yard Setback:	10'
Minimum separation between buildings:	20'
Maximum Building Height:	2 ½ stories or 35'
Maximum Building Coverage:	25%

¹ New, ZA #603, effective 6.7.21

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4.F.5 Affordable Housing Requirements

1. Any multi-family dwelling proposal submitted pursuant to this section must be a housing development in which not less than thirty percent (30%) of the dwelling units will be held or conveyed by deeds containing covenants or restrictions which shall require, for a period of at least forty (40) years, that such dwelling units be rented or sold at, or below, prices which will preserve the dwelling units as housing for families, as provided by CGS Section 8-30g, as amended.
2. Affordable housing units shall be:
 - a. Built on a pro rata or faster basis as construction proceeds.
 - b. Of a construction quality that is comparable to market-rate dwellings within the development.
 - c. Equitably dispersed throughout the development.
3. In conjunction with an application for approval of a site plan pursuant to the provisions of this section, the applicant shall submit an "Affordability Plan," as required by CGS Section 8-30g, which shall describe how the regulations regarding affordability will be administered. The Plan shall include provisions for administration of and compliance with this section; notice procedures to the general public of the availability of affordable units; identification of the method for confirmation of unit occupancy income; and compliance with the affordability requirements of CGS Section 8-30g, as amended.
4. A violation of the regulations contained in this section shall not result in a forfeiture or reversion of title, but the Southington Planning and Zoning Commission, or its designated agent, shall otherwise retain all enforcement powers granted by the Connecticut General Statutes, including CGS Section 8-12.

4.F.6 Other Site Requirements

1. All dwelling units shall be one-bedroom or two-bedroom units.
2. The lot shall be served by public sewerage and public water supply.
3. No residential or accessory building shall exceed 2.5 stories or 35 feet in height, whichever is greater.
4. Notwithstanding any other requirement in these Regulations, all areas not covered by buildings or paved areas shall be landscaped with suitable ground cover as well as shrubs and shade trees required to create a proper residential environment, consistent with CGS Section 8-30g. Street trees are not required.
5. Notwithstanding any other requirement of these Regulations, parking shall be designed to provide safe circulation, and satisfy the following minimum requirements:
 - a. Studio / One-Bedroom Units: 1.5 spaces per unit
 - b. Two-Bedroom Units: 2.0 spaces per unit
6. While a traffic study is not required, the Commission may request a traffic study as part of its review of an application.
7. Internal sidewalks shall not be required.
8. Notwithstanding any other requirement of these Regulations, exterior elevations and floor plans shall be provided.

4.F.7 Application Procedures

1. An application for rezoning to Village Residential (VR) shall be processed in accordance with [Section 8.F](#) of these Regulations.
2. An application for Site Plan approval shall be processed in accordance with [Section 8.C](#) of these Regulations.

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4.G West Street Business Zone (WSB) ¹

The purpose of the West Street Business Zone is to foster high-quality development of businesses and sites, with careful attention to appearance of buildings and their surroundings. Within the zone, it is important to promote and sustain the economic viability of the area by introducing a multi-family residential component. The establishment of a mixed-use land use pattern will accomplish the cohesive goals of the zone. Access Management will be an integral part of site planning, with access drives and limited curb cuts to facilitate traffic flow and safety.

4.G.1 General Concepts

1. Careful site planning is an essential element of the West Street Business Zone. It is the express intent of these regulations to garner projects that do not result in a commercial strip mall center. All developments should take into consideration the functionality and importance of pedestrian friendly amenities while concentrating on incorporating a New England Village aesthetic into a responsible, sustainable development.
2. Within this zone, smaller sites are encouraged to combine with conforming sites in order to provide larger cohesive developments. As an incentive to promote the combining of properties, a 10% impervious coverage bonus shall be granted for non-conforming lot consolidation.
3. Access Management will be required on all sites to reduce the number of driveway cuts onto West Street, thereby limiting traffic congestion that typically follows increases in commercial activity. Access management techniques will include shared driveways, interior service drives, and cross easements for adjacent parcels.
4. Historical and/or natural features exist in this zone. The Planning and Zoning Commission shall have at their discretion the right to require an applicant to protect and promote such features during the Site Plan review process.

4.G.2 Pre-Application Discussion

Applicants are encouraged to participate in a pre-application meeting with town staff to discuss the conceptual design and attributes of a proposed development. West Street is a State Highway. Applicants are also encouraged to engage the State Department of Transportation and/or the Office of the State Transportation Administration in the early stages of the development process.

¹ new, ZA #571, effective 8.3.13

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4.G.3 Permitted Uses

1. All uses permitted in the CB Zone inclusive of shopping centers adhering to these regulations and other uses which, in the opinion of the Commission, are of the same general characteristics as those listed as permitted uses and which will not, in the opinion of the Commission, be detrimental to the zone, but excluding hotels, clubs, lodges, and funeral parlors.
2. Multi-family residential uses shall be permitted subject to specific requirements of [Section 4.G.12](#).
3. Drive-thru operations are permitted for financial institutions.

4.G.4 Consolidated Parcels

1. **Purpose** - In the interest of promoting continuity, the consolidation or assemblage of contiguous parcels is encouraged. "Consolidation" is defined here as the integration of 2 or more individually owned parcels into a single Consolidated Parcel for the purpose of creating a shared-use arrangement of selected site components, e.g., common points of access/egress, drive passage, parking, loading/unloading, building coverage and yards.
2. **Procedure** - A consolidated parcel shall be developed with an integrated plan of buildings, parking, loading/unloading, and open space. The owner of each lot shall give to the owner of each lot in the consolidated parcel by deed, easement, or agreement filed in the Office of the Town Clerk, the right of entrance, exit, passage, parking, and loading/unloading.
3. **Access** -
 - a. The Commission may require or limit the number of access/egress drives and/or direct the placement of same within a Consolidated Parcel such that only 1 or more of several individually or commonly owned "sub-parcels" within the Consolidated Parcel would have a point of access/egress. Such restriction would be in accordance with Access Management requirements in [Section 6.F](#). Once a primary use is established under these new regulations, each additional parcel that is developed within 400 ft. shall utilize the prior approved parcel's access and close their curb cut at their expense if the site plan illustrates that an interconnection can be made between each new use. If no feasible access is available, the Commission shall determine the location of the curb-cut on West Street.
 - b. On the West side of West Street, internal access roads must split the business uses from the mixed business/residential uses. Such internal access roads shall parallel to West Street unless specifically approved by the Commission.
 - c. On the East side of West Street, lots fronting on West Street shall provide a 50' wide roadway easement 350' from West Street, the full width of the lot parallel to West Street. The easement shall provide interconnectivity between adjacent parcels. The purpose of this requirement is to provide for a planned access road with connectivity to West Queen Street or other planned access roads that are perpendicular to West Street.

4. **Impervious Coverage Bonus** - A 10% lot coverage bonus may be granted for the consolidation of 2 or more lots that are non-conforming to the minimum lot size requirement into one conforming lot. When a non-conforming lot is combined with a conforming lot, the same 10% bonus shall apply.

4.G.5 Yard and Bulk Requirements

1. Minimum lot size shall be 2.5 acres for commercial/mixed use projects. Any residential component within the WSB zone shall be located a minimum of 800' from West Street on the East side of West Street and 400' on the West side of West Street. Pre-existing lots that do not meet the minimum acreage under this regulation shall become legal non-conforming upon enactment of this regulation.
2. Parcels shall have 400' frontage on West Street or a minimum of 50' of frontage on an approved internal access road that provides access to two or more individual lots.
3. Minimum front yard setback is 75'.
4. Minimum lot depth is 400'.
5. Minimum side yard setback is 25'.
6. Minimum rear yard setback is 10'.
7. Side or rear yards may be ignored along common boundaries of consolidated lots.
8. Where the West Street Business Zone abuts a residential zone, the minimum setback from the property boundary shall be 50'. Within the setback, a 40' wide planted buffer shall be provided starting 5' from the abutting property line. Plantings shall be staggered to achieve maximum screening within 5 years and at maturity. Evergreen trees shall be a minimum of 5' in height at the time of planting, deciduous shade trees shall be a minimum of 2" caliper and 6' in height at time of planting, and flowering trees shall be a minimum of 6' in height and 2" caliper at time of planting. Evergreens and deciduous species shall be staggered such that clusters of deciduous plantings do not occur.
9. Commission may grant a waiver to the yard setback requirements for sculpture or other decorative items such as fountains.
10. Maximum lot coverage is 40%. The Commission may grant a 10% bonus for consolidated parcels in accordance with Section 4.G.4.4.
11. The maximum building height is 55 ft./ 4 stories for any building that is at least 125' from West Street, provided, however, that any portion of such building located within 125' of West Street or any building that is located in its entirety within 125' of West Street shall have a maximum height of 30 ft./ 2 stories.
12. Building size per use (gross floor area) shall be limited to a maximum of 40,000 SF.

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4.G.6 Site Appearance

1. Outdoor storage is prohibited except for the following purposes: Outside display of merchandise for sale on the interior part of a pedestrian environment such as in a village-style shopping center or courtyard area with kiosks or market carts, where outside merchandise display is an integral part of the theme and enhances the appearance of the site. This section is not intended to allow the display of merchandise typically sold inside retail stores; rather, it is intended to encourage true pedestrian-oriented areas in a village atmosphere.
2. Outside dining and display areas shall not occupy sidewalks intended for pedestrian use and access. Outside dining and display areas must be shown on the site plans.
3. Areas reserved for open space and set aside to meet lot coverage requirements shall be distributed throughout the site in such a manner that the land is usable for pedestrian circulation, outdoor entertainment and cultural events, or arts/crafts shows.
4. Loading docks should not be visible from public streets or from residential zones. All loading docks should be designed as an integral part of the building, shall be suitably screened, and shall not detract from the appearance of the building or site.
5. Rooftop mechanical equipment must be set back from the building edges and appropriately screened so that the equipment is not visible from a public street.
6. Dumpsters and satellite dishes shall be screened so as not to be visible from public streets or from residential zones. All dumpsters shall be placed on a concrete pad, appropriately screened, and maintained. The location and design of the screening/enclosure shall be shown on the Site Plan.

4.G.7 Site Appearance of Retail Establishments

1. The following design objectives are listed to provide insight into the Town’s intended development design outcome. Architectural drawings are required as part of Site Plan submission.
2. Facades and Exterior Walls: Facades greater than 100 ft., measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least 3% of the length of the façade and extending at least 20% the length of the façade. No uninterrupted length of a façade shall exceed 100 horizontal feet.
3. Ground-floor facades that face streets shall have arcades, display windows, entry areas, awnings, or other architectural features along no less than 60% of their horizontal length. Additionally, other pedestrian friendly features such as benches, niches, plantings, and pavers are encouraged to create visual interest.
4. Façade colors should be low reflectance earth tone colors. High intensity or fluorescent colors are not allowed.

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5. The predominant exterior building materials should be as follows:
 - a. Brick
 - b. Wood
 - c. Non-sedimentary Native Stone
 - d. Textured masonry
 - e. Glass
 - f. The use of smooth-faced concrete block and panels, pre-fabricated steel panels, and fiberglass or metal (excluding metal roofs) are prohibited.
6. The use of neon tubing or similar lighting for trim or accent areas is not allowed.
7. All building facades should contribute to the overall village theme of the site, similar to the front façade design which expresses the objectives of a New England Village aesthetic.
8. Elevation plans shall be submitted with the development application to assist the Commission in determining compliance with this section.

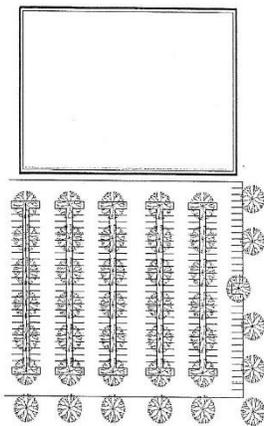
4.G.8 Access and Parking

1. **Access Management** - The implementation of Access Management should focus on the following:
 - a. Limiting the number of driveways
 - b. Choosing driveway locations that reduce conflicts
 - c. Design driveways to reduce conflicts
 - d. Encourage shared access between lots
 - e. Consolidate access for contiguous lots
 - f. Frontage roads
 - g. Provision of parking structures that incorporate commercial and/or residential uses on visible faces of the structure
2. **Parking Regulations/Requirements** - Parking within the WSB Zone shall adhere to [Section 6.B](#) of the Zoning Regulations with the following exceptions:
 - a. Retail stores and service establishments shall provide 1 parking space per 250 square feet of net floor area. In no case shall more than 110% of the minimum allowable parking be constructed unless constructed as permeable paving and specifically approved by the Commission.
 - b. For residential uses parking shall be provided at a minimum rate of 1.75 spaces per multi-family residential unit and may be designated in open lot parking or garages. Unenclosed parking of recreational vehicles is prohibited.
 - c. Parking spaces may be provided in a lot or within shared, or private garages.
 - d. Residential parking spaces must be segregated from commercial parking spaces.

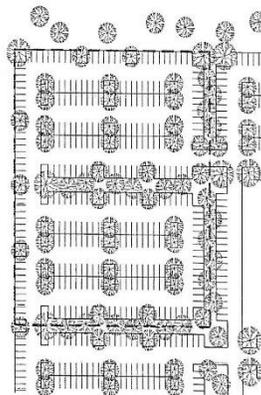
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4. **Location of Parking Fields** - No more than one-quarter (25%) of the parking should be located between new buildings and West Street. No required front yard setbacks shall be used for parking or circulation (except for entrance drives to the site). The view of parking areas from West Street shall be minimized through the use of perimeter landscaping and berms in addition to any other requirements for parking in this regulation. Paver cells with vegetated cores are encouraged within the front parking areas to soften the landscape; if at least 25% of the required parking on site is paver cell, a 15% reduction of the total parking may be granted.
5. **Landscape Requirements in Parking Areas** - Parking lots located between a building and West Street shall provide at least 15% landscaped area. The landscaping should include islands between parking bays, planted peninsulas at the ends of bays, and planted areas along the perimeter of parking areas (at least 8' in width). In addition, all front parking areas shall be landscaped around the perimeter a minimum of 25' in depth and shall utilize low berms along front yards to minimize the view of parked cars. Other landscaping elements such as decorative fencing, stone walls, attractive walkways and pedestrian spaces are highly encouraged. To the extent feasible, landscape features within parking areas shall be incorporated into a low impact development stormwater management plan. A Landscape Plan reflecting the above practices shall be submitted as part of the Site Plan.
6. **Parking Layout** - Parking areas may be divided into individual bays (a bay being an aisle with a row of parking spaces on each side of the aisle). Each bay must be separated from other bays by a landscaped island at least 8' in width the entire length of the bay. Terminal islands shall separate the bays from any driveways or access ways. See Diagram 1.
7. Parking areas may also be divided into individual areas connecting across bays. Such areas are to be divided by landscaped islands at least 16' wide at every row of parking spaces. Such landscaped islands should occur every 10 parking spaces. See Diagram 2.

Parking Area Sample Layout- Diagram 1



Parking Area Sample Layout- Diagram 2



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4.G.9 Pedestrian Circulation

1. Sidewalks are required along West Street frontage. All sidewalks shall be constructed to Town of Southington standards. Sidewalks shall connect from West Street to the parking fields, preferably parallel to the access drive. Safe and convenient pedestrian access shall be provided throughout the site, incorporating paths and painted crossings to maximize pedestrian safety within parking and pedestrian areas.
2. Pedestrian and bicycle accommodations are required to interconnect to existing or future walkways on abutting properties or development areas and to link to the street/drives walks with existing or future multi-modal trail system.

4.G.10 Signage- Street and Buildings

1. No flashing or scrolling illuminated signs; full cut-off lighting is required, no electronic signs indicating sales, events, or other information other than the company or business name. Otherwise, the standards set forth in [Section 6.A](#) shall apply.

4.G.11 Utilities

1. All utilities shall be underground.
2. Sidewalks shall be required to appropriately interconnect the proposed development with other uses on the site or adjacent sites and also deemed necessary by the Commission within the limits of the development.
3. Unless specifically noted by the applicant at the time of Site Plan application and specifically approved by the Commission, all roads and utilities within the development area shall be owned and maintained by the owner(s) of the development, an association or other entity formed to carry out maintenance, but not the Town of Southington.

4.G.12 Specific Requirements for Multi-Family Residential Uses

1. **Application Procedure** - Within the West Street Business Zone, development involving multi-family residential use shall require Site Plan and Special Permit Approval in accordance with [Section 8.C](#) and [Section 8.D](#) of these regulations.
2. **Site Design Requirements** - The site shall be designed to integrate multi-family residential use with other approved commercial uses to achieve a village-styled mixed use environment. Such integration within the development area should also include shared roadways/parking, utilities, appropriate open space area, landscaping/buffers, strong pedestrian interconnections within the commercial/residential development and to other adjacent non-residential uses and related improvements.
3. **Residential Standards** -
 - a. Multi-family residential uses shall be permitted. Buildings containing multi-family residential uses shall contain commercial uses on the ground floor and/or floors above the ground floor.
 - b. Multi-family residential uses shall be either studio/efficiency units, 1 bedroom units, or 2 bedroom units. Not more than 65% of the total number of residential units shown on a Site Plan or within a first phase of those plans shall be 2-bedroom units.
 - c. The floor area of the aggregate of all residential units in the proposed development area shall be limited to a maximum ratio of 2:1 to the commercial floor area shown on the submitted Site Plan. Facilities for the sole purpose of support of a multi-family residential use, such as clubhouse, meeting rooms, offices, garage space, etc., shall not be counted as either residential or non-residential floor area in determining compliance with the ratio.
 - d. The applicant shall submit a plan for ensuring conformity with Section 4.G.12.3.c above including the phasing and timing of the construction elements. Said plan and schedule must be approved by the PZC. The PZC shall require surety to establish regulatory compliance. As a condition of approval, the PZC may withhold building permits and/or certificates of occupancy to enforce approved timelines, percentages and other conditions of approval.
4. **Phasing** - The construction of a development plan may be approved by the Commission to be done in phases. Projects shown in an approved Site Plan which are to be constructed in phases shall require development of both residential and commercial buildings which maintain the minimum floor area ratio between both.
5. **Open Space** - Each residential unit shall require a minimum of 750 square feet of open space within the site. Such open space may be for recreational purposes or for preservation of natural features (wetlands, wooded areas, open lawns, etc.) or both. Regulated wetlands cannot exceed 10% of the required open space.
6. **Facades** - Back and side facades of residential buildings should contribute to the pleasing scale and features of the building and should be integrated with the front façade by featuring materials and characteristics exhibited thereon.

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4.H Mixed Use Transition Zone (MUT) ¹

The purposes of the MUT zone are to:

- Accommodate mixed-use buildings with non-residential uses on the ground floor and residential uses above;
- Encourage development that exhibits the physical design characteristics of pedestrian-oriented, storefront-style development with direct linkage to supporting residential use;
- Promote the health and well-being of residents by encouraging physical activity and greater social interaction targeted toward young professionals and active adults.

4.H.1 General Concepts

1. To allow for development flexibility, encourage creativity and to establish a wide variety of land uses including business, office/business, hotel/motel, conference center, restaurants and provide for accessory compatible housing diversity in a pedestrian friendly environment.
2. Site planning is an essential criterion of the zone. Sites are intended to be carefully planned, both within the site’s own boundaries and in relation to surrounding properties. It is the express intention of these regulations to result in developments that do not resemble typical Strip Commercial Centers. All developments shall be Pedestrian Scaled and Pedestrian Friendly/Pedestrian-Oriented.
3. All development shall exhibit a high standard of quality in construction detail materials and appearance consistent with accepted professional standards of design by certified design professionals/architects.
4. Access Management shall be employed and sites developed in a manner to avoid curb cuts onto West Street in order to mitigate the deterioration of traffic flow generally caused by increased traffic generation and curb cuts on arterial streets. Shared access between sites (or provisions for future shared access), interior private service drives, and similar accessibility concepts shall be required.
5. All development shall be sensitive to environmentally regulated areas within the zone and maximum effort shall be made to retain and integrate significant natural features into the development proposal wherever possible.

¹ ZA #587, new, effective 6.6.14

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4.H.2 Allowable Uses

The following uses will be subject to the approval of a Special Permit Use (SPU) as part of a Master Plan pursuant to [Section 8.D](#) and is intended to allow for flexibility in design for both the developer and the town. Once a SPU for a Master Plan has been approved by the commission, individual structures and uses shall be subject to a Site Plan Review (SPR) approval pursuant to [Section 8.C](#) provided they are substantially similar to the approved Master Plan. Future minor modifications of the site plan may be approved administratively as directed by the commission.

1. Residential and non-residential mixed use buildings.
2. Retail stores, retail service or personal service shops. No Drive-through operations.
3. Business offices, professional and medical offices, and financial institutions. No Drive-through operations.
4. Full service restaurants (entertainment and sale of alcoholic beverages in accordance with [Section 5.D.6](#). No Drive-through operations.
5. Hotels, banquet and catering facilities, and conference centers.
6. Residential-only buildings in support of non-residential buildings where the total footprint area of all residential-only buildings does not exceed a 2:1 ratio to total footprint area of non-residential, or mixed use buildings within the entire MUT zone; provided, however, in any MUT zone that is located at least partially within two thousand eight hundred (2,800) feet from the intersection of Interstate 84 West and West Street, residential-only buildings where the total footprint area of all residential-only buildings does not exceed a 5:1 ratio to total footprint area of non-residential or mixed use buildings within the entirety of such MUT zone.¹ Further, there shall be residential-only development to serve as a transition from all previously existing residential zones and uses abutting the MUT zone.
7. Age-restricted or age-targeted residential.
8. Other uses which, in the opinion of the Commission, are of the same general characteristics as those listed as permitted uses and which will not, in the opinion of the Commission, be detrimental to the zone.

4.H.3 Pre-Application Meeting

A pre-application meeting with town staff shall precede a formal application to the Planning and Zoning Commission to coordinate the conceptual layout of any proposed development in conformance with these regulations.

¹ Revised, ZA #614, effective 4.20.22

4.H.4 Area and Bulk Requirements

Minimum Lot Area	40,000
Minimum Frontage	(not specified)
Minimum Front Yard Setback	40 feet along existing public streets. Zero internal
Minimum Side and Rear Yard	10 feet along existing public streets. Zero internal
Minimum Building Separation	25 feet between residential- only structures
Maximum Impervious Coverage	(not specified)
Maximum Building Height (stories / feet)	
<ul style="list-style-type: none"> Residential-only structures in any MUT zone which is entirely located more than two thousand eight hundred (2,800) feet from the intersection of Interstate 84 West and West Street Otherwise 	<p>3 / 35</p> <p>4 / 55</p>

4.H.5 Consolidated Parcels

- For purposes of integrated development, any number of contiguous parcels in the MUT zone may be developed as part of unified plan of development (10 percent lot coverage bonus for greater than 4 existing lots) and all dedicated parcels shall be construed to be one lot when computing building coverage, yard requirements, and permitted uses, provided:
- The owner/developer of each lot/lease line shall give to the owner/developer of the consolidated parcel by deed, easement, or agreement filed in the Office of the Town Clerk, the right of entrance, exit, passage, parking and loading, utility and stormwater access, connections, and rights to drain.
- The consolidated parcel is developed with an integrated plan of buildings, parking, loading and unloading in accordance with these regulations as part of a conceptual master plan.

4.H.6 Site Plan Design

1. All site development shall be designed in accordance with the following standards or general guidelines as well as all other requirements of SPU and Site Plan application procedures that are not otherwise noted within this section.
2. All new development shall utilize standard access management strategies that minimize or eliminate curb cuts along State highways and provide shared access between properties.
3. Relationships to land use in abutting zones and adjacent developments within the zone (compatibility) are important considerations that will be critically reviewed by the Commission. Concerns in this regard will include buffers, in an attempt to mitigate abrupt transitions of use and/or scale and intensity, not less than 60 feet to any residential zone (vegetative and/or architectural).
4. Outside display of merchandise for sale on the interior part of a pedestrian environment such as in a village-style shopping center, or a courtyard area with kiosks or market carts, is only permissible where outside merchandise display is an integral part of the theme.
5. Seasonal outdoor dining shall be permitted as an accessory use to a restaurant but shall not interfere with safe pedestrian circulation and shall provide a minimum 4 foot unobstructed passage.
6. The use of features such as benches, niches, plantings, and pavers, shall be used along interior pedestrian ways.
7. Loading docks, truck parking, utility meters, HVAC equipment, trash collection, trash compaction and other service functions, shall be incorporated into the overall design of the building and landscaping and shall be effectively screened.
8. Utilities servicing the site shall be provided for underground.
9. Sidewalks may not be required along the West Street frontage when a coordinated development plan proposes incorporating at least four existing lots and where a master plan of development has proposed an integrated sidewalk system. Otherwise, sidewalks are required along all street frontages. Safe and Convenient pedestrian access shall be provided throughout the site, incorporating paths and painted crossings to maximize pedestrian safety within parking and pedestrian areas. Pedestrian and bicycle accommodations are required to interconnect to existing or future walkways on abutting properties or development areas.
10. Unless specifically noted by the applicant at the time of Site Plan application and specifically approved by the Commission, all roads and utilities within the development area shall be owned and maintained by the owner(s) of the development, an association or other entity formed to carry out maintenance, but not the Town of Southington.

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4.H.7 Residential Site Design Requirements

1. Maximum residential yield within the zone shall be five (5) dwelling units per acre/parcel. Yield may be concentrated to achieve a cohesive mixed-use development; provided, however, in any MUT zone that is located at least partially within two thousand eight hundred (2,800) feet from the intersection of Interstate 84 West and West Street, the maximum residential yield within such MUT zone shall be six and one-half (6.5) dwelling units per acre/parcel. ¹
2. All residential development shall be accessible either via internal private roadways or local roadways with no direct access from state highways. Flexibility is required regarding temporary roadway length. All residential internal roadway systems shall be planned to extend into adjacent MUT zoned sites, and easements for access and all utilities and maintenance shall be provided to all other MUT parcels.
3. Multi-family residential uses shall be permitted and may consist of studio, one and two bedrooms per unit.
4. Commercial buildings may contain residential units above the ground level floor.
5. The following affordable housing requirements shall apply to any MUT zone that is located at least partially within two thousand eight hundred (2,800) feet from the intersection of Interstate 84 West and West Street: ten percent (10%) of the total number of dwelling units constructed on a parcel or consolidated parcel shall be subject to binding recorded deeds containing covenants or restrictions which require, for at least forty years after the initial occupancy of the development, that such dwelling units be sold or rented at, or below, prices which will preserve the units as housing for which persons and families pay thirty per cent or less of their annual income, where such income is less than or equal to eighty per cent of the median income. ²
6. As used in this section 4.H.7, “median income” means, after adjustments for family size, the lesser of the state median income or the area median income for the area in which Southington is located, as determined by the United States Department of Housing and Urban Development.
7. The cost associated with constructing any required water or sewer line to a parcel or consolidated parcel shall be the responsibility of the owner of the parcel or consolidated parcel. ³

¹ Revised, ZA #614, effective 4.20.22
² New, ZA #614, effective 4.20.22
³ New, ZA #614, effective 4.20.22

4.H.8 Architectural

1. Desirable architectural features, visual examples and associated design standards may be found in the Southington Planning Department, in addition to the following general guidelines:
2. Predominant exterior building materials shall be high quality materials. These include, but are not limited to:
 - a. Brick;
 - b. Wood;
 - c. Fieldstone;
 - d. Other native stone;
 - e. Glass
 - f. Window Lattice
 - g. Vinyl, or other man-made product approved by the commission not otherwise prohibited herein, may be used for residential structures. If used, vinyl may not comprise more than 25% of the surface area on all sides of a residential structure.
3. Predominant exterior building materials shall not include the following:
 - a. Smooth-faced concrete block;
 - b. Tilt-up concrete panels;
 - c. Pre-fabricated steel panels; or,
 - d. Fiberglass or metal.
4. All back and side facades of a building should contribute to the pedestrian scale of the building and encourage site integration by featuring characteristics similar to the front façade; such architectural elements may include windows, articulation, and other features.
5. Facades greater than 100 feet in length shall incorporate articulations like wall plane projections or recesses.
6. Ground-floor facades that face public streets and interior walkways shall have colonnades, display windows, entry areas, awnings, or other architectural features.
7. Façade colors shall be low reflectance, subtle, neutral, or earth tone colors. The use of high intensity colors or fluorescent colors is prohibited.
8. Variations in roof lines, such as cupolas and peaked roofs, should be used to add visual interest to buildings.
9. Rooftop equipment such as HVAC units shall be screened from public view with parapets featuring three dimensional cornice treatments. Flat roofs shall be fully screened by parapet walls.
10. Color elevation plans shall be submitted with the development application to assist the Commission in determining compliance with this section.

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4.H.9 Landscaping

In addition to any landscaping requirements elsewhere in the zoning regulations, the following shall be provided:

1. There shall be a Planting Plan addressing all aspects of the development of the parcel(s). Where appropriate, the use of indigenous plant material is encouraged (no invasive species). Shade trees shall be specified at a minimum size of 2.5 inch caliper at the base, flowering trees at a minimum size of 2 inch caliper at the base, coniferous trees at a minimum size of 6 to 8 feet in height.
2. There shall be a buffer of 60 feet, consistent with Section 4.06.5.C, to existing residential zones abutting the MUT zone with additional plantings as necessary to create a land use transition. It is not the intention of the commission to hide the development located in the MUT zone but have the overall design, including planting, create an attractive land use integration with existing land uses.
3. Street trees may be required, as part of the planting plan, along public roadway frontage at no less than 50 feet between specimens, depending on specific improvement layout, to establish a canopy where one does not already exist and shall not obstruct any public safety sight lines.

4.H.10 Lighting

4. All lighting shall be full cut-off style, dark sky compliant LED fixtures. There shall be no light spilling off-site in excess of 0.1 foot candles (fc) abutting commercial or industrial zones or uses nor 0.05 fc abutting residential zones or uses exclusive of site development within this zone, as provided for in a photometric plan as part of a site plan application.

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4.H.11 Parking/Loading

1. It is the intent to create off-street parking that is creative and to achieve attractive, innovative parking layouts that will accent and highlight buildings and features of the Zone.
2. The provisions of [Section 6.B](#), as they apply to minimum number of parking spaces, do not apply to developments located within this zone. The applicant must demonstrate that parking is adequate to the proposed use(s). Shared parking between sites by way of cross-easements is encouraged as is alternative parking surfaces in areas subject to increased demand during seasonal increases in commercial activity.
3. The use of pavers or stamped concrete paving in intersections, interior drives or access drives is highly encouraged, particularly where pedestrian attention is more focused.
4. The view of large parking areas from public streets shall be minimized through the use of perimeter landscaping and berms.
5. Off-street parking shall be distributed around buildings in order to ensure pedestrian oriented/pedestrian friendly sites where pedestrians and the building architecture, rather than the automobile and the parking lot are the primary focus.
6. Recognizing direct commercial access to West Street is discouraged and primary access to the MUT parcel(s) is encouraged from existing local streets, flexibility in parking design is important to the developer(s), the site and the town. Understanding successful commercial uses require visibility, creative and shared design is encouraged to maximize commercial success, site sensitivity and integration of mixed uses on the property. The utilization of alternative surfaces where there is a need for overflow parking shall be considered.

4.H.12 Signage

1. All attached, detached and directional signage shall be in accordance with [Section 6.A](#).

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Farming And Animals



Residential-Related Uses



Business-Related Uses



Industrial-Related Uses



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5.A Farming And Animals

Zone(s) That Link To Here	
Residential	Industrial

5.A.1 Farming

1. **Farming** - Farming where permitted by these Regulations includes agriculture, orchards, forestry, truck and nursery gardening, dairy farming, and livestock and poultry raising:
 - a. On a parcel of at least three (3) acres of land.
 - b. Together with accessory uses as provided in [Section 1.C.5](#), and
 - c. Excluding the commercial raising of pigs and fur bearing animals.

2. **Temporary Farm Stand** – A temporary farm stand, booth or shed for the retail sale of farm produce, milk, honey, cider, or other foods or non-alcoholic beverages which are produced on the premises may be authorized by the Zoning Enforcement Officer (ZEO) provided that such temporary farm stand:
 - a. Shall not exceed 150 square feet in floor area.
 - b. Shall be located on a parcel containing a minimum frontage of 200 feet.
 - c. Unless an alternate location is approved by the ZEO, shall be located:
 - At least 50 feet from neighboring properties,.
 - At least 20 feet from all public rights-of-way.
 - d. Shall be safely designed to provide a minimum of two or more temporary parking spaces for customer use.

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5.A.2 Animals

1. Keeping Of Chickens -

- a. The keeping of chickens on a farm is not restricted provided generally accepted agricultural practices are used.
- b. The keeping of a family flock of chickens (limit 12), subject to approval of a Special Exception by the Zoning Board of Appeals and the following conditions :
 - No roosters shall be kept.
 - The chickens shall be confined to an enclosure having a total area of not more than 400 square feet.
 - Any structure or enclosure used for the keeping of chickens:
 - Shall be located at least 30 feet from any lot line,
 - Shall be located at least 100 feet from any street line,

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2. Keeping Of Horses –

- a. Up to two horses or ponies may be kept where permitted by these Regulations provided such horses / ponies shall be:
 - On lots having an area of 3 acres or more.
 - For the exclusive use of the occupant of the principal building.
- b. No buildings erected for the purpose of housing horses or livestock shall be located less than 100 feet from any street or lot line.

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5.A.3 Animal Boarding / Care Facilities

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1. An animal boarding / care facility including, for example, but not necessarily limited to a veterinary clinic/facility, grooming facility, training facility, and/or day care facility shall only be located and/or operated within a building (or part thereof) which is:
 - a. Is fully enclosed with walls, roof, and windows.
 - b. Approved for such use by the Health Department.
2. Any outdoor run, pen, enclosure, or comfort space associated with an animal boarding / care facility which is designed, intended, or used for occupancy by animals at any time shall:
 - a. Be surrounded by solid walls, solid fences, or earthen berms at least six feet (6') in height which comply with yard setbacks for the zoning district and be located at least 500 feet away from a residential zone or use.
 - b. Not be located in a front yard (between the principal building and the street).
3. Any animals boarded overnight must be housed in individual crates or enclosures inside the animal boarding facility.
4. A plan addressing cleanup and disposal of animal waste shall be submitted for review and approval as part of any application.
5. The Commission may, as part of any approval, specify a maximum number of animals to be allowed at any one time.
6. No such facility shall be used for the breeding or sale of dogs or other animals.
7. A veterinary clinic/facility, animal boarding facility, grooming facility, and/or day care facility is not allowed as a home-based business or otherwise in a Residential District.

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5.B Residential-Principal Uses

Zone(s) That Link To Here	
R-20/25	CB
R-12	B

5.B.1 Housing For The Elderly

1. Housing for the elderly where so indicated in these Regulations, when sponsored by Southington’s Housing Authority and financed by local, state or federal funds subject to the following conditions and safeguards:
 - a. The minimum land area per dwelling unit shall be 5,000 square feet.
 - b. The lot shall be served by public sewerage and public water supply.
 - c. Any property line abutting a residential use or zone shall, unless modified by the Commission due to unique site characteristics, provide and maintain a landscape screen at least 20 feet wide, planted to a mixture of evergreen and deciduous trees and shrubs.

5.B.2 Multiple Unit Development

Zone(s) That Link To Here	
R-12	CB
R-O	BOZ
R-HD	

Multi-family dwellings where so indicated in these Regulations including, for example, but not limited to, attached and detached single family dwellings subject to the following provisions:

1. Each lot shall have a minimum of 80,000 square feet, exclusive of site access, and a minimum width of 200 feet. Contiguous parcels of land appropriately zoned, may be added to an approved multi-family development by Special Permit, providing any additional land be incorporated with the original development and managed as a single entity.
2. The minimum land area shall be:
 - a. 10,000 square feet per dwelling unit, or
 - b. 8,000 square feet per dwelling unit in the case of elderly housing.
3. The development shall be served by public sewerage and public water supply.
4. No residential building or accessory building shall exceed three stories or 35 feet in height.
5. The minimum distance between buildings shall be:
 - a. 25 feet for two-family and detached single family buildings, and
 - b. 45 feet for multi-family buildings.
6. Provisions for pedestrian circulation must be provided throughout all developments on at least one side of roadways or internal drives. The Commission may require walks on both sides of a roadway or internal drive if it is desirable for pedestrian traffic.

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7. Each property line shall be paralleled by a landscaped screen at least 35 feet wide, planted to a mixture of evergreen and deciduous trees and shrubs, which shall be maintained in proper order.
8. Plans shall provide for at least four hundred (400) square feet of active/passive recreation space for each dwelling unit and such area shall, unless the development is restricted to elderly occupancy, include a play space, enclosed by a fence or other physical barrier, for children who may occupy such dwellings. The Commission, in its sole discretion, may modify recreational requirements for elderly housing as set forth hereinabove if it finds that the applicant has proposed a community center or meeting room for the use of the residents which would offset some of the need for outside recreation space.
9. The issuance of Certificates of Occupancy shall be limited to 75% of the dwelling units contained in the project until:
 - a. A pro rata share of any affordable units have received Certificates of Occupancy.
 - b. All common and/or public improvements, paving, recreational facilities, landscaping or erosion and sedimentation control measures have been completed (or a financial guaranty has been provided), and .
 - c. As built plans of utilities and public improvements within the development, certified by a registered professional engineer, have been received and accepted by the Town Engineer or their designee.

5.B.3 Multi-Family Housing In R-HD

1. In the R-HD zone, multi-family dwellings subject to the following:
 - a. Each lot shall have a minimum area of 60,000 square feet, exclusive of site access.
 - b. The minimum land area per dwelling unit shall be 3,000 square feet.
 - c. The lot shall be served by public sewerage and public water supply .
 - d. The minimum distance between buildings shall be 25 feet.
 - e. A landscaped buffer of 20 feet shall be provided as practicable around the perimeter of the site. The Commission may, due to unique site characteristics, modify this requirement with a 2/3 vote as part of the Special Permit approval.

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R-HD	

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5.B.4 Residential - Planned Unit Development

Zone(s) That Link To Here	
R-12	CB B BOZ

1. **Parcel Size** – At least seventy-five (75) acres of contiguous land shall be required for a Planned Unit Development.
2. **Density** - The minimum land area per dwelling unit shall be 10,000 square feet, or in the case of elderly housing, 8,000 square feet.
3. **Utilities** - The development shall be served by public sewerage and public water supply.
4. **Building-Related Provisions** –
 - a. No residential or accessory building shall exceed three stories or 35 feet in height except that the Commission may allow up to one-third of the proposed units to be contained in buildings of a greater height when in its opinion there will be no harmful effect on the characteristics of the area, and only when fire fighting feasibility is satisfactory and approval for the same has been given in a written report by the Fire Chief.
 - b. The minimum distance between buildings shall be:
 - 45 feet for multi-family buildings.
 - 25 feet for two-family and detached single family dwellings in a condominium project.
 - c. No building shall contain more than 12 dwelling units, except that this provision shall not apply in the case of elderly housing which shall be subject to a maximum of 40 dwelling units per building.
 - d. Buildings shall cover no more than twenty (20%) percent of the area proposed to be developed.
5. **Open Space / Recreation Space** –
 - a. Open space shall be provided within the Planned Unit Development.
 - b. In addition, plans shall provide for at least four hundred (400) square feet of active/passive recreation space for each dwelling unit and such area shall, unless the development is restricted to elderly occupancy, include play space(s), enclosed by a fence or other physical barrier, for children who may occupy such dwellings. The Commission, in its sole discretion, may modify recreational requirements for elderly housing as set forth hereinabove if it finds that the applicant has proposed a community center or meeting room for the use of the residents which would offset some of the need for outside recreation space.
 - c. Provisions shall be made for the maintenance and upkeep of open space, including recreational facilities provided therein, by an organization set up by the developer with the power of obtaining assessments through enforceable covenants against privately owned land within the development.
6. **Buffering** – The buffering side yard, front yard and rear yard distances for the whole Planned Unit Development shall not be less than that required by these Regulations;

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7. Mixed Land Uses -

- a. Varied residential and/or commercial land uses may be permitted provided the Commission finds that such uses are compatible with each other, the Town Plan of Conservation And Development, and existing uses surrounding the Planned Unit Development.
- b. Any non-residential land uses shall:
 - Be located at least two hundred (200) feet away from the boundary of the proposed development .
 - Be sized to service only the needs of the residents of the proposed Planned Unit Development.
 - Be appropriately buffered and visually screened to adjacent and nearby residential uses within and outside the proposed development.

8. Phased Development – Site Development Plans may be for a stage, or stages, of not less than thirty (30) units provided that:

- a. Such stage(s) shall include, to the same proportions as included in the overall Site Development Plans, all the public amenities and elements used as a protection of the surrounding area.
- b. Such a stage shall be capable of complete and self-sufficient existence without the completion of later stages.
- c. No commercial facilities approved as part of the Planned Unit Development shall be constructed until fifty (50%) percent of the units in the overall Planned Unit Development have received certificates of occupancy.

9. Pre-Application Review Recommended – Due to the potential expense of preparing detailed plans, it is recommended that a potential applicant prepare conceptual plans at 1"=100' for a Planned Unit Development for review with Planning and Engineering staff in order to informally discuss its merit prior to submission of any formal application. The applicant may request an informal meeting with the Planning and Zoning Commission as well.

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5.B.5 Open Space Preservation Subdivision

Zone(s) That Link To Here	
R-80	
R-40	
R-20/25	

1. **General** - In accordance with the procedures, standards and conditions hereinafter specified, the Commission may grant a Special Permit, subject to the provisions of Section 8 herein, to permit the establishment of Open Space Preservation Subdivisions in R-20/25, R-40, and R-80 Residential Zones involving reduction of lot area and certain lot shape, frontage, and setback requirements in order to substantially accomplish the purposes specified in Section 5.B.5.2 herein. All requirements in this Section are in addition to all other requirements applicable in the underlying zone except that the standards set forth herein shall take precedence over any conflicting requirements of other sections of the Zoning Regulations and the Subdivision Regulations.

2. **Purpose** - The intent of this section is to provide alternatives to residential development permitted under other sections of these Regulations if the Commission finds that the application and the accompanying maps and plans conform to the requirements of these Regulations and that it will substantially accomplish the following purposes:
 - a. To conserve and preserve land to assure that its development will best maintain or enhance the appearance, character, natural beauty and historic interest of an area;
 - b. To preserve land for park and recreation purposes, for neighborhood amenities, and for the potential for the siting of community renewable energy systems;
 - c. To conserve forest, wildlife, agricultural, water supplies, and irreplaceable natural features located in the tract such as, but not limited to watercourses, significant stands of trees, individual trees of significant size, and rock outcroppings;
 - d. To encourage controlled flexibility of design and development in such a way as to promote the most appropriate use of land, considering its particular size and topography, to protect natural drainage systems, scenic vistas, streams, rivers, ponds, wetlands, floodplains, and to properly manage for stormwater runoff and erosion and sedimentation control;
 - e. To provide for the efficient use of land by providing more flexible road and lot layout resulting in smaller networks of utilities and streets and thereby lowering housing, public maintenance, and energy costs;
 - f. To provide design and development of a large tract or tracts of land in a manner which have street patterns, building orientations, landscaping, and south-facing slopes that maximize solar access for optimum solar energy collection and space heating needs.

3. Procedure -

- a. It is recommended that the applicant submit a preliminary conventional (standard) and open space preservation subdivision at not greater than 1"=100' to the Planning and Engineering staff and informally discuss its merit prior to submission of any formal application. The applicant may request an informal meeting with the Planning and Zoning Commission as well.
- b. Application for a Special Permit for an Open Space Preservation Subdivision shall be submitted in writing, on a form provided by the Commission, and shall also be accompanied by the following:
 - A written statement describing the purposes to be accomplished and providing evidence to establish that an Open Space Preservation Subdivision will better serve the purpose set forth in Section 5.B.5.2 than a conventional subdivision.
 - Eight copies of an open space preservation subdivision plan (at 1"=40') and conventional subdivision plan (at 1"=100') meeting the requirements of Section Five of the Subdivision Regulations, which shall provide sufficient detail to measure for fulfillment of requirements and which will clearly present to the Commission the differences in the two proposals. The Commission shall use said conventional plan as a general guide only for determining the purposes to be met per Section 5.B.5.2. The conventional subdivision plan shall not be used to determine the maximum number of lots.
 - Such other information and data deemed appropriate by the Commission to make a reasonable decision on the application.
- c. The Commission shall hold a public hearing within sixty-five days after submission of an application as required by Section 5.B.5.3. preceded by the same notice required for hearings on change of zone applications. The Commission shall render a decision within sixty-five days after the conclusion of the public hearing and may approve the application if the Commission makes findings pursuant to Section 5.B.5.2 and the plan conforms to the Design Standards and Conditions of Section 5.B.5.4 herein. Notice of its decision shall be in compliance with the appropriate State Statute, as amended.
- d. The Commission, by resolution, shall have final determination as to the maximum number of lots that can be reasonably permitted based upon the regulations herein, the subdivision regulations, and any special reports or findings submitted at the Commission's request.
- e. Review Standards - The Commission shall review the application for conformity of the proposed development with the applicable standards of this section. Before approving any application, the Commission shall find that the proposal accomplishes two or more of the purposes set forth in Section 5.B.5.2 herein, the proposal incorporates more appropriate land use planning techniques than a conventional subdivision, and that the development will not adversely affect existing or potential development of neighboring properties.
- f. Recording of Open Space Preservation Subdivision Special Permit - The Special Permit shall become effective upon filing a copy thereof in the Office of the Town Clerk and in the land records of the Town of Southington in accordance with the provisions of CGS Section 8-3d, as amended. Recording of the Special Permit shall be the responsibility of the applicant.

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- 4. Standards and Conditions** - All Open Space Preservation Subdivisions shall conform to the following minimum standards and conditions, unless otherwise noted:
- a. General -
 - 1) The street layout shall be designed as a loop road, where practicable. Permanent cul-de-sacs shall not service greater than 25% of all lots, unless waived by the Commission for good cause.
 - 2) Individual lots, buildings and streets shall be designed and located to minimize the alteration of those natural site features to be preserved.
 - 3) The suitability of open space preservation subdivision open space intended for scenic value shall be determined by its visibility from a significant number of dwellings and/or length of street.
 - 4) Diversity and originality in lot layout and individual building design shall be encouraged to achieve the best possible relationship between development and the land.
 - 5) Parcels under one ownership but separated by an existing public street may be considered as one area to satisfy the requirements herein.
 - 6) For any tract or tracts of land under more than one zone, the maximum number of lots allowed shall be determined separately for each zone based upon the formula herein. The lot area and design standards applicable herein shall apply to the respective underlying zone.
 - b. Area of Subdivision -- While there is no minimum lot size for an Open Space Preservation Subdivision the land must be in a single tract or a number of contiguous tracts under one ownership, or consolidated into a single tract by a number of different owners by means of a binding agreement which will assure the uniform treatment of an overall open space preservation subdivision development for the entire tract from the time of application and continuing thereafter, except that the acreage may be less than specified for each respective zone if one or more of the following criteria are met.
 - 1) In the opinion of the Commission, the purposes set forth in Section 5.B.5.2 can better be served than by a conventional subdivision; or
 - 2) The application covers land adjoining and which can be integrated with another Open Space Preservation Subdivision that has been approved under this Section; or
 - 3) The open space proposed is contiguous to existing open space land outside the area covered by the application and is suitable for the open space purposes specified in Section Six of the Subdivision Regulations.

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- c. Maximum Number of Lots - The maximum number of building lots to be approved shall be computed by reducing the total (gross) acreage by 10% for street right-of-way purposes and then further subtracting the minimum number of acres required for open space purposes per Section Six of the Subdivision Regulations, and by dividing the remaining area by the minimum lot size requirement, per Section 1.D of the Zoning Regulations, of the underlying zone. For computation purposes, gross acreage shall not include any ponds or other substantial bodies of water.

In addition any acreage falling in the following “sensitive areas” may be used for computation purposes as follows:

1. Slopes in excess of 25%	75% usage
2. Inland wetland soils as determined by the Inland Wetland Agency:	75% usage
3. Floodplain area as defined per Section 4.C of the Zoning Regulations :	25% usage
4. Land encumbered with easements or other restrictions	50% usage

For any area containing more than one of the above, the more restrictive requirements shall prevail.

- d. Lot Area, Shape and Design Standards - The Commission may, in an Open Space Preservation Subdivision, permit modification in the zoning standards according to the following schedule of any one or more of the following minimum standards which could otherwise apply in order to serve the purposes set forth herein:
 - 1) Minimum area of lot (SF)

R-80	R-40	R-20/25
43,560 SF	22,500 SF	14,000SF

- a) Any lot created shall be unencumbered (free and clear) in area by any existing or proposed easement or other restriction a minimum of 75% of the total area of the lot.
 - b) To insure protection of existing residences, the Commission may require that proposed lots abutting lots with existing single family dwellings conform to the area requirements of the adjacent zone.
- 2) Setback Requirements - It is the intent of this section to encourage the developer to vary the appearance and setbacks of the dwellings to provide the greatest utilization of the lot and at the same time impart individuality. Front and rear yard setbacks of the underlying zone shall be maintained whereas the minimum side yard setback shall be not less than that required for the next lower zone.
- 3) Lot Coverage - The aggregate coverage on any lot by buildings and other structure shall not exceed 20%.

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- 4) Frontage - Each lot shall have a minimum lot width, measured at the front building setback line, as follows:

R-80	R-40	R-20/25
120'	110'	85'

In addition the Commission may allow not greater than 25% of the lots to have a minimum width at the front building setback line as follows, provided that one or more of the purposes specified in Section 5.B.5.2 are met:

R-80	R-40	R-20/25
110'	100'	80'

- 5) Interior (rear) lots - Each interior rear lot created shall have a minimum area, as specified in Section 5.J.4, of two (2) times the requirement stipulated in Section 5.B.5.4.d.1 . In approving interior lots, the Commission shall be guided by the following criteria:
- a. Adequate access to said lots for fire protection shall be provided;
 - b. Excessively long driveways shall be avoided;
 - c. A sufficient topographic or vegetational buffer shall be maintained or provided to insure privacy between lots; and
 - d. The interior lot maximizes the use of solar access.
- e. Energy Design Standards - Insofar as practicable, the following design standards shall be required to incorporate maximum use of solar energy for space heating needs and solar energy collection:
- 1) When few natural constraints exist which limit street layout and location, such as but not limited to steep slopes and unsuitable soils, streets shall have an east-west orientation to the greatest extent possible with acceptable variations of 20 degrees to the southwest in order to provide for orientation of lots and buildings to the south, and thereby to encourage the use of passive solar energy concepts in dwelling design.
 - 2) The side lot lines of all lots shall be at right angles or radial to the street on which the lot has frontage, unless the purpose of the lot line orientation other than those mentioned is to secure greater solar access or protection or control thereof.
 - 3) Dwellings in the project shall be oriented with their long axis running from east to west with a maximum possible deviation of 20 degrees north of due east to 20 degrees south of due east. Development on these lots shall be as shown on the grading plan and so noted on the approved plot plan.

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- 4) Solar access must be unobstructed throughout the entire heating season for each dwelling unit utilizing solar energy for space heating. For the purposes of this regulation, unobstructed solar access shall mean that the south wall of the dwelling shall be free of significant shadows during the hours of 9:00 a.m. to 3:00 p.m. solar time on December 21. Any lot planned for passive solar space heating as the primary means of heating indoor habitable space or which is planned to utilize a solar energy collector shall contain in its deed a solar skyspace easement, subject to review and approval by the Commission, prior to subdivision approval.

“Free of significant Shadows” shall mean that the south wall and/or the solar energy collector shall not be shaded for greater than 25% of the time between the hours of 9:00 a.m. and 3:00 p.m. on December 21.

As used herein, “skyspace” is defined in area as follows: the eastern and western boundaries shall be 45 degrees east and west of due south of the solar collector; the upper and lower boundaries shall be determined by the altitude (distance above the horizon) of the sun on December 21 and June 21.

f. Utility Requirements -

Zone	Minimum Requirement
R-80	On-site well and septic systems for each lot as approved by the Health Department.
R-40	<p>Either public water and/or public sewers shall be provided. Both may be required upon recommendation of the Health Department and/or the Town Engineer.</p> <p>For on-site wells, evidence deemed satisfactory to the Commission shall, prior to subdivision approval, be submitted by a licensed well driller or other qualified person to insure proper well yield and potability.</p>
R-20/25	Public water and sewer shall be required.

All other utilities shall be underground unless waived by the Commission.

- g. Landscaping - The Commission, at its discretion, may require a landscaped or natural buffer around the perimeter of the site and/or a landscaped screen between individual lots to insure privacy between contiguous parcels and within the development. Said buffer and/or screening shall be shown and noted on the grading plan.

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h. Open Space -

- 1) The land area not allocated to building lots and streets shall be permanently reserved and maintained as open space for purposes approved by the Commission, shall be shown on the subdivision map and shall be labeled in a manner approved by the Commission on the final plan.
- 2) The Open Space Preservation Subdivision development shall result in reservation of undeveloped land with suitable access, shape, dimension, character, location and topography to accomplish the purposes specified. The Commission shall have the right to determine the location, dimensions, and numbers of rights-of-way to said open spaces for pedestrian and/or vehicular access. Open space land shall be in one contiguous piece except where the Commission finds that the purposes of Section 5.B.5.2 would be more effectively served by separate parcels.
- 3) If the application is developed and submitted in sections, all open space proposed shall be established in the first phase or section submitted, including suitable access to the site.
- 4) The open space land shall be preserved and maintained solely for the purposes specified and in such a manner as shall be approved by the Commission. Subject to approval by the Commission, the method for effectuating such preservation and maintenance of the open space shall be as follows:
 - a. The establishment of a homeowners' association made up of all owners of the Open Space Preservation Subdivision each of whom shall have an individual interest in the open space land. Said association shall have the power to assess the members for all necessary costs.
 - b. The conveyance by warranty deed of said open space land to a land trust, or to the Town when the Commission deems such conveyance appropriate, or to such other legal entity organized and empowered to own, operate, and maintain land for the open space purposes approved by the Commission.
- 5) If a homeowners' association is established, an association must be legally established which fulfills the following requirements prior to subdivision approval:
 - a. The homeowners' association shall be incorporated as a not-for-profit corporation under the laws of the State of Connecticut. A copy of the by-laws of the homeowners' association shall be submitted as part of the application.

- b. Membership must be mandatory for each home buyer and any successive buyers, and this requirement shall be placed in the deed to each unit and shall run with the land. Such legal instrument shall be in a form approved by the Commission and shall contain any and all safeguards and conditions suitable to carry out the purposes contained in these Regulations. Such legal instrument shall also provide that if maintenance preservation and/or use of open space land no longer complies with the provisions herein, the Town of Southington, its agents, servants, and employees may, without liability, enter upon such land held for conservation, park or recreation and take all necessary action to assure compliance and assess against the association all costs incurred by the Town for such purposes.
 - c. The homeowners' association shall not be dissolved nor shall it dispose of the open space area, by sale or otherwise, except to an organization established for the purpose of owning and maintaining such space without first offering to dedicate such open space land to the Town.
 - d. The association must be responsible for liability insurance, local taxes, and the maintenance of the land and any improvements thereon. Each property shall be subject to a lien in the event of nonpayment by the owner thereof of his/her/their proportionate share of the expenses for the associations' activities as aforesaid.
 - e. The association must be able to adjust the assessment to meet changed needs.
- 6) Prior to subdivision approval, the owner or developer shall file with the Commission a performance bond to insure the proper maintenance of all open space areas and any improvements thereon until the homeowners' association or other acceptable entity is legally established.
- 7) No building or other improvements shall be established in connection with any of the purposes set forth herein unless a Special Permit therefore is secured from the Commission, in accordance with the provisions of Section Eight, as consistent with and in support of the approved open space purposes.

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5.C Residential - Accessory Uses

5.C.1 Parking Of A Commercial Vehicle

Zone(s) That Link To Here	
Residential	

- Commercial Vehicle** - Overnight parking / storage of one (1) commercial vehicle may be allowed as an accessory use on a residential lot in any residential district provided that the graphic below shall indicate that the specific vehicle type is allowed in a Residential Zone.

Type	Generally <i>Not</i> Considered A Commercial Vehicle And May Be Parked In A Residential Zone	If Considered A Commercial Vehicle, One Such Vehicle May Be Parked In A Residential Zone	Generally Considered A Commercial Vehicle Which Shall Not Be Parked / Stored In A Residential Zone
Passenger Car			
Class 1 Truck (<6,000)			
Class 2 Truck (6-10,000)			
Class 3 Truck (10-14,000 GVWR)			
Class 4+ Truck (14,000+)	<p>FARM VEHICLES Vehicles used on a farm for activities associated with that farm are not considered commercial vehicles.</p> <p>TRAILERS Trailers used for commercial purposes may be considered a commercial vehicle</p>	<p>RELEVANT FACTORS</p> <ul style="list-style-type: none"> Commercial registration The presence or absence of logos or markings identifying a trade, business, service or commodity Modifications such as equipment racks Public utility emergency vehicle On-call service vehicles 	 <p>OTHER VEHICLE TYPES</p> <ul style="list-style-type: none"> Oil truck Tractor trailer School bus Earth moving equipment and similar types of construction equipment.

5.C.2 Home-Based Business Activities

Home-based business operations, clearly incidental and subordinate to the use of the dwelling for residential purposes, may be established in accordance with the requirements of this Section.

Zone(s) That Link To Here	
All zones	

1. **Home Office** - A Home Office use is allowed (no Zoning Permit required) provided:
 - a. The home office is limited to use only by a resident of the premises.
 - b. There are only a limited number of business visits to the premises beyond what is normally associated with a dwelling.
 - c. The home office activities occur entirely within the dwelling (garage use not allowed).

2. **Minor Home Occupation** - A Minor Home Occupation is allowed by Zoning Permit provided:
 - a. The business activity is conducted by a resident of the premises.
 - b. No non-resident employees are employed on the premises.
 - c. There are only a modest number of business visits to the premises.
 - d. No retail sales are conducted on the premises.
 - e. No personal services are provided on the premises except that music education and tutoring for up to two students or pupils at a time is permitted.
 - f. The business activities occur entirely within the dwelling (garage use not allowed) and such business space does not exceed 25% of the floor area of the dwelling.
 - g. Adequate parking is provided / available.

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5.C.3 Accessory Dwelling Unit

1. A Parent/Grandparent Apartment to facilitate children who desire to help care for their parents or grandparents (i.e., includes in-law parents or grandparents) and provide them with a degree of independence in living within the home of such children subject to the following:
 - a. The applicant shall provide certification, through a site inspection by a registered engineer or professional sanitarian, that the septic system and reserve area are adequate for the proposed use.
 - b. There shall be at least 4 off-street parking spaces.
 - c. There shall be no more than one driveway serving the property.
 - d. The parent/grandparent apartment shall share the main entrances to the dwelling with the main living quarters.
 - e. No new separate front door shall be added to the dwelling to serve such an apartment.
 - f. For safety purposes, a parent/grandparent apartment may have an exit to the outside of the dwelling through a side or rear wall.
 - g. A parent/grandparent apartment shall contain not more than one bedroom and shall not exceed 40 percent of the gross area of the first floor of the existing residence or contain more than 800 square feet; whichever is less.
 - h. There shall be no more than one such apartment per lot.
 - i. Only single family dwellings shall be considered under this section; nothing shall prevent the Commission from approving a parent/grandparent apartment within a new dwelling, subject to the requirements of this section.
 - j. Either the accessory apartment or the main unit shall be owner occupied.
 - k. Parent/grandparent apartment permits are non-transferable, and terminate upon the sale of the property or the death of the parent(s) or grandparent(s) for whom the apartment was permitted.
 - l. A parent/grandparent apartment shall never be offered for rent.
 - m. The Commission shall have the power to revoke any Special Permit granted under this section if it determines that any condition is not being complied with.
 - n. Conditions j, k, l and m above shall be noted on sheet one of the parent/grandparent apartment application plans, above the title block.
 - o. For each Special Permit application for a parent/grandparent apartment, the Commission shall send a first-class letter to all property owners within 250 feet of the dwelling lot, measured from the perimeter of the property. A list of said property owners shall be compiled from the most current Town Assessor’s records. Said notification shall include a copy of the application form and the scheduled time, date, and place of the public hearing. Said notification shall be postmarked not more than fifteen days nor less than ten days before such hearing.

Zone(s) That Link To Here	
R-80	
R-40	
R-20/25	
R-12	
R-O	

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5.C.4 Lodging-Related Activities

1. **Bed And Breakfast** - Establishment of a bed and breakfast facility provided:
 - a. The bed and breakfast establishment shall be located within a detached, single-family dwelling constructed prior to 1920.
 - b. The bed and breakfast facility shall be owner occupied.
 - c. No more than four (4) bedrooms shall be used for guest accommodation purposes.
 - d. Minimum lot size for the bed and breakfast establishment shall be as follows:
 - Residential R-20/25 40,000 square feet
 - Residential R-40 40,000 square feet
 - Residential R-80 80,000 square feet.
 - e. Such facility shall be serviced by public sewer or by a private septic system approved by the town Health Department.
 - f. There shall be no structural additions and/or structural changes to a building after June 3, 1997, other than those changes required to meet fire, building and health code requirements. In such case, structural changes shall not exceed twenty (20%) percent of the first-floor area of the existing dwelling.
 - g. On-site parking shall be provided in accordance with [Section 6.B](#) of these regulations. Parking areas shall be restricted to the rear yard of the subject parcel unless, for good cause shown, such requirement is modified by the Commission. Such parking area shall be properly screened by a mix of trees and shrubbery of not less than five (5) feet in depth. The Commission shall have the discretion of determining the type of surface material used in the construction of driveway and parking areas.
 - h. Food service shall be limited to breakfast only and served between the hours of 6:00 a.m. and 12:00 noon. There shall be no serving of alcoholic beverages to guests. Services not affiliated with a bed and breakfast establishment, including, for example, but not limited to restaurant services catering non-guests, conference centers, etc. shall be deemed prohibited.
 - i. Commercial signage shall be restricted to the following:
 - One (1) wooden, externally-illuminated sign, limited to not more than 20” in height by 30” in length, such sign shall be flush mounted on the building and shall not project more than 6” from the wall to which the sign is attached.
 - One (1) non-illuminated projecting sign attached to a mailbox, lamp post or free standing post. Such projecting sign shall be constructed of a wood material and shall not exceed 6” in height nor 18” in length. A projecting sign shall be used exclusively for identifying the type of business use (i.e., bed and breakfast) and shall not contain logos, business names or other information.
 - j. The length of stay shall not exceed seven (7) days per guest.

2. **Tourist Home / Boarding House / Rooming House** - Tourist homes and boarding and rooming houses provided that:
 - a. Accommodations are not provided for more than six persons,
 - b. Central cooking facilities are shared, and
 - c. No accessory building shall be used for renting of rooms or furnishing of board.

Zone(s) That Link To Here	
R-80	
R-40	
R-20/25	

ne(s) That Link To Here	
R-12	
R-O	
R-HD	

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5.C.5 Other Accessory Uses / Structures

1. Residential Garage –

- a. A residential garage shall be at least 364 SF (14 feet wide by 26 feet long).
- b. No occupation or business for profit shall be carried on within a residential garage.
- c. A detached¹ residential garage shall not exceed a height of one-and-one-half story and shall be constructed with the same exterior building material as that of the principal structure (hoop houses not allowed).
- d. A residential garage shall be located a minimum of 10 feet from any property line when located in the rear yard and otherwise complying with the appropriate front or side yard requirement.

one(s) That Link To Here	
Residential	

2. Accessory Buildings / Sheds –

- a. Any accessory building or shed, other than a garage used to house motorized vehicles or a barn used to shelter animals, shall not exceed the following floor area limitations per building or shed:
 - R-80 = 350 square feet
 - R-40 = 300 square feet
 - R-20/25 = 260 square feet
 - R-12, RO and RHD = 200 square feet
- b. Not more than one (1) storage shed shall be erected on a lot.
- c. Accessory buildings / sheds shall not be used for human habitation, the operation of a business, the sheltering of motor vehicles, or for the housing of animals.
- d. Accessory buildings / sheds shall be constructed of wood, metal or vinyl, and shall not exceed a height of one-and-one-half story. Storage containers shall not be used as a storage shed in a residential zone.
- e. No accessory buildings / sheds shall be located within an easement area or a right-of-way area except as may be authorized by the Town Engineer.

Zone(s) That Link To Here	
Residential	

3. Swimming Pools - A swimming pool provided that such pool and any deck, filter, and any other mechanical equipment is:

- a. In compliance with the provisions of the Town of Southington ordinance entitled, "Ordinance Requiring the Fencing of Swimming Pools",
- b. Located in the rear yard, and
- c. Located at least 10 feet from any property line.

Zone(s) That Link To Here	
Residential	

¹ Revised, ZA #592, effective 5/20/17

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5.D Business-Related Uses And Activities

5.D.1 Childcare Establishment

1. A family childcare home (1-6 children) is allowed in any zoning district as an accessory use to a residential dwelling (no Zoning Permit required) provided such facility complies with any State licensing requirements.
2. A group childcare home (7-12 children) is permitted where so indicated in these Regulations as an accessory use to a residential dwelling provided:
 - a. A Zoning Permit is obtained from the Zoning Enforcement Officer, and
 - b. Such facility complies with any State licensing requirements.
3. A childcare center (13 or more children) may be permitted by the Commission by Special Permit where so indicated in these Regulations provided:
 - a. Such facility complies with State licensing requirements.
 - b. The maximum capacity of such facility shall be:
 - 20 children in an existing residential dwelling unless modified by the Commission as part of a Special Permit application.
 - 25 children in any other type of building unless modified by the Commission as part of a Special Permit application.
 - The childcare center shall be on a parcel complying with the minimum lot area requirement for the zoning district, or 40,000 SF, whichever is larger.

Zone(s) That Link To Here	
R-80	Business Industrial
R-40	
R-20/25	
R-12	
R-O	

5.D.2 Adult Day Care

1. An adult daycare facility serving 1-6 clients is allowed by Special Permit where so indicated in these Regulations as an accessory use to a residential dwelling provided such facility complies with any applicable State standards for such care.
2. An adult daycare facility serving 7 or more clients may be permitted by the Commission by Special Permit where so indicated in these Regulations provided:
 - a. Such facility complies with any applicable State standards for such care.
 - b. Unless modified by the Commission as part of the Special Permit, the maximum capacity of such facility shall be:
 - 12 clients in an existing residential dwelling.
 - 50 clients in in any other type of building.
 - The adult daycare center shall be on a parcel complying with the minimum lot area requirement for the zoning district, or 40,000 SF, whichever is larger.

Zone(s) That Link To Here	
R-80	Business Industrial
R-40	
R-20/25	
R-12	
R-O	

5.D.3 Adaptive Re-Use / Conversions

Zone(s) That Link To Here	
R-O	

1. The conversion of buildings in the RO district to business or mixed use (business and residential) by Site Plan approval, provided:
 - a. Buildings shall have been existing as of October 22, 1971
 - b. The conversion shall be limited to:
 - professional office
 - the mixed use of both residential and professional offices including, for example, but not limited to, financial institutions, insurance agencies, undertaking establishments and beauty and cosmetic salons
 - c. That any addition or alterations to the exterior of the building shall not lessen the residential characteristics of the building;
 - d. Any additions shall not exceed 25% of the base floor area of the existing building unless modified by the commission for good cause shown;
 - e. Parking shall be restricted to the rear of the building, unless modified by the Commission for good cause shown ;
 - f. The Zoning Board of Appeals shall not have the power to issue parking variances in RO zones.

2. The use of buildings for commercial uses in the RO district subject to Special Permit and Site Plan approval by the Commission provided that:
 - a. The building shall be existing as of October 22, 1971
 - b. The use shall be limited to those which are permitted in a Central Business Zone in accordance with the provisions of [Section 2.B](#) (excluding banks, clubs and lodges, food shops, hotels, laundries, restaurants and eating establishments, self-service laundries and movie houses) and, in the opinion of the Commission, are not detrimental to the surrounding area and/or adjacent properties,
 - c. Any area used for retail sales or service shall be confined to the first floor of the building.
 - d. The Commission makes a determination that the location, nature, intensity of operations of the commercial use are in harmony with the surrounding areas and adjacent properties.

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5.D.4 Motor Vehicles Related Uses

Zone(s) That Link To Here	
	B

1. **Vehicle Fueling Facilities** - A vehicle fueling station:
 - a. May be used to dispense gasoline fuel, diesel fuel, hydrogen, electricity or other fuel to the general public.
 - b. Shall locate any gasoline pump or gasoline filling appliance at least 25 feet away from any highway, sidewalk, or property line.

2. **Vehicle Maintenance / Repair Facilities** - Any vehicle maintenance / repair facility shall either be a pre-existing non-conforming use or shall obtain:
 - a. Location approval from the Zoning Board of Appeals, and
 - b. Special Permit / Site Plan approval as may be required from the Planning and Zoning Commission.

3. **Vehicle Sales Display** - The use of any premises for the sale of motor vehicles or display of new or used motor vehicles, whether within or without any building or other structure, may be permitted on lots containing at least 30,000 square feet located where so indicated in these Regulations when authorized as a Special Exception or a Special Permit Use by the approving board as designated by State Statutes ¹.

4. **Vehicle Washing Facilities** – In addition to any other requirements of these regulations, vehicle washing facilities shall require:
 - a. A traffic study evaluating the impact of the proposed facility on peak hour traffic and level of service and proposed mitigation measures, and
 - b. A statement of estimated water use and the availability of adequate water supply capacity.

¹ revised, ZA #544, effective 3/22/08

5.D.5 Crematoriums

A crematorium shall be permitted where so indicated in these Regulations when authorized as a Special Permit by the Planning and Zoning Commission, subject to the provisions of [Section 8.D](#) herein and the following considerations:

1. A public hearing shall be held, notice of which shall be governed by the Zoning Regulations and CGS Section 19-165(b).
2. A crematorium shall be governed by the Public Health Code of the State of Connecticut, Sec. 19-13-A46-47 as amended, and by Sections 19-165 through 19-169 of the Connecticut General Statutes as amended.
3. Each application, in addition to a site plan, shall include the type of cremation retort proposed and all written, technical, and graphic material pertaining to the proposed unit available from the manufacturer, including, inter alia, emission test data.
4. In addition to the general considerations per [Section 8.D](#) herein, the Commission may solicit technical input from the State Department of Energy and Environmental Protection and State Department of Health Services with respect to the proposed location, size and model.
5. The provisions of this section:
 - a. Shall not be interpreted to allow a crematorium as a principal use or as a separate use on a separate lot in any zone in which funeral parlors are a permitted use.
 - b. Shall be interpreted to allow, by Special Permit, a crematorium in an Industrial-2 Zone (I-2) as a principal use provided no services are conducted on the premises.

Zone(s) That Link To Here	
	C
	B
	BOZ
	I-2

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5.D.6 Sale Of Alcoholic Beverages

Zone(s) That Link To Here	
Residential	Business Industrial

1. **New Permit Location** - The establishment of a new State license for sale or service of alcoholic beverages or change of State license type (such as for outdoor service) for the sale or service of alcoholic beverages require approval of a Special Exception by the Zoning Board Of Appeals.
2. **Permit Extension / Transfer** - The renewal, transfer, or reestablishment of a State license at the same location provided there have not been and will not be any changes to the prior permitted operation shall require approval of a Zoning Permit from the Zoning Enforcement Officer.
3. **Accessory To A Recreation Facility** - The sale of alcoholic beverages may be permitted when part of a bona fide golf course, tennis, country or athletic club operation provided that:
 - a. Said use is clearly incidental and subordinate to the principal use, and
 - b. Said use is located within the principal building.
4. **Accessory To A Club** - When in its judgment the public convenience and welfare will not be substantially or permanently injured, the Board of Appeals may grant temporary and conditional permits of not more than two years duration for the sale of alcoholic liquors upon the premises used by a club for club purposes provided:
 - a. Applicants for such permits shall be able to show that the sale of liquors under such permit will not result in noise or disturbance on the premises so as to injure the health or comfort of others,
 - b. Applicants for such permits shall be able to show that the aggregate annual membership fees or dues and other income of such club, exclusive of any proceeds of the sale of alcoholic liquor, shall be sufficient to defray the annual cost of the premises,
 - c. Such applicants shall, prior to any hearing, provide the name and address of each club member in good standing and of each of its officers, and a statement of the assets and liabilities of such club.
 - d. If the Zoning Board of Appeals determines that a club has ceased to comply with any or all of the requirements above set forth, the Board of Appeals may, after public notice and hearing:
 - Revoke the permit of such club which shall then mean that the sale of alcoholic liquors upon the premises of such club shall thereupon become a prohibited use (require an application as if a new permit locations)
 - Notify the State Liquor Control Commission that the sale of alcoholic liquor upon said premises is prohibited by the Zoning Regulations, and
 - May take such further action as it may deem appropriate in order to abate such nonconforming use.

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5.D.7 Theaters / Movie Houses

1. **Parcel Requirements** - The site for a Movie House or Dinner Theater must contain a minimum of 10 acres of land and be within 1,600 feet radially from the center of an interchange between an interstate, appropriate state highways or public town roads.
2. **Utilities** - The site shall be serviced by public water and sewer facilities.
3. **Traffic Report** - A traffic report shall be submitted by a licensed professional engineer, registered in the State of Connecticut, providing, inter alia, traffic projections and estimates of traffic flow, and impact on the local and regional road network, and recommended improvements where required.
4. **Review Considerations** – As part of its review, In addition to other provisions of these regulations, the Commission shall find that:
 - a. The proposed use is in harmony with the surrounding area
 - b. Future traffic to and from the site can be properly serviced by the State/Local road network and will not be hazardous or inconvenient to the general flow of traffic.

Zone(s) That Link To Here	
	CB
	B
	I-1
	I-2

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5.D.8 Truck Service Center

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Truck service centers shall be subject to the following conditions and safeguards:

1. For purposes of this section, a truck means a motor vehicle designed, used or maintained primarily for the transportation of property.
2. A truck service center may include ancillary services such as a restaurant, laundry facilities, retail shops and other support services expressly for the purpose of servicing highway oriented traffic, provided the area of such ancillary services does not exceed 50% of the floor area of the principal building in which the truck service center is located.
3. Truck service centers shall not include provisions for the sale of new or used vehicles, including, for example, but not limited to trucks, nor facilities for the overnight accommodation of people and/or overnight parking of trucks.
4. No building or premises shall be used for a truck service center if any part of such building or premises is located within 500 feet of:
 - a. Any residential dwelling;
 - b. Any public or private school, child daycare center, church or other religious facility;
 - c. Any public park or place of public assembly including, for example, but not limited to a theater, auditorium, gymnasium, etc.;
 - d. Any other truck service center.
5. Any building and/or premise used as a truck service center shall be located no further than 500 feet from an interchange roadway providing legal access to or from an interstate highway.
6. A truck service center shall not be allowed as part of an approved Executive Park nor shall vehicle access be provided by internal roadways serving an Executive Park.
7. The applicant shall provide the Commission with an environmental report, certified by a professional engineer, detailing provisions for the containment of fuel spillage and/or tank leakage.
8. A study addressing appropriate measures for the amelioration of light spillage and glare shall be provided to the Commission. Site illumination, as measured at any property line of the subject premises, shall not exceed a level of one (1) foot candle.
9. Fueling operations, weigh stations, and truck parking areas, shall be located a minimum of 300 feet from any front lot line.

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10. A landscaped buffer, consisting of a mix of evergreen and deciduous trees and measuring not less than 100 feet in depth, shall be either maintained or planted along all side and rear property lines. Such landscaped buffer shall be designed to adequately screen operations from adjoining properties and ameliorate conditions associated with noise and air emissions.
11. The applicant shall provide the Commission with a comprehensive security plan which shall include 24 hour per day monitoring of the premises.
12. A truck service center shall be located on a parcel of not less than twenty-five (25) acres.
13. The establishment of any truck service center shall be subject to the Special Permit use and site plan review requirements provided in [Section 8.C](#) and [Section 8.D](#) of these regulations.
14. Any truck service center involving the sale of gasoline shall be subject to the provisions of [Section 5.D.3](#) of these regulations.

5.D.9 Recreation Area / Amusement Park

1. Recreation Area / Amusement Park (such as Lake Compounce, Mount Southington, etc.) subject to the following conditions:
 - a. Having a land area not less than 50 acres
 - b. Adequate sewerage service and water service.
 - c. The Commission shall require a conceptual site plan of sufficient detail to adequately review the proposal in general, and a detailed traffic report prepared by a licensed engineer registered to practice in the State of Connecticut, providing, inter alia, traffic projections and estimates of traffic flow, the impact on the local and regional road network and recommended improvements where required.
 - d. The Commission shall require estimates and projected impact on employment, public utilities, police, and fire protection during the period of operation.
 - e. The Commission shall find that the proposed Park will not produce traffic hazards, air or water pollution, or depreciation of the neighborhood, and find that the proposed Park will serve the entertainment needs of the general public.

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Residential	Business

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5.D.10 Executive Park

1. Executive Park, as defined in [Section 10.C](#), subject to the following conditions and safeguards:
 - a. The site for an Executive Park must be a minimum of 40 contiguous acres.
 - b. Park shall have 500 feet frontage on a state or interstate highway or improved Town road.
 - c. A 50 foot landscaped buffer must be provided and maintained, around the entire perimeter of the park.
 - d. Rear lots and outside storage is specifically prohibited within the Executive Park.

2. Application for Special Permit:
 - a. An application shall be made for a Special Permit Use, per [Section 8.D](#), and accompanied by a conceptual development plan including an A-2 survey, topography, location, type and extent of proposed structures, primary and accessory uses of the entire park, vehicular and pedestrian circulation and heliport.
 - b. The granting of the Special Permit Use shall preclude development and use of any building within the boundaries of said park from any use that is not so provided for by this section (Executive Park).
 - c. The granting of the Special Permit Use shall not constitute Site Plan approval ([Section 8.C](#)) with respect to any of the buildings proposed to be constructed within the Executive Park unless the SPU approval shall so specify.
 - d. The PZC shall retain continuing Site Plan approval powers with respect to the Executive Park until all construction phases are completed.
 - e. Site Plan approval requirements, as set forth in [Section 8.C](#) of the Southington Zoning Regulations, are applicable.

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3. Bulk and lot requirements within the Executive Park shall be as follows:

	USE (A)			
	Executive Office	Conference Center / Hospitals, Medical Clinics & Medical Offices / Colleges, Universities or other Post- Secondary Schools /	Light Industry/ Warehousing	Accessory Uses
Lot Area (SF)	80,000	150,000	80,000	80,000
Frontage (Ft.)	100	250	100	100
Front Yard Setback (B)	40	50	40	40
Side Yard Setback (B)	20	30*	20*	20*
Rear Yard Setback (B)	40*	50*	40*	40*
Max Bldg Ht (Stories/Ft)	6 / 65	6 / 65	3 / 40	2/ 28
Max. Lot Coverage (%)	25	25	25	25

(A) Based on principal utilization of building involved. Accessory uses subject to requirements pertaining to principal use in building and as otherwise provided herein.

(B) Where the site boundary line coincides with the boundary line of the Executive Park, the minimum yard shall be not less than two times the height of the building measured from the average grade to finish roof level.

* Increase by 50% where adjoining a residential zone.

4. **Interior Roadways:** All interior roadways shall be built to Town standards and shall be subject to a continuing offer of dedication of the same to the Town as public roads acceptable at any time at the sole option of the Town.
5. **Industry / Warehousing** - All industrial/warehouse buildings shall be located to the rear of the Executive Park and are absolutely prohibited within 800’ of the street line of which the Executive Park fronts on.
6. **Conference Center** - The following provisions shall be applicable with respect to the Conference Center within the Executive Park.
 - a. A conference center shall be operated in accordance with [Section 10.D](#) of these regulations.
 - b. Frontage and access to such Conference Center shall be limited to the internal road network of the Executive Park.
 - c. Off-street parking for the Conference Center shall be provided in accordance with the provisions outlined in Section 12.

7. **Accessory Uses** - Accessory Uses within the Executive Park shall be governed by the following provisions:
 - a. Uses accessory to an Executive Park when located within the confines of the Executive Park include:
 - 1) Banks
 - 2) Drugstores
 - 3) Florists
 - 4) Delicatessens and “fine food” shops
 - 5) Books, stationery, office supplies and notions shops
 - 6) Jewelry stores and gift shops
 - 7) Custom tailoring and clothing shops
 - 8) Travel agencies
 - 9) Luggage stores
 - 10) Tobacco, candy and related products stores
 - 11) Barber shops and beauty parlors
 - 12) Printing, publishing and reproduction establishments employing not more than five (5) persons
 - 13) Restaurants which are not of the “drive-in” type and which are contained within the Conference Center
 - 14) Other uses which, in the opinion of the Commission, are of the same general characteristics as those listed as permitted uses and which will not, in the opinion of the Commission, be detrimental to the zone. However, grocery stores, massage parlors and theaters are prohibited.
 - b. The aggregate of all space, including the space in the Conference Center, devoted to accessory uses shall not exceed 1,000 SF for each whole acre of land within an Executive Park.
 - c. Buildings exclusively devoted to accessory uses are limited to 50% of the permitted aggregate area for accessory uses (a. above), provided that not more than 25% of the aggregate area which may be devoted to accessory uses may be located in any one separate building. Frontage and access to such accessory building is limited to the internal road network of the Executive Park.
 - d. Accessory uses are limited to buildings devoted exclusively to accessory uses or on the ground floor of a building devoted principally to office use or Conference Center, in which case access to the accessory area shall be had only through the regular lobby or access area of the building.
8. Off-street parking and loading facilities, as required by [Section 6.B](#), shall be provided for each building in the Executive Park and shall be located on the same site as such building, except that the Planning and Zoning Commission may permit that not more than one-half of the off-street parking spaces required for a building may be located outside the boundaries of the site on which the building is located, but within the boundaries of the Executive Park, separately or in common with parking spaces for any other building or buildings in the Executive Park, upon a specific finding by the Commission that such an arrangement of parking spaces will result in better utilization of the land and will provide a safer and more efficient traffic pattern. The Commission may waive the parking provisions for the accessory uses and restaurant when such uses are part of the Conference Center.

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9. Miscellaneous Provisions:

- a. Nothing set forth herein shall preclude the subdivision of an Executive Park into legally separate lots or parcels, provided that all requirements otherwise pertaining to subdivisions shall be applicable and further provided that by means of a recorded declaration of restrictive covenants or written notations to the subdivision map or plat, it shall be provided that all lots or parcels in the subdivided Executive Park shall remain subject to all the terms and provisions previously required by the Planning and Zoning Commission in the course of overall development or site plan approvals.
- b. The Planning and Zoning Commission may permit the establishment of one or more helipads or a heliport in an Executive Park, provided that the same complies with all Federal and State requirements.

5.D.11 Industrial Park¹

1. **Purpose** – To allow the creation of a master planned industrial park on land zoned I-2 to incorporate big box development and smaller lots supported by an integrated and park-wide approach to landscaping, resource protection, buffering of neighboring uses, and stormwater management.

In this master planned development, not more than 50 % of the developable acreage may be proposed with lots less than two acres but larger than ½ acre, providing the topography and screening adequately protects the adjacent uses, that the stormwater requirements are addressed within the industrial park as a whole, and no lots between ½ acre and 2 acres in size shall abut the interstate highway.

2. The Commission may, by supermajority vote of the entire Commission, approve an Industrial Park on land currently zoned I-2 providing the site meets the specific criteria, as follows:
 - a. Parcel or parcels comprising the proposed industrial park shall total not less than 60 gross acres in size and MUST have frontage of at least 1,000 feet on an interstate highway.
 - b. All lots to be created must have access and frontage on a town right of way and must have public water and sewer.
 - c. Master plan for industrial park must meet the stormwater management needs and landscaped buffer needs for any parcels created that are smaller in area than allowed in the underlying zone, if those requirements are not met on the individual parcels.
 - d. Individual site plans may require oil/water separators or impervious surfaces for the storage of certain types of materials.
 - e. All lots (between 0.5 and 1.99 acres in size) intended primarily for outside storage shall have the accessory building situated along road frontage and the frontage shall be heavily landscaped to help reduce the view of the storage from the road and the sides and rear of the lots shall be fenced in with lightproof fence. Natural areas in the industrial park shall not be fenced in to allow wildlife to use these areas for habitat and corridors.
 - f. Requirements for the screening and buffering of outside storage on smaller lots can be provided by the overall site providing that the landscaped screen is not less than 50’ as required by the underlying zone, and that the applicant demonstrates it meets the intent of the regulations.
 - g. Applicant must demonstrate that development is designed in concert with or enhancing existing topography to reduce views of and impacts from outside storage uses in relation to adjacent development.

¹ new, ZA #549, effective 6/6/09

5.D.12 Conference Center

A conference center may be permitted where so indicated in these Regulations provided that:

1. The conference center shall be a privately operated multi-purpose facility contained within a single structure and providing:
 - a. Public space for meetings and seminars.
 - b. Full service dining facilities located within the conference center designed to primarily service the patrons utilizing the conference center.
 - c. Provisions for overnight accommodations with not less than 200 guest rooms serving such purpose.
2. A conference center may include ancillary services such as recreational facilities and retail shops, provided such facilities do not exceed 10% of the gross floor area of the conference center building.
3. Recreational facilities shall be operated primarily for employees or guests residing at the conference center and may include outdoor facilities such as swimming pools, tennis and basketball courts or similar athletic amenities.

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5.E Industrial-Related Uses And Activities

5.E.1 Blasting Services Business

Blasting Services Business, as defined in [Section 10.2](#) subject to the following conditions and safeguards:

1. The applicant shall be governed by all applicable provisions of the Connecticut General Statutes and all Federal laws, as amended. In any case where there is a conflict, whichever imposes the more stringent restriction shall prevail.
2. In addition to the requirements of [Section 8.D herein](#), application for a Special Permit shall include submission of a site plan, in compliance with a Class A-2 survey, depicting the location of all magazines and the distances between said magazines with each other, the closest inhabited/uninhabited buildings, public highways, and passenger railways. In addition thereto, the applicant shall submit a copy of the written application required for submission to the Town Fire Marshal for a permit to keep, store, sell, or deal in explosives.
3. The location and permissive capacity of any and all magazines proposed shall be governed by the American Table of Distances, Sec. 29-89-341 of the General Statutes, as amended. Notwithstanding the provisions of said table, the Commission may restrict the maximum quantity of explosives and/or blasting agents that can be stored at a particular site if, in the opinion of the Commission, such storage, handling or transportation constitutes an undue hazard to life or property. Any proposed alteration to increase the storage capacity of a magazine or magazines shall be made to the Commission, subject to the provisions of this Section.
4. The parcel and/or magazine(s) shall be surrounded by a natural or artificial buffer as prescribed as being proper in Title 27, Part 55, Subpart B of the Code of Federal Regulations for Commerce in Explosives.
5. In deciding upon any application, the Commission shall be governed by the following, in addition to the provisions of [Section 8.D](#):
 - a. The size, configuration, topography and environmental limitations of the parcel in relation to the volume and location of the storage proposed and its relationship to surrounding zoning, existing land uses, future land development capabilities, public highways, and public buildings.
 - b. A report from the Town and, if necessary, the State Fire Marshal regarding the application for permit to keep, store, sell, or deal in explosives.
 - c. Probable traffic routes to and from the proposed site in relation to known or projected traffic volumes, traffic congestion, the configuration and safety factors of surrounding streets, and adjacent population densities from existing and potential development under present zoning.

5.E.2 Industrial Showroom

1. An industrial business may operate a showroom for purposes of displaying or selling products which are either manufactured on-site or warehoused on the premises.
2. Such operations shall be conducted in accordance with the following provisions:
 - a. Establishment of an industrial showroom in the I-1 Zone shall be subject to the submittal and approval of a Special Permit application in accordance with [Section 8.D](#) of these regulations.
 - b. Establishment of an industrial showroom in the I-2 Zone shall be subject to the submittal and approval of a Site Plan in accordance with [Section 8.C](#) of these regulations.
 - c. The area allocated for retail sales or display shall be ancillary in nature and shall not occupy more than thirty-five percent (35%) of the gross floor area of an industrial building.
 - d. The retailing of products and goods which are accessory to an industrial business shall be conducted within the principal building.
 - e. On-site parking shall be calculated and provided in accordance with retail parking standards as outlined in [Section 6.B](#) of these regulations.

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5.F Outside Storage / Outside Display

Outside Storage



Outside Display



Zone(s) That Link To Here	
	Business B

5.F.1 Outside Storage (Business)

Outside storage, including the storage of goods and/or merchandise, may be allowed in the Business (B) Zone only subject to the granting of a Special Permit and compliance with the following standards:

1. The area used for outside storage shall:
 - a. Only be located in the rear yard.
 - b. Conform to the building setback requirements.
 - c. Not exceed the first floor area of the principal building.
 - d. Not include the storage of stone, mulch, loose parts or pieces or similar items.
2. Such storage shall be screened from view from any other lot and from any street to the satisfaction of the Commission (with consideration for location, height of stored materials, total proposed area of storage, and the types of materials to be stored).
3. All items shall be stored in a safe and secure manner and may be stored in enclosed storage containment units so long as such units comply with the requirements of this section.
4. Nothing in this section shall be interpreted to allow the outside storage or accumulation of any materials which, in the opinion of the Commission, violate the provisions of [Section 9.A](#) herein.
5. The Commission’s approval of the Special Permit shall be strictly construed to limit the location, height, area, volume, and type of storage allowed and the screening required. Any storage which is outside of the parameters approved by the Commission shall be construed to be an illegal expansion of such approval and shall not be construed to be an intensification of outside storage approved by the Commission.

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5.F.2 Outside Storage (Industrial)

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	Industrial

1. Outside storage may be permitted by the Commission in an Industrial zone as indicated in these Regulations and subject to the following:
 - a. Applicant shall demonstrate that the proposed outside storage will not have a negative impact on abutting uses.
 - b. Plans shall clearly show the extent of the outdoor storage proposed.
 - c. Plans shall clearly show the extent of screening (which may include but not necessarily be limited to landscaping, a lightproof fence, etc.).
 - d. Said storage shall not encroach into any required landscaped buffer.

2. In an Industrial I-1 zone, the outside storage area shall:
 - a. Only be authorized by Special Permit.
 - b. Not exceed the ground floor area of the principal building.

3. In an Industrial I-2 zone, the outside storage area shall:
 - a. Only be authorized by Site Plan approval,
 - b. Not exceed 50% of the first floor area of the principal building.
 - c. Be fenced in when the lot is next to a residential zone. ¹

¹ New, ZA #610, effective 6.1.21

5.F.3 Outside Display

The outside displaying of commercial products and/or materials may be allowed by Site Plan approval where so indicated in these Regulations subject to the following:

1. Only sites for which a Site Plan has been approved by the Commission shall qualify for consideration.
2. The outside display nature, size and location along with consideration of the subject site shall, in the opinion of the Commission, be in harmony with the surrounding area and not be detrimental by reasons of vehicular traffic, pedestrian access, dust, noise, odor, fumes or glare.
3. The area designated for such use shall not reduce the number of parking spaces or aisles beyond what is required by these Regulations.
4. The outside display shall be shielded from adjacent residential zones to the satisfaction of the Commission.
5. There shall be no distractions to traffic, i.e., loud noises, flashing lights or moving objects of a carnival-like nature.
6. There shall be no additional signage, other than what is allowed by these Regulations.
7. The Commission may limit the number of items for display to limit congestion and overcrowding.
8. Unless otherwise approved by the Commission, there shall be no items on outside display located more than twenty (20) feet from the building nor within forty (40) feet of the road. In an industrial zone, this provision shall not apply to the display of new or used automobiles, trucks, trailers or similar vehicles which are displayed in conjunction with a lawfully established business.
9. The Commission may require other limitations based on the unique aspects of the subject site.

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	CB B I-1 I-2

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5.G Redevelopment Of Industrial Sites

1. **Purpose** – The purpose of this regulation is to encourage the appropriate development of land previously designated and/or used primarily for industrial use and which area currently contains industrial buildings in existence prior to 1957 which are or may be functionally obsolete. It is felt that it is in the Town’s best interest to permit the flexibility necessary to provide for the mixed uses in said buildings and land associated therewith as described below.

2. **Provisions** - The requirements in this section provide for the conversion of existing buildings being used or formerly used as industrial buildings to a mixed use of manufacturing, retail, services, offices and/or multi-family uses as defined and allowed in these regulations, and other uses acceptable to the Commission subject to the following:
 - a. All buildings to be converted shall have been in existence prior to May 20, 1957.
 - b. All proposed uses shall be of lesser objectionable characteristics than those presently allowed in that zone or as formerly used in said structure.
 - c. That the Commission specifically find that the list of proposed mixed uses are in harmony with each other.
 - d. That the Commission may, in its discretion, and if necessary due to site limitations, waive up to twenty-five (25%) percent of the parking requirements required by Section 6.B, provided that no additions to the structure are proposed and that there is no other available land for parking on such site.
 - e. That the uses in any building constructed after May 20, 1957, shall be those allowed in that zone.
 - f. That in all other aspects the requirements of [Section 8.C](#) and [Section 8.D](#) shall be met.

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5.H Institution-Related Activities

5.H.1 Places Of Worship ¹

1. New places of worship shall be constructed only on streets capable of handling the increased traffic flow without reducing the level of service at adjacent intersections below C or below an acceptable level as determined by the Commission.
2. Building elevations, architectural plans and floor plans shall be submitted to demonstrate appearance, height and proposed use of interior space.
3. Except as may be modified by the Commission based on site characteristics, adequate perimeter buffering shall be provided to adjacent residential properties generally configured as follows:
 - a. A landscaped border not less than 8 feet wide with appropriate evergreen species planted at least four feet in height at a separation distance which provides for growth of the planting and visual screening with a year-round effect.
 - b. A landscaped berm, architectural fence, stone or masonry wall, or combination thereof may reduce or obviate the need for the planted buffer.
 - c. Fencing may be required by the Commission when landscaping, walls and/or grading cannot provide the required screening due to topography, preservation of specimen trees or other important natural features, avoidance of wetlands or similar conditions.
4. Along all parking areas and drives abutting residential properties or uses, the landscaped border shall include landscaping and, where needed, a light proof fence or masonry wall to prevent automobile headlights from causing a nuisance to adjoining residents.
5. The site shall be suitably landscaped with foundation plantings, parking lot islands and sections, and screening for adjoining residential properties. Mechanical equipment, dumpsters and other unsightly places shall be screened by the use of walls, fencing, evergreen plantings or a combination of these to provide effective year-round screening.

¹ new, ZA #539, effective 8/24/07

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5.1 Fences & Walls

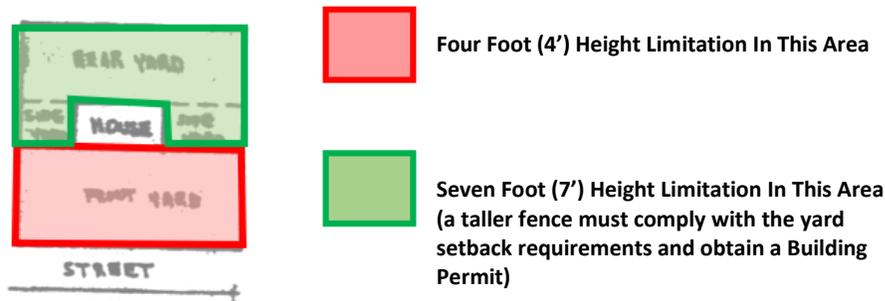
5.1.1 Fences And Free-Standing Walls

1. General Provisions –

- a. No Zoning Permit shall be required to install a fence, free-standing wall, or combination thereof less than seven feet (7') high in accordance with the provisions of this Section.
- b. All fencing shall be placed within the fence owner’s property lines.
- c. Fencing shall not interfere with the line of sight at street intersections (see [Section 6.G](#)).
- d. The supporting structure shall be on the interior side, except wire fences enclosing livestock may have the supporting structure on the exterior side.
- e. All fencing shall be maintained in good repair and any repairs made to fences shall be of the same material as the existing fence.
- f. Enforcement action may be taken if the regulations of this Section are not met.

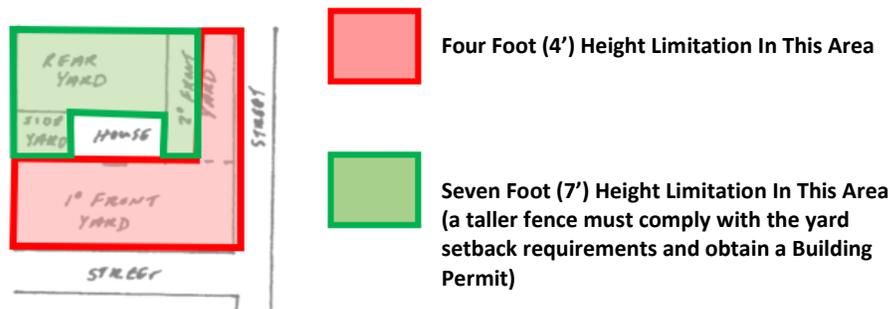
2. Height Limitations – Interior Lot / Pie Lot / Through Lot

- g. Any fence , free-standing wall, or combinations thereof shall not exceed four feet (4') in height if located between the building and a street line (the front yard as defined in these Regulations).
- h. In the side yard or the rear yard, any fence, free-standing wall, or combination thereof shall not exceed seven feet (7') in height. A fence exceeding seven feet (7') in height shall comply with yard setbacks.



3. Height Limitations – Corner Lot

- a. Any fence , free-standing wall, or combinations thereof shall not exceed four feet (4') in height if located between the building and the primary front yard (where the front door faces).
- b. Any fence in a secondary front yard (any front yard which is not the primary front yard) may be taller than four feet (4') but less than seven feet (7') provided any portion taller than four feet (4') is set back from the street line at least one-half the front yard setback distance.
- c. In the side yard or the rear yard, any fence, free-standing wall, or combination thereof shall not exceed seven feet (7') in height. A fence exceeding seven feet (7') in height shall comply with yard setbacks.



4. Height Limitations – Rear Lot

- a. Any fence, free-standing wall, or combination thereof shall not exceed seven feet (7') in height when located in any yard. A fence exceeding seven feet (7') in height shall comply with yard setbacks.

5.1.2 Retaining Walls

- 1. Retaining walls over three feet (3') in height from finished grade at the bottom of the wall to finished grade at the top of the wall require a Zoning Permit as part of the Building Code requirement for a Building Permit.
- 2. Retaining walls and retaining walls in combination with fences or free-standing walls shall be subject to the same height limitations as fences and free-standing walls.

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5.J Other Uses & Activities

5.J.1 Central Business - Mixed Use

1. Mixed use of both commercial uses and residential uses in the same building may be allowed as a Special Permit by the Commission in Central Business (CB) Zones only, subject to the following conditions and safeguards:
 - a. Each lot shall have a minimum area of 30,000 SF, exclusive of site access.
 - b. The minimum land area per dwelling unit shall be:
 - 3,000 SF per dwelling unit or,
 - 1,500 SF per dwelling unit in the case of housing designed exclusively for the elderly.
 - c. The lot shall be served by public sewer and water.
 - d. Unless modified by the Commission, the first floor shall be devoted solely to commercial uses and upper floors shall be devoted solely to residential uses.
 - e. The minimum distance between buildings shall be 35 feet.
 - f. The maximum building height shall be four stories.
 - g. Each application for multi-family dwellings, in addition to the application requirement of [Section 8.D](#), shall be accompanied by the appropriate fee payable to the Town of Southington.¹

5.J.2 Camps

1. Camps provided:
 - a. The area of the property involved shall be equal to one-half acre for each camper and each employee, whether the campers and employees are residing therein or elsewhere, and
 - b. All structures on the property shall be located 100 or more feet from any street or lot line.

¹ Revised, ZA #540, effective 9/8/07

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5.J.3 Use Of Trailers / Mobile Homes

1. **Construction Office** - A trailer / mobile home may be used as a temporary on-site office and/or storage facility, in connection with a specific construction project subject to provision of appropriate sanitation facilities and issuance of a Zoning Permit.
2. **House Construction** - A property owner who is in the process of constructing a house may use a mobile home for a temporarily dwelling on the same property for a period of six (6) months, renewable to a maximum of one (1) year subject to provision of sanitation facilities approved by the Health Department and issuance of a Zoning Permit.
3. **Mobile Home Sales** - Mobile homes may, for the purpose of storing or displaying same for sale, be located on premises in Business Zones where authorized by Site Plan approval by the Commission.
4. **Mobile Home Park License** - The operator of an existing mobile home park under a lawfully issued license may renew said license upon the presentation of a certificate from the Director of Health of the Town of Southington certifying that all sanitary regulations have been complied with, and upon conformance with the provisions of all other appropriate ordinances, laws and regulations.
5. Except as provided above:
 - a. No new mobile home camps or parks shall be established or located within the Town of Southington, and no mobile home shall henceforth be placed or maintained on any lot, parcel or tract within said Town.
 - b. The existing use of mobile homes for human occupancy, and existing mobile home parks or mobile home sites as set forth in these Regulations shall be deemed nonconforming uses as of the effective date of these Regulations and shall be subject to the provisions of Section 5.J of these Regulations except that the erection of free-standing carports in conjunction with mobile homes in legally existing Mobile Home Parks may be permitted as an accessory use in accordance with the following provisions:
 - Carports shall be of wood or of aluminum or steel manufactured construction and supported by concrete footings.
 - The entire area beneath any carport shall be permanently paved.
 - Carports shall be no greater than twelve feet by twenty feet (12' x 20') measured from the edge of the overhang and shall be located at least than five feet from any lot line and set back at least five feet from any front yard.
 - Carports shall be open on all sides and shall not be enclosed or used for the storage or parking of equipment other than the vehicle which it was designed to shelter.
 - Before any carport is erected, a permit from the Building Official approving the structure as one complying with the requirements and intent of the preceding Sections shall be obtained.

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5.J.4 Rear Lots

1. **Purpose** - The provisions of this section are intended to permit the use of land for residential and industrial purposes where:
 - a. In the case of a subdivision, topography or unusual shape of the property lends itself to the use of a rear lot to accomplish the best use of the land, or
 - b. Land has been unintentionally landlocked or has been deprived of minimum lot frontage on a street.

2. **General** –
 - a. The lot line from which the right-of-access leads shall be considered the front line of the rear lot.
 - b. No rear lot shall be located behind another rear lot.
 - c. The Zoning Enforcement Officer shall not approve rear lots:
 - 1) Unless it finds that such lots provide for the best use of the land.
 - 2) Which result in difficult drainage, difficult configuration, inaccessibility or temporary flooding.
 - 3) Which possess steep topography or are encumbered by utility lines and/or rights-of-way which unduly reduce the development capacity of such lots.
 - d. To the maximum extent appropriate for the proposed rear lot and its surroundings, retain existing healthy trees more than 12 inches in diameter as measured at chest height.
 - e. In a residential zoning district, only a single family dwelling shall be erected on a rear lot ¹ (a two-family or three family home is not permitted).

3. **Minimum Area Requirement For Rear Lots** -

Zone	Minimum Area Of Rear Lot
R-80	200,000 SF
R-40	120,000 SF
R-22/25	77,500 SF
I-1 – public water and public sewer	20,000 SF
I-1 – well or septic	40,000 SF
I-2– public water and public sewer	20,000 SF
I-2 well or septic	80,000 SF

¹ revised, effective 4/26/07

4. **Maximum Number of Rear Lots In A Residential Subdivision** - The maximum number of rear lots in any residential subdivision shall be determined as follows: ¹

Total Number Of Lots Within A Subdivision	Number Of Allowable Rear Lots
1-20	- 1 -
21-40	- 2 -
41-60	- 3 -
Subdivision Developments which encompass 61 or more lots	4 plus 1 lot for each 20 lots in excess of 80 lots

5. **Access Provisions For Rear Lots -**

- a. No rear lot shall be allowed unless:
- Said lot abuts on a highway or street and gets access from such highway or street, or
 - There is provided for such lot an unobstructed, non-municipality owned, right-of-access to a public highway adequate to accommodate fire apparatus or other emergency equipment:
 - at least 20 feet wide in fee simple in a residential subdivision,
 - at least 15 feet wide otherwise in a residential zone.
 - at least 40 feet wide in an industrial zone.
- b. The length of the access strip on a rear lot shall not exceed the maximum length indicated below measured from the street right-of-way line to the point where the width of the lot meets or exceeds the frontage requirement for the zone.

Zone	Maximum Access Strip Length	Minimum Separation Distance Between Rear Lot Access Strips
R-80	500 feet	400 feet
R-40	400 feet	300 feet
R-22/25	300 feet	200 feet
I-1 – public water and public sewer	500 feet	200 feet
I-1 – well or septic	500 feet	200 feet
I-2– public water and public sewer	500 feet	300 feet
I-2 well or septic	500 feet	300 feet

The Commission may, by a 2/3 vote, approve a lesser separation distance in the case of a cul-de-sac.²

- c. When any portion of the driveway is located within an access strip, the entire driveway shall be paved with concrete, bituminous-concrete or similar paver material to a clear width of at least ten feet (10').
- d. A driveway serving a rear lot shall not exceed a grade of five percent (5%) within 35 feet of a public roadway nor shall the remainder of the driveway exceed a grade of fifteen (15%).

¹ revised, ZA #539, effective 8/24/07

² revised, ZA #539, effective 8/24/07

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5.J.5 Dumps, Junk Yards

The disposal or accumulation of garbage, sewage, trash, refuse, junk, machinery, vehicles or parts thereof, or waste materials of any kind shall be prohibited in any zone, except by or under the direction of the municipality or its agents.

Nothing in this section shall be interpreted to prohibit the operation of sanitary landfill operations by the municipality or its agents, or legitimate waste disposal operations permitted by these Regulations. Said sanitary landfill operations may be carried out in any zone by the municipality or its agents, subject to approval of the Board of Appeals.

5.J.6 Collection/Drop Off Receptacles ¹

Collection/drop off receptacles shall be permitted on properties in the B-Business Zone providing the following criteria are met:

- the parcel shall be at least two acres in size;
- the proposed location shall not be in the front yard setback and shall not result in sight line concerns for vehicular circulation internal or external to the site;
- receptacle shall be located on paved surface or crushed stone as approved by the engineering department ;
- before any receptacle is installed, an approval for a site plan modification in accordance with Section 9 of these regulations is required. The owner of the parcel shall apply for the site plan modification. Installation of a receptacle without prior approval shall result in a Notice of Violation.
- Not more than two receptacles shall be located or installed on a parcel or site; and,
- Evidence of the owner or purveyor’s non-profit status shall be submitted with the site plan modification application materials.

¹ new, ZA #535, effective 5/8/07

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Signs



Parking



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6.A Signs

6.A.1 Purpose¹

This Section of the Regulations is intended to balance the need to protect the public safety and welfare, the need for a well maintained and attractive community, and the need for adequate identification, communication and advertising.

The regulations for signs have the following specific objectives:

- To allow and promote positive conditions for sign communication and encourage economic growth;
- To reflect and support the desired ambience and development patterns of various zones in accordance with the Plan of Conservation and Development and promote an attractive environment.
- To allow for adequate and effective signs whose dimensional characteristics further the interest of public safety and the needs of the motorist and pedestrian, where signs are viewed from a street or sidewalk.
- To ensure that the constitutionally guaranteed right of free expression is protected.

These sign regulations are intended to place restrictions on the time, place, and manner (when, where, and how) of signage so that the purposes stated above may be accomplished. This includes restrictions on size, height, location, and number of signs that may be displayed.

A sign otherwise authorized by these Sign Regulations may contain non-commercial content, provided that the sign otherwise conforms to the provisions set forth in these Sign Regulations.

6.A.2 Measurement of Sign Area

1. The area of a sign shall be considered to be that contained within the smallest rectangle which encompasses all lettering, wording, design or symbols.
2. If attached, the area shall include any background different from the balance of the wall if such background is related to the sign.
3. if detached, the supports shall not be included in the area of the sign unless such supports are obviously designed to be part of the sign.
4. Only one side of a detached two-faced sign shall be calculated in determining conformity with these regulations, providing that the faces are mounted back to back.

¹ Revised, ZA #583, effective 1/9/15

6.A.3 No Sign Permit Required

The following signs are permitted in all zoning districts (unless otherwise noted) provided that, when located in a residential zone, any such sign(s) shall:

- be located at least 20 feet back of the street line,
- not exceed a height of 10 feet, and
- not be internally illuminated.

No Sign Permit Required - Type	Maximum Sign Area
1. Signs indicating the name and address of the property and/or occupant	1 SF
2. Signs which identify a historical building when constructed of a metal or wood material	1 SF
3. Signs pertaining to a profession or occupation lawfully permitted as an accessory use on the lot	2 SF
4. Signs pertaining to the sale, lease or rental of residential property on which they are located	4 SF
5. Signs pertaining to the sale, lease or rental of industrial or commercial property on which they are located (registration req.)	32 SF
6. Farms	12 SF
7. Bulletin boards on the premises of churches or other religious institutions and municipal buildings (bulletin board may be 32 SF if located at least 40 feet from a public ROW)	12 SF
8. Signs of civic organizations displayed for up to 90 days within any 12-month period	32 SF
9. Emblems, badges, and insignias used to identify governmental, educational, charitable, philanthropic, civic, professional, fraternal, or religious organizations and located on numbered highways	32 SF
10. Holiday decorations excluding commercial advertising	32 SF
11. Political signs in connection with governmental elections or referendums for a time period of not more than 90 days preceding or 5 days following such election or referendum	32 SF
12. Signs pertaining to political expression	24 SF
13. Traffic control signs installed by a governmental jurisdiction or authorized in conjunction with an approved site plan	Per MUTCD Standards
14. Nonilluminated signs pertaining to the contractor(s) and/or financial institution(s) affiliated with the construction or repair of buildings or the property on which they are located. Such signs shall be removed upon the issuance of a Certificate of Occupancy	4 SF per entity / 16 SF in total
15. One non-illuminated Grand Opening sign or banner for up to 30 consecutive days on-site for any business which moves into a new location, is under new management, or is under new ownership.	12 SF sign / 30 SF banner or banner flag

6.A.4 Sign Registration Required

The following signs are permitted in all zoning districts (unless otherwise noted) following registration with the Zoning Enforcement Officer (including a map showing the locations to be displayed) with the proviso that registration may be revoked for violation and/or fines may be levied per Town Ordinance for non-compliance:

1. **Temporary Wire Frame Signs**¹ -
 - a. May have only one sign per location where the service is being performed;
 - b. Maximum size 18" x 24"
 - c. May be displayed from when the service begins to 24 hours after the service has been completed. May be displayed up to 30 days prior to event to 24 hours after the event is over for non-profit events (i.e. Relay for Life, craft fair)
 - d. Must be at least 12' from property lines
 - e. May only be displayed on private property with the permission of the property owner
 - f. Shall not be in road right-of-way or obstruct sidewalk traffic or sight lines
 - g. Shall not have any illumination

2. **Temporary A-Frame Signs (also called "sign, portable"?)** -²
 - a. Only one sign per property (to advertise a business). Properties with multiple businesses can have one sign per business.
 - b. Shall only be used for special sale event or business promotion.
 - c. Design shall be substantially similar to the material example available in the Planning Department with preference given to chalkboard, dry-erase, or wood.
 - d. Shall not be larger than twenty-four (24) x forty-eight (48) inches
 - e. Shall be maintained in good working condition.
 - f. May be located:
 - a) in the Downtown Renaissance Area or Plantsville Center (CB and R-O zones) on internal sidewalks or town-owned walkways provided items C through K are met below.
 - b) May be located in the Business Zone on internal sidewalks only.
 - g. Shall be taken in at night and during storm events.
 - h. Shall be displayed perpendicular to the sidewalk.
 - i. Shall not leave less than four (4) feet of unobstructed walkway at all times.
 - j. Shall not be greater than ten (10) feet in distance to main entrance or that which is used by patrons on a regular basis.
 - k. Shall not be illuminated in any way.
 - l. Shall not obstruct any vehicular or pedestrian sight lines.

¹ New, ZA #569, effective 1/19/13

² Revised, ZA #579, effective 8/2/14

6.A.5 Sign Permit Required

The following signs shall be permitted in all zoning districts (unless otherwise noted), upon the issuance of a Sign Permit from the Zoning Enforcement Officer:

Sign Permit Required - Type	Maximum Sign Area
<p>1. Business and Industrial Districts (Attached Signage) - In business and industrial districts, signs attached to the building subject to the following:</p> <ul style="list-style-type: none"> a. For buildings set back less than 80 feet from a public right-of-way, the total area of all signs shall not exceed one square foot for each linear foot of building frontage or 150 square feet; whichever is less. b. For buildings set back 80 feet or more from a public right-of- way, the total area of all signs shall not exceed 1.5 square feet for each linear foot of building frontage or 150 square feet; whichever is less. <p>For a building with or proposing more than one (1) business establishment, the allowable attached sign area shall be proportionate to the total building frontage occupied by the individual business.</p> <p>The total permissible attached sign area for any one (1) business may be subdivided into a maximum of three (3) attached signs.</p> <p>Such signs shall not project above the roofline, shall not project more than eighteen (18) inches from the wall or surface to which they are attached, and shall not be painted on the surface of any building.</p> <p>Projecting Signs - As an alternative to attached signage, a business establishment may erect one projecting sign not to exceed an area equal to one-half the linear length of the building frontage (or business tenant frontage) or 12 SF; whichever is less. Such signs shall not project more than 4 feet from the building to which it is attached nor extend into or over a street. A minimum clearance of 9 feet shall be maintained between the sign and the ground and the sign structure shall not exceed a height of 20 feet as measured from grade. Projecting signs shall be constructed of a metal or wood material and shall not be internally illuminated.</p>	<p>See text</p>

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Sign Permit Required - Type	Maximum Sign Area
<p>2. Business and Industrial Districts (Detached Signage) - In business and industrial districts, one detached sign per lot may be permitted subject to the following:</p> <ul style="list-style-type: none"> a. The sign area shall be limited to one square foot per linear foot of building frontage or 150 SF; whichever is less. b. The height of a detached sign shall not exceed 15 feet, inclusive of the base except that, where a detached sign is adjacent to a roadway that has a higher grade level as compared to the grade level directly below the sign, then the height will be measured from the roadway grade level to the highest point of the sign or structure. c. Detached signs shall have bases made of natural or composite wood, stone or brick. d. Signs shall be properly landscaped. e. Such signs shall be located entirely within all property lines, at least 10 feet from the edge of pavement, and shall in no case be more than 20 feet from the property or street line. f. A corner lot may have one detached sign on each street which provides legal access to the lot. Such signs shall be no greater than 10 feet in height and a combined area of no greater than 100 SF in total if more than one detached sign is utilized on the entire property. Each sign shall be designed to be viewed from a different right-of-way and a minimum distance of 75 feet shall be maintained between each sign and the point of intersecting rights-of-way. g. For a multi-tenant complex developed on a tract of land three acres or more in area, initially held in single ownership or control, one sign may be erected along each right-of-way which provides legal access to the property. Each sign shall not exceed 100 SF in area. The display surface of each such sign shall not be higher than 15 feet nor lower than 10 feet above the adjoining finished grade. h. Such signs shall include a street number, in standard numerical form, to be located on the top of the proposed sign as an aid to the public and emergency services. This number shall be flush mounted with the top of the proposed sign and housed in an area no larger than 1 foot in height and 2 feet in length and contain numbers which are a minimum of 9 inches in height and shall be of similar design, construction and color to the main portion of the sign. The street number shall be exempt from the sign area requirements otherwise specified in these regulations. 	<p>See text</p>

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Sign Permit Required –Type	Maximum Sign Area
3. Industrial promotional signs under the auspices of the Town of Southington Economic Development Department containing only words.	64 SF
4. Identification sign announcing the future location of a new business or industrial project. Such signs shall be located on premise and shall be permanently removed from the site upon issuance of a certificate of occupancy	32 SF
5. In business and industrial districts, off premise directional signs consisting of black letters and arrow on a white background. a. Such signs shall be situated on private property subject to written authorization of the property owner. b. Off premise directional signs shall not exceed 8 feet in height. c. No more than one sign per corner shall be permitted.	8 inches by 36 inches
6. In an RO zone, signs limited to the name of the business(es) having an office on the premises: a. Attached signage limited in area to six square feet (6 SF) per office or twelve square feet (12 SF) per building; whichever is less. b. One detached sign per premise not to exceed 6 feet in height with an area not to exceed 10 square feet (10 SF).	(see text)
7. Signs on the premises offering lots and/or homes for sale within approved subdivisions. a. One (1) sign per 10 lots, no more than two (2) signs. b. Such signs shall not be displayed for more than 12 months except that approval for such signs may be extended for an additional twelve (12) months if fifty (50) percent or more of the lots remain unsold. c. Signs shall be maintained in good condition and appearance	32 SF per sign
8. Permanent subdivision identification signage on each side of the roadway at the main entrance to a residential, business, or industrial subdivision for purposes of identifying the name of the subdivision only. Such identification signs shall not be internally illuminated nor exceed 6 feet in height.	32 SF

6.A.6 Commission Approval Required

The following signs shall require Special Permit approval from the Commission:

Commission Approval Required - Type	Maximum Sign Area
<ol style="list-style-type: none"> 1. Signs for Special Permit uses. <ol style="list-style-type: none"> a. Such signs are subject to the satisfaction of requirements and standards as set forth in this Section and Section 8.D. b. Application submittals to the Commission shall be accompanied with information specifying the intensity of signage lighting, the size and scale of the proposed signage in relation to the building and/or site, and information pertaining to the compatibility of such signs in relation to the architectural characteristics of the building. c. The applicant shall furnish the Commission with renderings which accurately depict building elevations (including architectural details) and the location of all proposed signage. 	<p>See text</p>

6.A.7 Sign Illumination ¹

1. In terms of Internally illuminated signage (attached sign or detached sign):
 - a. “Channel” letter designs are preferred.
 - b. Backlit (Halo) illumination is preferred.
 - c. For sign cabinets and back-lit signs, the sign panel shall be designed so as not to allow light to project through the face of the sign (i.e., dark background, light letters).
 - d. Internal illumination of any kind is prohibited in the CB and RO zones.

2. In terms of externally illuminated signage (attached sign or detached sign):
 - a. Exterior illumination is permitted when confined or directed to the surface or mounting surface of the sign so that no direct rays or glare are visible beyond the property lines or create a danger to vehicular traffic.
 - b. Gooseneck-style external illumination is preferred.
 - c. Detached signs may be externally illuminated or back-lit, but shall be designed so as not to allow any light to project through the face of the sign without the express approval of the Commission.

¹ Revised, ZA #586, effective 8/8/15

6.A.8 Prohibited Signs

The following signs shall be prohibited for the reasons of:

- Protecting the public health, safety and welfare;
- Reducing traffic and pedestrian hazard;
- Minimizing possible adverse effects and visual blight caused by the signs; and
- Furthering the objectives of the town's Plan of Conservation and Development:

1. Billboards.
2. Off premises signs, except directional signs as otherwise provided for in these regulations.
3. Electronic Message Boards, LED strips or similar sign borders and any other signs which revolve, rotate, flash, or involve the electronic or automatic switching of lamps or illuminated tubes, except for time and temperature signs, and signs advertising the numerical price of motor vehicle fuel providing said fuel sign:
 - a. Does not revolve, rotate or flash,
 - b. The numerical display shall not change more than twice in a 24-hour period. ¹
 - c. Shall be no greater than 10 inches in height and 25 inches in width for each type of fuel and no more than four displays of fuel at any site.
 - d. The total sign area shall be as set forth these regulations.
 - e. The background for the price display shall be black and the illumination for the numerical display shall be red or green.
 - f. The NIT intensity shall be no greater than 5,000 NITS during daylight hours and 3,000 NITS during the evening hours.
4. Advertising flags, banners, strings of pennants, festoons of lights, twirlers, propellers, streamers or similar devices of carnival characteristics, unless otherwise permitted as set forth for new businesses as per Section 6.A.5.4.
5. Signs orientated to a road which does not legally provide access to the property, except within Executive Parks; as specifically approved by the Commission.
6. As of the effective date of this regulation, any new portable trailer-mounted signs or any similar mobile billboards, not including political signs.
7. Roof Signs
8. Plastic cabinet signs without an opaque background.
9. Pylon/Monopole signs ²

¹ New, ZA #563, effective 6/23/12

² ZA #599, effective 4/17/19

6.A.9 Nonconforming Signs

No nonconforming sign may be changed except to a conforming sign. Structural alterations which do not materially alter the characteristics or exterior appearance of the sign may be made.

6.A.10 Repair of Signs

All signs must be maintained in good repair. Failure to maintain and/or repair a sign within thirty (30) days of an order from the Zoning Enforcement Officer shall result in the issuance of an order to remove said sign. Failure to maintain a legal nonconforming sign in good repair shall result in the extinction of legal nonconforming rights and require the removal of such sign.

6.A.11 Detached Sign Enhancement ¹

Additional signage area for detached signs in existence as of April 17, 2019 will be allowed as follows in accordance with Zoning Permit Approval:

1. **Opaque Background** - Sign area increases shall only be allowed for signs with 100 percent opaque background material, with either exterior lighting, or interior lighting that shines only through the sign letters, logo and/or limited design elements. Plastic cabinet signs are not eligible for the following sign area increases.
2. **Enclosure Of A Detached Sign Pole** - Sign area may be increased by 2.5 percent if the sign pole is enclosed/converted to an architectural feature. The width of the pole enclosure must be equal to at least 40 percent of the average width of the sign. Applicants are encouraged to be creative with pole enclosures. The pole enclosure will not be included in the sign measurement area.
3. **Detached Sign Enhancement** - If applicable, sign height may be increased 10 percent in elevation over the existing height if the sign itself is enhanced with decorative trim. Trim shall be defined as any decorative sign feature that is not integral to the sign content, logo or company color scheme but rather is solely for aesthetic purposes. The enhancement will not be counted toward the maximum height or area.

¹ ZA #599, effective 4/17/19

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6.A.12 Exemptions

1. Traffic Control signs installed by a governmental jurisdiction or authorized in conjunction with an approved site plan provided no corporate emblems, logos or insignia shall be placed on such traffic control signs.
2. Membership decals or accepted credit forms affixed to windows or doors.
3. Any sign required by any Town, State or federal laws, governmental order or regulation is not subject to these regulations. For municipally owned property and/or public facilities, the Commission may approve a sign package that modifies these regulations.

6.A.13 Separability

Each of the provisions of this Section shall be separate and independent of the other and the invalidity of any provision shall not invalidate any other section or provision thereof.

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6.B Parking And Loading

6.B.1 Purpose

This Section is intended to:

- require provision of parking and loading spaces in such number, location and configuration to accommodate the vehicles of occupants, employees, customers, and other persons normally visiting a use at any one time,
- Prevent parking in public streets of vehicles of any persons connected with or visiting the use; and
- Ensure that the interior vehicular circulation systems are adequate to provide safe accessibility to all required off-street parking.

6.B.2 General Requirement

1. Parking facilities in accordance with the requirements of this section shall be provided for all new uses or buildings hereafter constructed, reconstructed, or enlarged. ¹
2. Adequate, but not excessive, loading facilities in accordance with the requirements of this section shall be provided for any lot or building hereafter used, altered or developed for office, business or industrial purposes. ^{2 3}

Parking



Loading



¹ Revised, ZA #540, effective 9/8/07

² Revised, ZA #540, effective 9/8/07

³ Revised ZA #589, effective 11/5/16

6.B.3 Number Of Parking Spaces Required

1. As indicated in the following tables, the amount of required vehicle parking will depend on the nature of the land use and varies for different uses.
2. In the case of mixed uses, the parking facilities required shall be the sum of the requirements for the various uses, computed separately with up to a 15% reduction being given for shared uses, consisting of 2 or more primary use classifications (Residential, Commercial, Office or Institutional), as accepted by the commission or staff under procedurally delegated authority.
3. When a specific use is not listed in these regulations, reference shall be made to the following publication, and other professional reference sources as may be available, to aid in determining the required amount of parking: "Parking Generation", by The Institute of Traffic Engineers (ITE), Washington, DC, 1987, and as revised.¹

RESIDENTIAL-RELATED	Minimum Parking Requirement
For single -family dwelling	2 parking spaces
For two-family dwellings	2 parking spaces per dwelling unit
For multi-family dwellings <ul style="list-style-type: none"> • Studio / One-bedroom <ul style="list-style-type: none"> ○ If elderly • Two or more bedrooms 	2.0 spaces per dwelling unit 1.25 spaces per dwelling unit 2 spaces per dwelling unit
For rooming or boarding houses	2 parking spaces for the principal use plus 1 parking space for each unit or for each room offered for rent for separate occupancy.
For permitted home occupations and professional offices	2 parking spaces for the principal use plus 1 parking space for each 200 square feet of building floor area devoted to such use
For parent / grandparent apartment (accessory dwelling unit)	2 parking spaces for the principal use plus 2 parking spaces for the parent / grandparent apartment (accessory dwelling unit)
For bed and breakfast establishments	Two (2) spaces for the principal use plus one (1) space per guest bedroom
For managed residential community operated by an assisted living services agency	1 parking space for each three beds plus 1 additional space for each 4 total employees

¹ Revised, ZA #540, effective 9/8/07

BUSINESS ^{1 2 3}	Minimum Parking Requirement
For retail and service establishments	3 parking spaces per 1,000 square feet gross floor area. (see note 1 below)
For business offices and financial institutions	3 parking space per 1,000 square feet of gross floor area.
For medical or dental offices, excluding home occupations	5 parking spaces per 1,000 SF of net floor area. (see note 2 below)
For Executive Office & Accessory Uses within an Executive Park	one parking space per 300 square feet of floor area, excluding utility and storage area, and lobbies
For restaurants, night clubs, taverns, or other eating and drinking places and private clubs	1 parking space per 2 seats.
For hotels, conference centers and motels	1 parking space per hotel / motel room plus 1 additional space for each three employees, plus one parking space for every 2 seats of all area devoted to customer service for any included restaurant or banquet hall.
For undertaking establishments	1 parking space for each 25 square feet of gross public floor area
For fuel service stations	1 parking space for each 50 square feet of gross floor area, not less than 5 spaces.
For wholesaling or warehousing establishments and laboratories	1 parking space for each three employees customarily employed at one time or for each 1,000 square feet GFA
For industries and manufacturing operations	the number of spaces shall be sufficient to accommodate personnel and customers based on the nature of the business.
Car wash establishment	50 parking spaces minimum, including capacity of waiting lanes.

1. Overflow parking for peak season retail, if necessary, shall not exceed an additional parking space per 1,000 square feet of gross floor area and such excess shall consist of pervious surfaces such as grass, grass/grid systems or similar materials.
2. Net floor area means the gross floor area of a building minus areas used for vents, shafts, attics, basements used for storage only, hallways, stairways, foyers and other similar common areas. The applicant shall provide pertinent floor area usage calculations on the site plan and building plans.

¹ Revised, ZA #589, effective 11/5/16
² Revised, ZA #540, effective 9/8/07
³ Revised, ZA #580, effective 8/2/14

OTHER	Minimum Parking Requirement
Place of worship	one parking space for every three seats for the maximum congregation which can be accommodated at one service. When a place of worship includes accessory uses such as day care, schools or assembly halls for non-religious services the parking requirements for these uses shall also be met. These additional requirements may be waived in whole or in part provided it can be demonstrated to the satisfaction of the Commission that sufficient spaces are committed and available on a non-conflicting basis. ¹
For philanthropic or eleemosynary institutions	1 parking space for each 150 square feet of floor area devoted to office or administrative use
For colleges, trade schools, business colleges and secretarial schools	1 space for every two (2) students, including full time and part time students
Ancillary theaters, auditoriums, stadiums and similar places of assembly	Parking requirements for shall be calculated separately
Theater, auditorium or stadium	1 parking space for each four ² seats or spectator equivalent.
For hospitals, sanitariums, convalescent, nursing homes	1 parking space for each three beds excluding bassinets, plus 1 additional space for each 4 total employees

6.B.4 Shared Parking Provisions

- Nothing in this section shall be deemed to prohibit a cooperative action on the part of any group designed to provide in common the parking spaces required for the individual members of the group, provided that the area, or a sufficient portion thereof, is located within 500 feet of the building which it serves.
- Theaters, bowling alleys, night clubs and other similar uses and activities, carrying on the major portion of their business during the evening hours or Sundays, may provide 50 percent of the required parking space, as specified above, through use of parking space provided for uses and buildings carrying on the major portion of their business during daytime hours, if suitable permissive agreements are presented.
- Common spaces of two or more parking facilities on adjoining lots, if designed for use as a single parking area, may use the same means of access.

¹ New, ZA #540, effective 9/8/07

² Revised, ZA #589, effective 11/5/16

6.B.5 Handicapped Parking Requirements

- Off-street parking for handicapped persons shall be provided in conformance with Section 14-253a of the Connecticut General Statutes and Section 2107.0 of the Connecticut Building Code (size of spaces and number of spaces).
- Spaces for handicapped parking shall be in accordance with the following table. The first handicapped space on each site must be van accessible.

Total Number Of Parking Spaces On-Site	Number of Handicapped Parking Spaces Required
Less than 25	1
26 – 50	2
51 – 75	3
76 – 100	4
101 – 150	5
151 – 200	6
201 – 300	7
301 – 400	8
401 – 500	9
500 – 1000	2% of total
over 1000	20 plus 1 for each 100 over 1000

- Appropriate details of cross hatching and signage shall be provided on plans. ¹

Sign



Pavement Marking



¹ Revised, ZA #540, effective 9/8/07

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6.B.6 Electric Vehicle Infrastructure

Property owners are encouraged to plan ahead for the future demand for EV chargers and to provide sufficient space and expansion capacity in underground conduits, junction boxes, electrical equipment, and other components of the system.

1. Notwithstanding any other provisions of these Regulations, electric vehicle (EV) charging stations shall be a permitted accessory use in every zoning district. The installation of an EV charging station as an accessory use/structure shall require issuance of a Zoning Permit in a residential zone and a Site Plan Approval (or modification thereof) in a business or industrial zone. A Special Permit shall be required for:
 - a. EV charging stations as a primary use of property, or
 - b. Proprietary EV charging stations systems capable of serving only specific vehicle brands unless such proprietary systems are less than 50% of all EV charging stations systems being installed.
2. Notwithstanding any other section of these Regulations, the apparatus associated with an EV charging station:
 - a. Shall not be required to adhere to side yard or rear yard setback requirements.
 - b. Shall comply with the minimum front yard setback requirement to the extent reasonable as determined by the Zoning Enforcement Officer or the Commission.
3. In all districts, whenever 30 or more parking spaces (new or expansion of existing) are being installed or are required by these Regulations, the installation of infrastructure (conduit, wiring, panel capacity, etc.) for EV parking space(s) shall be provided for at least ten percent (10%) of the parking spaces being installed.
4. The installation of EV charging stations shall not reduce the number of parking spaces or the dimensions of any parking space below that required by these Regulations except that the Commission may, by Special Permit, allow the use of compact car spaces (16' depth) and/or a reduction of up to 10% in the number of parking spaces as part of retrofitting an existing parking area for EV charging stations (due to loss of area as a result of above ground equipment installation).
5. Charging cords shall be retractable or have a place to hang the connector and cord so as not to impede pedestrian travel or create injury hazards for pedestrians.
6. Signage and parking space paint shall be consistent with applicable standards and shall clearly identify EV charging stations.

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- 7. Unless otherwise approved by the Commission by Special Permit, EV charging stations may include signage or electronic displays that provide operating instructions provided such signage and displays;
 - a. Do not exceed one square foot (144 square inches) in cumulative area per charging station.
 - b. Use only static images.
 - c. Any electronic displays are either not visible from public roadways or residential buildings or use reduced lighting intensity from dusk to dawn.
 - d. Do not emit audible sound.
 - e. Do not include advertising.
- 8. Electric vehicle charging stations are not permitted within the Town or State right-of-way except at municipal sites and adjacent to designated on-street parking.



*Size of Display Plus Advertising
Only Allowed By Special Permit*



*Size of Display Plus Advertising
Only Allowed By Special Permit*



6.B.7 Design & Construction ¹

1. A standard required parking space shall contain not less than nine (9) feet and a minimum length of not less than eighteen (18) feet. Each space shall be of usable shape, exclusive of driveways and access areas.
2. All parking spaces, loading facilities and access roadways shall be constructed of bituminous or masonry concrete or pervious pavement or concrete in order to support free and safe movement of all vehicles customarily using the facility, provide adequate drainage, and inhibit dust. In addition, any parking facility providing 110 percent or more of the parking requirements herein, except parking areas designated as municipal parking, shall utilize pervious materials for such excess parking or such spaces shall be set aside as deferred parking for either peak period overflow needs or in the event additional parking is deemed necessary by Zoning Enforcement Officer. ²
3. All off-street parking and loading facilities shall be designed with appropriate means of vehicular access to a street as well as maneuvering areas. Plans shall be submitted to the State Department of Transportation for approval of all curb cuts or driveway openings onto a State highway before a permit may be obtained therefor.
4. In vehicle parking lots the traffic lanes shall facilitate traffic movement and maneuverability, especially for ambulances and fire fighting vehicles. Traffic lanes leading to parking stalls shall be constructed to accepted standards.
5. All vehicle parking areas shall be well drained and all drainage systems shall be approved by the Town Engineer. The developer shall obtain approval of site drainage plans prior to construction of parking lot. ³
6. All driveways shall be constructed in accordance with applicable [Town standards](#).
7. Except in Residential Zones, required parking facilities shall be provided on the same lot as the building they serve or on a lot within 400 feet from such building.
8. In the Business Overlay Zone (BOZ), not more than twenty-five (25%) of the proposed parking area shall be located in the front yard unless otherwise waived by the Commission.
9. Parking lot lighting shall be full cutoff fixtures with recessed lenses only. Lighting on any parking shall be located and arranged to reflect away from residential areas and public streets.
10. Dead end parking rows shall be minimized.

¹ New, ZA #540, effective 9/8/07

² Revised, ZA #592, effective 5/20/17

³ Revised, ZA #540, effective 9/8/07

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11. Vehicle parking stalls shall be constructed so that no part of a vehicle extends beyond the property lines.
12. Any parking area designed for three or more vehicles located adjacent to any public sidewalk or area reserved for a public sidewalk, shall be separated from such sidewalk or reserved area by a four foot ¹ wide landscaped strip with curbing so as to prevent the encroachment or parking of vehicles on such public sidewalk or reserved area. This landscaped area shall be landscaped with appropriate trees, shrubs, and plantings. In selecting the types of plantings, consideration shall be given to maintaining adequate sight lines to provide for safe access to the property.
13. No vehicle shall be parked on a property so as to intrude over or obstruct the public right-of-way or public sidewalks. For a residential use, any structures used for parking or sheltering motor vehicles or recreational vehicles shall be at least 20 feet from the property line along a public street right-of-way, unless it can be demonstrated that the length of the driveway and the orientation of the garage doors shall ensure that vehicles parked in the driveway leading to such garage will not intrude into or obstruct the right-of-way or sidewalks.

6.B.8 Off-Street Loading Space

1. Every building or lot hereafter put into use for business or industrial purposes or for a hospital or institutional use, and which has an aggregate floor area of 1,000 square feet or more devoted to any such use, shall be provided with off-street truck loading spaces constructed in accordance with applicable [Town standards](#)..
2. In determining adequacy of space and suitability of location, the Planning and Zoning Commission shall be guided by the nature of the use, the types of trucks servicing the site, the volume of vehicular and pedestrian movement which passes the premises and the location of the principal building in relation to the street. In no event shall a loading space be designed and located which requires trucks to back in from the street or use the right-of-way for turning movements.

A required loading space shall not be less than 10 feet wide and 25 feet long, exclusive of access, and 15 feet in height for vertical clearance for single-unit vehicles. If a semi-trailer or tractor-trailer truck is needed for the proposed use, the minimum width and length shall be 12 feet by 50 feet, respectively.

¹ Revised, ZA #540, effective 9/8/07

6.B.9 Counting Of Spaces At Municipal Parking Facilities

1. The Commission or Director of Planning and Community Development may waive the minimum off-street parking requirements for any use hereafter constructed, reconstructed, or enlarged if said use is located in a Central Business Zone and can be reasonably served by an existing off-street municipal parking facility. ¹
2. The Commission or Director of Planning and Community Development shall refer said application for parking waivers to the Parking Authority who shall review and report back to the Commission or Director of Planning and Community Development within 30 days as to the adequacy of the existing off-street municipal parking facility for handling the contemplated additional users at the time of application. ²
3. Subject to a favorable review from the Parking Authority, the minimum required off-street parking spaces for the use in question may be reduced in accordance with the following schedule: ³

Walking Distance	Reduction Factor
0-100 feet	100%
101-200 feet	75%
201-300 feet	50%
301-400 feet	25%
Over 400 feet	0%

The walking distance shall be measured in straight lines along public rights-of-way or established pedestrian access ways extending between the nearest entrance of the proposed building and the nearest vehicular or pedestrian entrance to the existing off-street municipal parking facility.

¹ revised ZA #566, effective 9.22.12
² revised ZA #566, effective 9.22.12
³ revised ZA #566, effective 9.22.12

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6.C Stormwater Management

6.C.1 Purpose

This Section of the Regulations is intended to:

- Minimize degradation of water resources (including, for example, but not limited to Long Island Sound and its tributaries) from pollution from non-point source runoff;
- Mitigate impacts to the hydrologic system from development, including reduced groundwater recharge and pollutants found in stormwater runoff;
- Reduce or prevent flooding, stream channel erosion, and/or other negative impacts created by the volume of stormwater runoff resulting from development; and
- Promote the application of low impact development (LID) strategies for the analysis and design of stormwater treatment systems.

6.C.2 Applicability

This Section of the Regulations shall apply to all developments which require approval of a Site Plan, approval of a Special Permit, approval of a subdivision, similar development.

6.C.3 Definitions

Directly Connected Impervious Area – An area where stormwater is conveyed directly from an impervious surface to a storm drain or a waterway.

Disconnected Impervious Area - An area where stormwater from an impervious surface runs off into a permeable area, such as a lawn.

Low Impact Development (LID) – Systems and practices for stormwater management that use or mimic natural processes and result in the infiltration, evapotranspiration, and/or use of stormwater in order to protect water quality and associated aquatic habitat (also called “green infrastructure”).

MS4 – An acronym referring to a municipal separate storm sewer system (MS4) which is subject to state and federal requirements for managing stormwater.

Infiltration Island



Bio-Swale



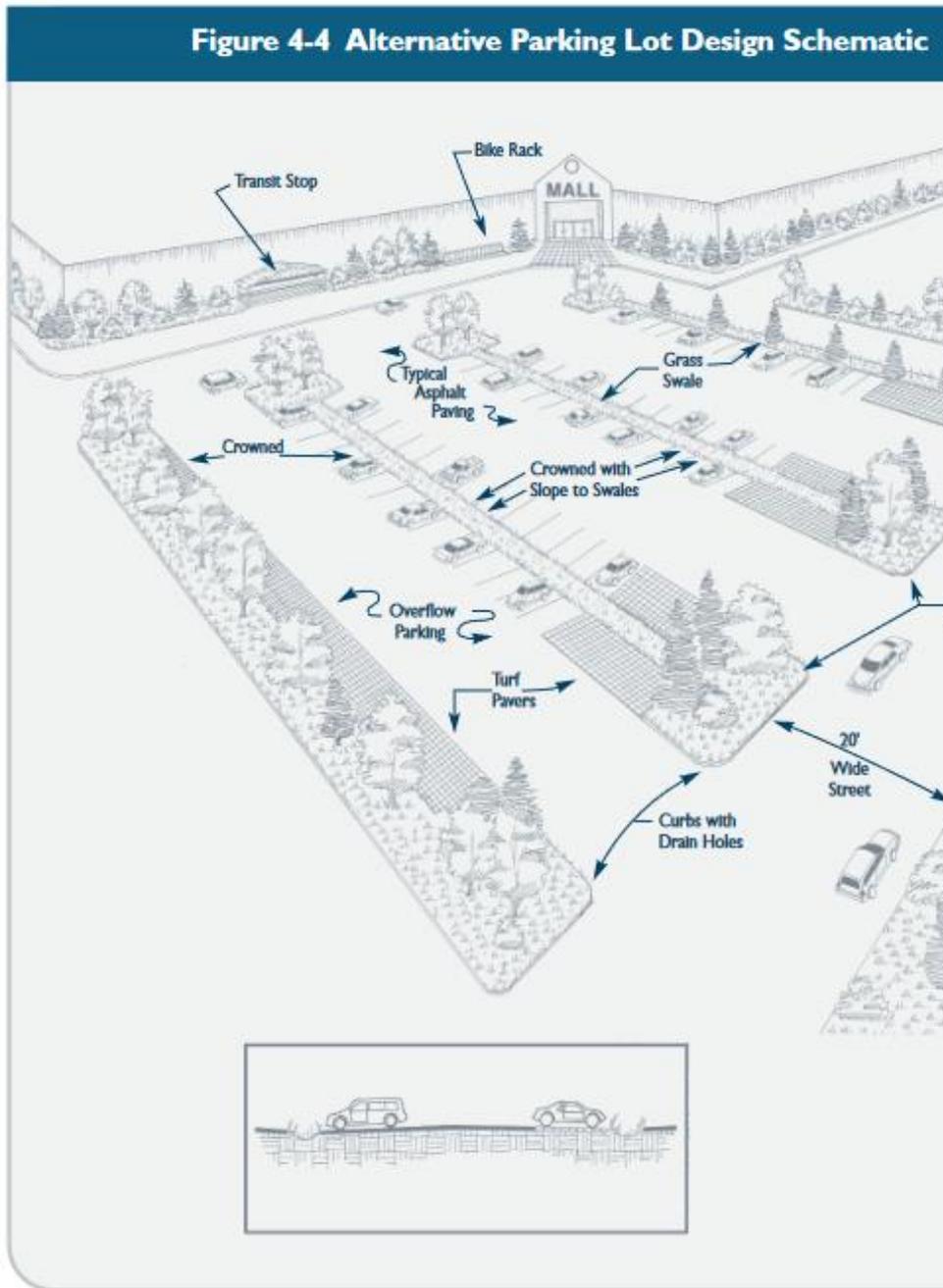
6.C.4 Requirements

1. All developments subject to this Section of the Regulations shall implement low impact development (LID) and best management practices wherever and whenever feasible. When considering issues of overall site design, storm water drainage and infrastructure design, all developers shall first consider LID best management practices, which shall include, for example, but not be limited to:
 - a. Hydrologic design elements (infiltration, retention and detention, bio-filters/swales)
 - b. Permeable pavement elements and disconnected impervious surfaces
 - c. Roadway, parking lot, driveway and circulation design elements
 - d. Structural design elements (rain water harvesting and foundation plantings)
 - e. Landscaping design elements (soil amendments, street trees, selection of native plant species)
 - f. Implementation of alternative energy sources (solar, gas or wind turbine)
 - g. Rain gardens for storm water infiltration
 - h. Green roofs
 - i. Prior to the consideration of traditional piped stormwater management practices, the applicant shall consider: and
 - j. The use of runoff reduction site planning and development practices, and
 - k. low impact development (“LID”) practices.

2. Specifically, the applicant shall consider the following elements:
 - a. minimize the amount of impervious surfaces (roads, parking lots, roofs, etc.);
 - b. preserve, protect, create and restore ecologically sensitive areas that provide water quality benefits and serve critical watershed functions;
 - c. implement stormwater management practices that prevent or reduce thermal impacts to streams, including requiring vegetated buffers along waterways, and disconnecting discharges to surface waters from impervious surfaces such as parking lots;
 - d. seek to avoid or prevent hydro-modification of streams and other water bodies caused by development, including roads, highways, and bridges;
 - e. the use of retention and/or detention facilities to promote infiltration, reduce peak runoff flows, and remediate runoff,
 - f. implement standards to protect trees, and other vegetation with important evapotranspiration qualities; and
 - g. implement policies to protect native soils, prevent topsoil stripping, and prevent compaction of soils.

3. The design, installation, and operation of a stormwater management facilities and systems shall be in accordance with the 2004 Connecticut Stormwater Quality Manual (CSQM), as amended, especially with regard to:
 - a. Chapter 7 – Hydrologic Sizing Criteria For Stormwater Treatment Practices;
 - b. Chapter 9 – Developing A Site Stormwater Management Plan; and
 - c. Chapter 11 – Stormwater Treatment Practice Design Guidance.

Graphic From Page 4-10 of 2004 Connecticut Stormwater Quality Manual Illustrating Conceptual Site Layout Using LID Techniques



Source: Metropolitan Council, 2001 (adapted from Robert W. Droll, ASLA, in Wells 1994).

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4. Unless modified by the Commission as provided in Section 6.D.5 below, any development shall implement the following provisions of Chapter 7 of the 2004 Connecticut Stormwater Quality Manual (CSQM), as amended:
 - a. Pollutant Reduction (CSQM Section 7.4);
 - b. Groundwater Recharge and Runoff Volume Reduction (CSQM Section 7.5); and
 - c. Peak Flow Control (CSQM Section 7.6) for the 10-year, 25-year, and 100-year storm events.

5. For development of new sites and redevelopment of existing sites resulting in Directly Connected Impervious Area (DCIA) of forty percent or more:
 - a. one-half (50%) of the water quality volume for the site shall be retained on-site; or
 - b. in cases where one-half (50%) of the water quality volume cannot be retained, the Commission may, in accordance with Section 6.D.5 below, approve an alternate retention/treatment standard where the applicant:
 - submits a report detailing the factors limiting the accomplishment of this standard;
 - demonstrates that the runoff volume has been retained to the maximum extent achievable using control measures that are technologically available and economically practicable and achievable in light of best industry practice; and
 - a drainage improvement is made elsewhere to accomplish the water quality volume standard or a fee is deposited into a dedicated Town account for to fund the retrofit of DCIA elsewhere.

6. For development of new sites and redevelopment of existing sites resulting in Directly Connected Impervious Area (DCIA) less than forty percent:
 - a. the entire water quality volume for the site shall be retained; or
 - b. in cases where the entire water quality volume cannot be retained, the Commission may, in accordance with Section 6.D.5 below, approve an alternate retention/treatment standard where the applicant:
 - submits a report detailing the factors limiting the accomplishment of this standard; and
 - demonstrates that the runoff volume has been retained to the maximum extent achievable using control measures that are technologically available and economically practicable and achievable in light of best industry practice.

7. Grading shall not be done in such a way so as to divert water onto the property of another landowner without the expressed written consent of that landowner.

8. If and where appropriate, the Commission may accept or require:
 - a. a drainage improvement elsewhere to accomplish the water quality volume standard; or
 - b. a fee that will deposited into a dedicated Town account to fund the retrofit of DCIA elsewhere.

9. In the event that drainage of the premises requires the provision of off-site drainage improvements, the developer shall design, install and pay for such improvements as required by the Commission based on the recommendations by the Town Engineer.
10. Every application subject to the provisions of this Section shall provide and comply with a long-term maintenance plan and schedule to ensure the performance and pollutant removal efficiency of privately-owned retention ponds, detention ponds and other stormwater basins that discharge to or receive discharge including short-term and long-term inspection and maintenance measures to be implemented by the private owner and such written narrative, schedule and plan shall be in accordance with:
 - a. the 2004 Connecticut Stormwater Quality Manual, as amended;
 - b. any Stormwater Management Plan established for the Town of Southington in accordance with the requirements of the “General Permit for the Discharge of Stormwater from Small Municipal Separate Storm Sewer Systems” as issued by the Connecticut DEEP; and
 - c. the “Connecticut Guidelines for Soil Erosion and Sediment Control”, as amended.
11. All drainage improvements shall be constructed in accordance with applicable [Town standards](#).

6.C.5 Modifications

1. The Commission may modify the requirements of this Section provided:
 - a. adequate information has been submitted by the applicant to evaluate the request and the Town Engineer has provided a positive recommendation regarding the modification; or
 - b. the proposal falls below the thresholds identified in CSQM Section 9.1.

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6.D Lighting / Illumination

6.D.1 Purpose

This Section of the Regulations is intended to provide standards with regard to exterior lighting in order to maximize the effectiveness of site lighting, to enhance public safety, to reduce glare, to discourage the installation of lighting fixtures that emit objectionable illumination, and to avoid unnecessary upward illumination and illumination of adjacent properties.

6.D.2 Applicability

This Section applies to application for approval of a Site Plan, approval of a Special Permit, or similar application.

6.D.3 Standards

1. **Performance Objectives** - All exterior lighting (including sign illumination) shall be designed, located, installed, and directed in such manner as to:
 - a. Be confined within the target area and not cast light on other areas,
 - b. Be shielded to the extent possible to prevent direct glare or light trespass onto neighboring properties or into the sky,
 - c. Employ soft, evenly distributed, transitional light levels which are consistent from area to area and provide uniform distribution of light without compromising safety and/or security, and
 - d. Minimize contrast between light sources, lit areas and dark surroundings.

2. **Shielding Of Light** - Light fixtures shall cast light primarily downward through the use of full cut-off type fixtures or fully shielded / recessed fixtures where the lens is recessed or flush with the bottom surface unless the applicant specifically requests, and the Commission specifically approves, an alternate lighting fixture.
 - a. The fixture shall include shields that prevent the light source or lens from being visible from adjacent properties and roadways.
 - b. Attached building or wall lighting shall be screened by the building's architectural features or contain a forty-five (45) degree cutoff shield.
 - c. In no case shall lighting be directed above a horizontal plane through the top of the lighting fixture.
 - d. No externally-mounted, direct light source including, for example, but not limited to floodlighting fixtures shall be directed towards the property line or be visible at the property line at ground level or above. Any flood lighting or any other type of lighting which is intended to illuminate the building or yards shall be arranged so that the lights will not shine into the eyes of any person external to the premises, or cause a nuisance from excessive glare.

Discouraged / Prohibited

Fixtures that produce glare and light trespass

Unshielded Floodlights or Poorly-shielded Floodlights

Unshielded Wallpacks & Unshielded or Poorly-shielded Wall Mount Fixtures

Drop-Lens & Sag-Lens Fixtures w/ exposed bulb / refractor lens

Unshielded Streetlight

Unshielded Security Light

Unshielded PAR Floodlights

Unshielded Bollard

shield too small ineffective

exposed polished reflector

shield ineffective

Drop-Lens Canopy Fixtures

Encouraged / Required

Fixtures that shield the light source to minimize glare and light trespass and to facilitate better vision at night

Flat lens

Full Cutoff Fixtures

Fully Shielded Wallpack & Wall Mount Fixtures

Fully Shielded Walkway Bollards

Fully Shielded Fixtures

Full Cutoff Streetlight

Fully Shielded Security Light

Fully Shielded "Period" Style Fixtures

Shielded / Properly-aimed PAR Floodlights

Flush Mounted Canopy Fixtures

bulb shielded in square top

BC 0103

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3. **Lighting Control** –
 - a. All non-essential commercial lighting (such as display, aesthetic, and sign lighting) shall be turned off after business hours.
 - b. Where necessary, lighting for site security may be configured for motion or infrared sensor operation.
4. Unless otherwise approved by the Commission, the maximum height of luminaries shall be twenty (20) feet for parking lots and sixteen (16) feet for public and internal walkways.
5. High pressure sodium light sources are not permitted unless the applicant demonstrates that other alternatives are not adequate or practical for the site.
6. Lighting designed to highlight flagpoles shall be targeted directly at the flag.
7. Where outdoor playing fields or other special outdoor activity areas are to be illuminated, lighting fixtures shall be specified, mounted, and aimed so that their beams fall within the primary activity area and immediate surroundings, and minimal light trespass is received off the site, and in no event greater than 0.1 foot-candles.
8. LED strips or similar lighted borders are prohibited.
9. Lighting facilities shall be constructed in accordance with applicable [Town standards](#).

6.D.4 Illumination Levels

1. In terms of illumination levels, the Commission shall be guided by the illumination levels as recommended by:
 - a. The Illuminating Engineering Society of North America (IESNA), and/or
 - b. The International Dark Sky Association (IDA).
2. Illumination levels recommended by the Illuminating Engineering Society of North America (IESNA) for the subject use(s) shall not be exceeded.
3. Replacement of light fixtures and/or light bulbs (or LEDs) shall maintain the illumination levels shown on the photometric plan approved by the Commission or, in the absence of such approved plan, the lighting levels as recommended by:
 - a. The Illuminating Engineering Society of North America (IESNA), and/or
 - b. The International Dark Sky Association (IDA).
4. Lighting levels for any exterior illumination, whether required or not required but provided, shall provide at least one-half (0.5) foot-candle of illumination for any access drive or walk so lit but shall not:
 - a. Show any direct light source beyond any lot line, or
 - b. Show more than one-half (0.5) foot-candle beyond any lot line, with the exception of the public right-of-way.

6.D.5 Lighting Plan Submission Requirements

1. Unless waived by the Commission or the Director of Planning and Community Development, a lighting plan shall be submitted as part of any application for approval of a Site Plan, approval of a Special Permit, or similar application.
2. The lighting plan shall indicate the location of each current and proposed outdoor lighting fixture including fixtures located on the ground, on a building, or architectural building or structure illumination located on or directed from the exterior of the building or structure, and illuminated signs.
3. The lighting plan shall demonstrate that:
 - a. Lighting will not adversely affect any abutting property or public street and that excessive light will not spill over the property lines or cause a nuisance from excessive glare.
 - b. Lighting from the installation of any outdoor lighting and/or illuminated signs will be properly shielded.
4. This plan shall be certified by a licensed professional engineer. The lighting plan shall include the following information:
 - a. The location of all lighting fixture (including parking lots, walkways, building mounted, signs, architectural building or structure illumination, and all other exterior lighting equipment or lighting located on or directed from the exterior of a building).
 - b. Descriptions of outdoor light fixtures including component specifications such as lamps, reflectors, wattage, type of light source (metal halide, fluorescent, LED, etc.) optics, angle of cutoff, supports, poles and include manufacturers catalog cuts.
 - c. Lighting layouts showing initial luminance calculations that conform to these Regulations.
 - d. ISO-illuminance contours and light level grid lighting plan of site property out to 10 feet beyond property lines or zero calculated initial light levels whichever comes first, showing footcandle readings including all property exterior light fixture contributions every ten (10) feet including the average footcandles, minimum and maximum footcandles and minimum to maximum ratios.
 - e. Foundation details for light supports.
5. Light poles within parking areas shall be located within curbed islands or at locations which will not affect traffic flow, reduce parking stall area, or interfere with pedestrian traffic.
6. Details for the standards, fixtures, and bases shall be provided on the plans.

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6.D.6 Exemptions And Modifications

1. Lighting, such as the types listed below, are exempt from these Regulations:
 - a. Traditional temporary seasonal/holiday lighting.
 - b. Temporary lighting associated with a fair, carnival or similar function authorized by the Town of Southington.
 - c. Temporary lighting used by the Police Department, Fire Department, or Emergency Services.

2. Provided the Commission determines, in its sole discretion, that such proposed lighting is consistent with the intent and purpose of these Regulations and that such lighting is essential to safe operation of the subject use, the Commission may, by Special Permit, allow lighting that does not comply with the requirements of this Section in the following cases:
 - a. where an applicant can demonstrate, by means of a history of vandalism or other objective means, that an extraordinary need for security exists,
 - b. where an applicant can show that conditions hazardous to the public, such as steep embankments or stairs, may exist in traveled ways or areas,
 - c. where a minor change is proposed to an existing non-conforming lighting installation, such that it would be unreasonable to require replacement of the entire installation,
 - d. where special consideration is given to maintain a uniformity with similar uses in the immediate vicinity, or
 - e. where ornamental up-lighting of sculpture, buildings or landscape features shall enhance the nature of the area.

6.E Landscaping

6.E.1 Purpose

This Section of the Regulations is intended to preserve existing vegetation and encourage or require the planting of new landscaping material in order to:

- reduce stormwater run-off and the consequent depletion of the ground water table and aquifers and/or pollution of water bodies and wetlands.
- prevent the erosion of the soil by wind or water,
- reduce heat generated by non-landscaped areas,
- provide privacy from noise and visual intrusion, and
- enhance the appearance and natural beauty of the Town

6.E.2 Applicability

This Section applies to application for approval of a Site Plan, approval of a Special Permit, or similar application.

6.E.3 Overall Landscaping Standards

1. All portions of a property not required for buildings, structures, parking, driveways, or sidewalks shall be landscaped with grass, ground cover, trees, and evergreen and deciduous shrubs.
2. All landscaping of the site shall be in character with that generally prevailing in the neighborhood.
3. Preservation of existing trees over twelve inches (12") in diameter to the maximum extent possible shall be encouraged.
4. Landscaping materials selected for use shall be acceptable to the Commission and native, non-invasive species are preferred (see plant lists from CT DEEP and other references at <https://portal.ct.gov/DEEP/Plants/Plants>).
5. Landscaping plans shall be designed to accommodate storage areas for piling snow.
6. In general, sites shall be adequately landscaped with a mix of trees, shrubbery and grass. Alternative landscape materials, such as bark mulch, pea stone or crushed stone shall be limited to incidental use only.
7. All landscaping shall be installed in accordance with applicable Town standards.

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6.E.4 Perimeter Landscaping Standards

1. At least one shade tree having a minimum 3 inch caliper measured at 6 inches above the ground line shall be provided for each fifty (50) feet or fraction thereof of lot frontage and for other property lines abutting or bordering roads. Street trees shall have a minimum branch height of six (6) feet from the ground line to the first branch. Such trees shall be planted at least two feet (2') back of the street property line but not more than ten feet (10') from the street property line. The Commission may allow for the clustering of such trees where deemed appropriate provided the number of trees is at least the number required.
2. The Commission may approve the substitution of planters, plant boxes or pots containing trees, shrubs and/or flowers to comply with the intent of these Regulations.
3. In the Business Overlay Zone, the front yard shall comprise a landscaped area of at least 30 feet in depth. This area shall consist of a planted lawn area and contain a mix of trees and shrubbery.

6.E.5 Parking Area Landscaping Standards

1. All vehicle parking areas shall include landscaped sections and islands wherever possible designed to relieve the monotony of large areas of bituminous concrete, etc.
2. All parking lots shall contain landscaped area in the ratio of not less than 20 square feet for each parking space as follows:
 - a. To provide relief from the expanse of pavement and to provide plant materials, which have a moderating effect on noise, air pollution and temperature, parking areas which contain twenty (20) or more parking spaces shall have landscaped islands providing shade trees and shrubs.
 - b. On sites with a total of 25 or fewer parking spaces, there shall not be more than 10 parking spaces in a row without being broken with curbing and landscaped area. On sites with a total of more than 25 parking spaces, there shall not be more than 15 parking spaces in a row without being broken with curbing and landscaped area.
 - c. A landscaped area shall be provided at the ends of parking rows to separate parking spaces from the circulation aisles.
 - d. Areas which cannot be used for parking, such as perimeter comers between parking stalls, shall be incorporated into the landscaped area rather than being paved.
 - e. In lots containing more than 25 total parking spaces, there shall be additional landscaping established along the periphery of the parking area.
 - f. At least one (1) shade tree having a 2 to 2-1/2 inch caliper measured at 6 inches above the ground line shall be provided within the parking islands and adjacent to the parking area for every ten (10) parking spaces.

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3. Each landscaped area shall contain a minimum of 100 square feet, shall have a minimum dimension of at least eight feet and shall be planted with ground cover, grass or shrubs, in addition to any shade tree requirements.
4. All landscaped sections and islands shall contain appropriate evergreen shrubs, trees and plantings.
5. All landscaping, trees, and planting material adjacent to parking areas, loading areas or driveways shall be properly protected from damage by vehicles by barriers, curbs, or other means.
6. The location and selection of plant materials shall provide for easy identification of traffic barriers and islands without obstructing vision of other vehicles, pedestrians or traffic signage.

6.E.6 Building Landscaping Standards

1. <reserved>

6.E.7 Detached Signage Landscaping Standards

1. Free-standing signs shall be adequately landscaped at ground level for a minimum horizontal distance of four (4) feet from the base and a minimum vertical distance of twelve (12) inches from ground level. Plant material shall consist primarily of low-growing evergreen shrubs, however, low-growing deciduous shrubs, annuals and/or perennial flowering plants and/or groundcovers maybe used in the planting bed.

6.E.8 Landscaping Screening Standards

1. Dumpsters, outside mechanicals, generators, utility cabinets mailbox kiosks, and other street hardware or mechanicals shall be screened as practicable by landscaping and/or fencing to the satisfaction of the Commission.
2. In the Business Overlay Zone (BOZ), all service bays, loading zone areas and commercial trash receptacles shall be properly screened unless otherwise modified by the Commission, and shall not be located in the front yard.

6.E.9 Landscaping Buffer Standards

1. Unless waived or modified by the Commission by a 2/3 vote, a landscaped buffer shall be maintained between proposed commercial, industrial, institutional, and multi-family residential uses and:
 - a. Adjoining residential uses.
 - b. Adjoining residential zones.
2. Such landscaped buffer shall be a minimum of 20 feet in depth and shall be planted with a mixture of evergreen and deciduous trees and shrubs to provide adequate year-round screening so that the developed site is obscured from view from abutting residential property.
3. Appropriate evergreen species shall be planted at least four feet in height at a separation distance which provides for growth of the planting and visual screening. The requirement for planting evergreen species may be waived by the Commission if a landscaped berm, masonry wall or combination thereof at least four feet high is installed to provide the visual screen.
4. Along all parking areas and drives the landscaped buffer shall be designed to screen commercial, industrial, institutional, and multi-family residential uses facilities from view and to prevent automobile headlights from causing a nuisance to adjoining residents.
5. Fencing shall be required for screening when landscaping and grading cannot provide the required screening due to topography, preservation of specimen trees or other important natural features, avoidance of wetlands or similar conditions, and/or prevent automobile headlights from causing a nuisance to the adjoining residents. Where automobile headlights are a concern, the Commission may require installation and maintenance of a light-proof fence constructed of wood or may, for good cause shown, approve the use of materials other than wood (such as vinyl) after a request for a different material is submitted.
6. Fences when constructed shall be, at minimum, four feet high when measured from the top of the adjacent grade and shall be made of wood. The Commission may, for good cause shown, approve the use of materials other than wood (such as vinyl) after an application for a different material is submitted.

In the Business Overlay Zone, where adjacent residential uses are located on B or BOZ zoned property or where residential uses are separated from the development by roads, the Commission may, with supermajority vote, waive or modify the buffer planting and depth requirements where the proposal incorporates screening with a lightproof fence at least seven feet (7') high and landscaping on the residential side of the fence.
7. Masonry walls shall have a finished surface of brick, fieldstone, architecturally textured concrete, split face block or similar material. Exposed concrete block or unfinished poured or precast concrete shall not be acceptable finishes.

6.E.10 Special Landscaping Provisions Applicable to Industrial Zones

1. **Preservation of Landscape –**
 - a. The development of industrial sites shall be engineered and developed so that the landscape will be preserved in its natural state insofar as practicable by minimizing soil and tree removal, and all grade changes shall be designed so that the finished levels and contours will blend harmoniously with the natural and undisturbed landscape.
 - b. No steep slopes shall be created and all disturbed land shall be treated to encourage plant growth by the provision of topsoil and the planting of appropriate trees, shrubs, and grass.
 - c. Where necessary, measures shall be implemented to minimize soil erosion and to prevent the pollution of streams.
 - d. All plans of subdivision for industrial purposes shall be in accordance with this section.

2. **Screening of Residential Zones or Residential Developments -**
 - a. Developed industrial premises shall screen abutting residential zones or abutting residential developments by a landscaped border of not less than 35 feet wide in an Industrial 1 zone and not less than 50 feet wide in an Industrial 2 zone or a 30' wide landscaped berm if the property is served by both public water and public sewer. ¹
 - b. Along all parking areas and drives adjacent to residential zones or residential developments the landscaped border must include a fully landscaped berm at least four (4) feet in height in order to screen these facilities from view and to prevent automobile headlights from causing a nuisance to adjoining residents. Slopes associated with such berms shall not exceed 3:1. The area of landscaped berm for parking lot screening shall not be counted towards the landscape area required in Section 12.
 - c. Such border shall provide a year-round effect through which the developed site is obscured from view from abutting residential property or uses. Appropriate evergreen species shall be planted at least five (5) feet in height at a separation distance which provides for the growth of the planting and complete visual screening. The landscaped border shall also include a mixture of deciduous trees and shrubs to provide a variety of species, avoid visual monotony and provide varied habitat value.
 - d. Fencing in connection with planting may be permitted or required when the bermed landscape border cannot provide the required screening due to topography, preservation of specimen trees or other important natural features, avoidance of wetlands or other similar features. Fence material and height shall be approved by the Director of Planning and Community Development. The Director of Planning and Community Development may refer any request or requirement regarding fencing to the Commission for action.
 - e. The Commission may waive all or any requirements in Section 6.E.10 or modify such requirements if it finds that existing foliage or natural conditions are sufficient to constitute a screen for the protection of adjacent residential premises, or for any other good reason. This action shall require a 2/3 vote by the Commission.

¹ Revised, ZA #610, effective 6/1/21

6.E.11 Maintenance Of Landscaping

1. Landscaping, trees and plants required by these Regulations shall be planted and maintained in a healthy, growing condition according to accepted horticultural practices.
2. Any landscaping, trees, and plants which are in a condition that does not fulfill the intent of these Regulations shall be replaced by the property owner during the next planting season for the particular plant material.
3. Any screening fence, wall, or curbing required by these Regulations shall be maintained by the property owner in good condition throughout the period of the use of the lot.¹

6.E.12 Financial Guaranty For Landscaping

1. The Commission may require that a performance bond or other form of financial guaranty, in an acceptable form and an amount to be set by the Engineering Department be provided to insure the faithful performance of the landscaping work to be undertaken.
2. Following the completion of landscaping for a project where a financial guaranty was required, the Planning and Zoning Commission may require an as-built plan to be filed with the Commission, showing the relationship between the approved plan and the actual landscaping.

¹ 1. Revised, ZA #540, effective 9/8/07

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6.F Traffic / Access Management

6.F.1 Purpose

This Section of the Regulations is intended to manage the traffic impacts of new development and to control the number, size, and location of driveways and access points, especially those for commercial uses that front on heavily trafficked roads and State highways, in order to:

- maintain traffic capacity,
- avoid the proliferation of driveways and curb cuts,
- provide for safer and more efficient traffic operations along major roadways, and
- protect public safety through the reduction of vehicular congestion.

6.F.2 Applicability

This Section of the Regulations shall apply to all developments which require approval of a Site Plan, approval of a Special Permit, approval of a subdivision, or similar application.

In reviewing proposed developments, the Commission shall review:

- road layout,
- parking layout and configuration,
- traffic circulation within the site,
- the number and location of access points to and from the site, and
- the nature and type of traffic circulation on adjacent roadways to ensure that public safety and welfare is promoted with the greatest efficiency.

Traffic Management



Access Management



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6.F.3 Traffic Management

Any development in any zoning district which result in a peak hour trip generation of 75 trips or more as determined by Trip Generation (Institute of Transportation Engineers: 1982, as amended) shall be subject to the following requirements:

1. A traffic study shall be provided, with the following information:
 - a. Background traffic, including traffic from previously approved site plans, for the A.M., P.M., and weekend peak hours, analyzing level of service.
 - b. Anticipated traffic from the proposed facility, for the A.M., P.M. and weekend peak hours.
 - c. The effect of the proposed facility on the background traffic, for the A.M., P.M. and weekend peak hours, analyzing level of service; including proposed improvements.
2. No development generating 75 trips or more in a peak hour trip shall be approved unless both of the following standards are addressed to the satisfaction of the Commission:
 - a. A Level of Service C or better will be obtained for through traffic.
 - b. No reduction in Level of Service, as defined by the Institute of Transportation Engineers or a comparable organization deemed appropriate by the Commission shall occur.

6.F.4 Number / Location Of Driveways

1. Access to the premises shall be provided from existing public streets which abut the premises or from streets which have been developed in accordance with the Subdivision Regulations to serve the business area.
2. Proposed traffic access ways shall be:
 - a. Adequate but not excessive in number;
 - b. Adequate in width, grade, alignment and visibility;
 - c. Not located too near street corners or other places of public assembly; and
 - d. Other similar safety considerations.
3. The number of driveways for each site shall be minimized and the Commission may limit the number of driveways that serve a specific site.
4. Where street geometry, traffic volumes or traffic patterns warrant, the Commission may:
 - a. Designate the location of any driveway,
 - b. Require the use of an existing driveway on adjacent property (provided appropriate easements are in place) in lieu of having a separate curb cut onto a road or street,
 - c. Require the provision of a shared driveway with associated easements (in favor of the Town and/or adjacent property owners), and/or
 - d. Limit access to a major street and/or require access from a minor street.

5. All development in B zones shall:
 - a. Provide access easements to neighboring properties on each side of the parcel zoned for business usage, including those properties located within the Business Overlay Zone. Such easements shall be at least 20 feet wide to provide for proper circulation and shall extend to the property line.
 - b. If a neighboring property has previously provided an access easement to the property, then a common driveway shall be utilized and previous curb cuts eliminated on both properties. If a property has at least 200 feet of frontage, then the Commission may allow an additional curb cut; providing that there is at least 200 feet between said curb cuts, centerline to centerline.
 - c. If a neighboring property has not previously provided an access easement, then a temporary driveway may be utilized, providing that such temporary driveway shall be closed off when the common driveway required above is constructed.
 - d. A temporary driveway may be retained at the discretion of the Commission if it is at least 200 feet centerline to centerline to the shared access.
 - e. Curb cuts on corner lots shall be on the less busy street, at least 150 feet from the intersection, wherever practical.
 - f. Curb cuts shall generally be limited to 30 feet wide, with a 25 foot radius.

6. When a mutual driveway easement is required or provided:
 - a. The location of the easement shall be for a location acceptable to the Commission and the Local Traffic Authority,
 - b. The wording of such easements as shall be acceptable to the Commission and the Town Attorney, and/or
 - c. The filing of such easements on the land records in favor of the abutting property owners and/or the Town shall be required prior to a Determination of of Zoning Compliance as per Section 8.A.2 of these Regulations.

7. A private road, private driveway or other private vehicular way of access servicing a business or industrial use shall not be constructed through a Residential Zone or buffer strip. No ingress or egress through residentially zoned land shall be used for servicing a business or industrial use.

8. No exit from or entrance to an off-street parking facility shall be laid out or maintained as to constitute or create a traffic hazard or nuisance.

9. On corner lots the driveway shall be located as far from the intersection as is practical.

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6.F.5 Design / Construction Specifications

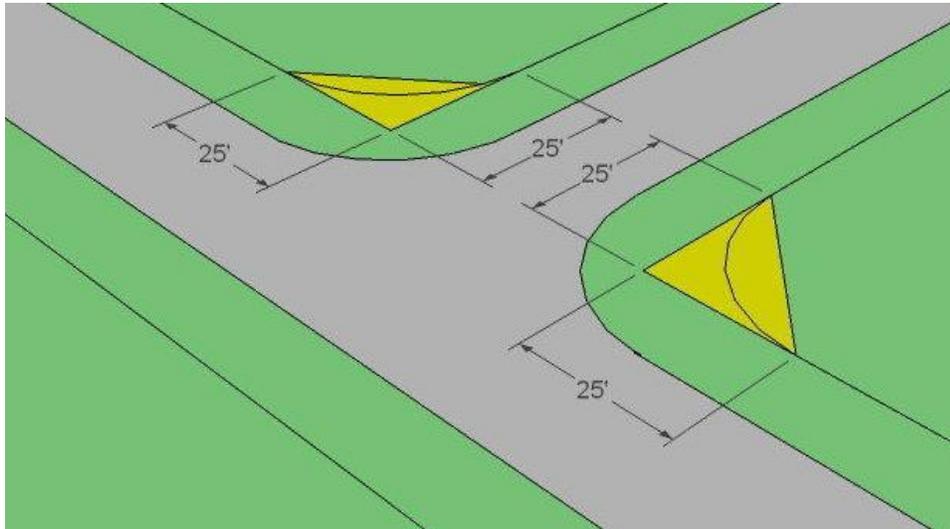
1. Driveway widths shall be in accordance Town Ordinance 364-30 unless otherwise approved by the Town Engineer and/or the State of Connecticut.
2. A curbed island for channelizing traffic may be required if a driveway serving a business, industrial, or other use wider than thirty (30) feet is approved.
3. Driveways must be perpendicular or radial to the roadway and adequate line of sight as approved by the Town Engineer shall be provided at all drives.
4. Roadway Surface – In the event that the vehicle surface of the highway is not constructed up to the curb installed by the developer, the developer shall construct that part of the vehicle surface to Town standards so that the vehicle surface abuts the curb, unless such requirement is waived or deferred by the Commission, by a 2/3 vote.
5. Rear Access Required – No building shall be erected in a commercial or industrial zone without access to the rear of the building for fire protection in accordance with appropriate standards (which may include firefighter access and/or vehicular access), servicing, loading, and unloading, and the necessary drives serving these areas.
6. Rear Building Access – Where a building is located behind a building on the same lot, parcel, site or tract, the rear building shall be accessible from the highway by way of a properly constructed driveway of not less than 24 feet in width. Provision shall be made for turnabout of emergency vehicles.
7. All traffic / roadway improvements shall be constructed in accordance with applicable State standards or [Town standards](#).

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6.G Intersection Visibility

6.G.1 Street Intersections

On a corner lot in any zone, no planting, structure, fence, wall or obstruction to vision more than 3 feet in height shall be placed or maintained within the triangular area formed by the intersecting street lines and a straight-line connecting points on said street lines, both of which points are 25 feet from the point of intersection.



6.G.2 Driveway Intersections

No planting, structure, fence, wall or obstruction to vision more than 3 feet in height shall be placed or maintained within the sight distance triangle of all street and driveway intersections. This requirement shall not apply to single-family or two-family dwellings. Unless otherwise specified in the Town of Southington Engineering Design Manual, the sight distance triangle shall be the triangular area formed by the intersecting curb lines extended and a straight-line connecting points on said curb lines extended, both of which points are 30 feet from the point of intersection ..¹

¹ Revised, ZA #540, effective 9/8/07

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6.H Pedestrian / Bicycle Accessibility

6.H.1 Purpose

This Section is intended to ensure that adequate provision is made for safe and convenient access by pedestrians and bicycles.

6.H.2 Applicability

This Section applies to applications for approval of a Site Plan, approval of a Special Permit, or a similar application.

6.H.3 Pedestrian Accessibility

1. Unless the Commission determines, in accordance with Section 6.H.5 below that sidewalks are not required, any development subject to this Section in any zone shall provide a system of safe and convenient sidewalks:
 - a. Within the public right-of-way along all street frontages and either located within the right-of-way in a location acceptable to the Commission or within an easement on private property,
 - b. Internal to the site are required wherever pedestrian safety may be at risk including, for example, but not limited to:
 - Between such street frontages and buildings on the site,
 - Between individual buildings within the site, and
 - To-and-from existing or potential future pedestrian accommodations on adjacent sites.
2. Such sidewalks, handicapped ramps, and related improvements shall:
 - a. Be at least five feet (5') wide abutting a State highway and at least four feet (4') wide abutting a Town road,
 - b. Be designed, constructed, and maintained in accordance with the Americans with Disabilities Act (ADA) requirements,
 - c. Provide safe separation or delineation from vehicular traffic, and
 - d. Be constructed in accordance with the Town of Southington Engineering Design Specifications.

6.H.4 Bicycle Accessibility

1. Convenient and appropriate bicycle parking facilities shall be provided as part of any new construction or substantial improvements near each main building entrance, and in an area that is highly visible.
2. The number of bicycle parking facilities should be appropriate for the potential future need as determined by the Commission using a reference benchmark of at least 1 bicycle parking place for every 20 parking spaces, or portion thereof, required by these Regulations.
3. Bicycle facilities shall be constructed in accordance with the Town of Southington Engineering Design Specifications.

6.H.5 Exemptions And Modifications ¹

1. In accordance with the provisions of this subsection, the Commission may grant a waiver of a sidewalk requirement by a two-thirds (2/3) vote. The provisions of this section shall not apply to proposed developments located within the legal walking distance of a school access zone as established or determined by the Board of Education nor within the Business Overlay zone.
2. Such a waiver may be granted if one or more of the following criteria is determined by the Commission to exist:
 - a. Where there are pre-existing obstructions that cannot be readily relocated or should not be altered, such as, wetlands, watercourses, or other natural features protected by environmental regulations or as a matter of law.
 - b. Where the proposed development or site is located in an area of a street or road that is at least seventy-five percent (75%) developed and where the practicality or feasibility of sidewalks being connected to the site does not exist.
 - Area shall mean within two thousand (2,000) linear feet from both sides of the proposed development or site on both sides of the road,
 - Property shall be considered developed if said property is used for residential, commercial or industrial purposes; regardless of development intensity.
 - Property shall not be considered developed if said property is used for farming purposes.
 - c. The property is located in Industrial Zones, I-1 and I-2, where street sidewalks are optional.

6.H.6 Payment in Lieu of Sidewalk Construction

1. Where these regulations otherwise require the construction of a sidewalk along an existing public street as part of an application for a Site Plan, Special Permit, or similar application in accordance with Section 6.H.2 above, upon written request by applicant and by a 2/3 majority vote, the Commission may authorize the submission of a payment in lieu of construction of the required sidewalk when certain site conditions or other circumstances justify such an action. The Commission may consider requests for payment in lieu of construction for all of the required sidewalk length, or portions thereof where appropriate.
2. At least one of the following conditions shall be present in order for the Commission to consider such request:
 - a. At time of application, no sidewalk is constructed or is planned to be constructed within 500 linear feet of the end of what would be the required sidewalks;
 - b. At the time of application, no crosswalk to an existing sidewalk on the opposite side of the street exists within 500 feet of what would be the end of the required sidewalk;

¹ Revised, ZA#617 effective 3/9/24

- c. No on street parking is available on the same side or opposite side of the frontage road or any adjacent side street; or
 - d. The construction of a sidewalk would eliminate or diminish an existing natural vegetated buffer, or require significant regrading of natural topography where it is not preferred.
3. In determining whether to approve the request for payment in lieu of sidewalk construction, the Commission shall consider the following:
- a. Potential to connect to existing or planning sidewalks;
 - b. Evidence of existing pedestrian traffic (e.g. dirt paths)
 - c. Opportunity to provide for pedestrian access to community buildings, schools, parks, or to connect residential areas to non-residential areas;
 - d. Recommendations from other relevant plans or studies endorsed by the Commission; and
 - e. Recommendations of the POCD
4. The amount to be paid shall be based upon prevailing costs and determined by the Southington Engineering Department. The amount shall be based upon the true site construction costs, including but not limited to grading, filling, land clearing, etc. The amount submitted shall be placed in a dedicated non-lapsing fund established to fund new construction of sidewalks to be used at the Town's discretion.
5. Payment of the full amount shall be submitted prior to the issuance of a Certificate of Occupancy.

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6.1 Refuse Management

6.1.1 Purpose And Applicability

This Section is intended to provide standards for refuse management, including the location and design of dumpsters and other refuse containers.

This Section of the Regulations shall apply to any development required to obtain Site Plan or Special Permit approval from the Commission.



6.1.2 Standards

1. Appropriate provisions acceptable to the Commission (including, for example, but not limited to, a dumpster) shall be made for refuse management in each development subject to the provisions of this Section.
2. Any dumpster or other refuse equipment or facilities shall, unless modified or waived by the Commission, be enclosed on all sides with a lightproof fence to screen the dumpster from view and such fence shall:
 - a. Exceed the height of the dumpster (the dumpster shall be no higher than the top of the fence),
 - b. Be at least six (6) feet in height, and
 - c. Have a latching enclosure .
3. In addition, the Commission may require buildings, fences, walls, landscaped berms, evergreen shrubs, trees, and/ or other means to provide complete visual screening.
4. A concrete dumpster pad shall be provided and such dumpster pad shall be constructed in accordance with appropriate standards.
5. Dumpsters and other refuse equipment or facilities shall not be placed in such a manner as to reduce the number of available parking spaces on the property to less than that required by these Regulations.
6. The site layout shall provide for a "SU-30" design vehicle to be able to access the dumpster and service the dumpster so that such that access to the site or traffic flow within the site will not be negatively affected.

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6.J Erosion and Sediment Control

6.J.1 Purpose

This Section is intended to prevent or minimize soil erosion and sedimentation as part of development activity.

Soil Erosion



Sedimentation



6.J.2 General Requirements

1. All development activities shall establish, implement, and maintain soil erosion and sediment controls in accordance with the publication entitled "Connecticut Guidelines for Soil Erosion and Sediment Control" ("E&S Manual"), as amended. Alternative principles, methods and practices may be used with prior approval of the Director of Planning and Community Development and/or the Town Engineer.
2. Prior to initiation of any development activity and prior to issuance of a Zoning Permit :
 - a. Erosion and sediment control measures scheduled for installation or in accordance with the E&S Manual shall be installed and functional,
 - b. A letter signed by the property owner, or other appropriate party giving the Town the right to enter onto the property to inspect the work and, if necessary to install or repair any erosion and sediment control measures, and
 - c. A financial guaranty for erosion and sediment control, separate from and in addition to the financial guaranty requirements for any other public improvements, shall be provided to the Town unless the ZEO and/or the Town Engineer determine that adequate controls are in place for the estimated duration of the development activity and no such financial guaranty is warranted. The amount of the financial guaranty shall reflect the estimated costs, as determined by the Town Engineer, of measures required to control soil erosion and sedimentation as well as a lump sum figure for possible clean-up efforts for failure to comply and shall be in the form of a certified check payable to the Town of Southington.

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3. Erosion and sediment control measures and facilities shall be maintained in effective condition and in accordance with any approved Control Plan until disturbed areas are stabilized.
4. During development, the Assistant Town Planner and/or the Town Engineer may inspect a site at any time to review sediment and erosion control measures, ensure compliance with any approved Control Plan, ensure that control measures and facilities have been properly installed and maintained and/or modify sedimentation and erosion control requirements, particularly when extraordinary climatic or weather conditions should dictate such modifications.
5. In the event that soil-erosion and sedimentation controls are not properly installed or properly maintained and the developer is unable or unwilling to address the situation on a timely basis, the Town may:
 - a. Notify the developer that the Town will intervene to address the situation, and
 - b. Enter the property to install and/or repair such soil-erosion and sedimentation controls at the expense of the developer.

6.J.3 Requirement For Control Plan

1. A soil erosion and sediment control plan (“Control Plan”) prepared in accordance with “Connecticut Guidelines for Soil Erosion and Sediment Control”, as amended, shall be required in conjunction with any application for development when the cumulative disturbed area is more than ½ acre except that a single-family dwelling that is not a part of a subdivision of land shall be exempt from the requirement to submit a Control Plan.
2. Such Control Plan shall include a map which shows proper measures to control accelerated erosion and reduce sedimentation in accordance with the E& S Manual and include a written description of the sequence of operations, including:
 - a. start-up and completion dates,
 - b. grading and construction activities,
 - c. installation and/or application of soil erosion and sedimentation control measures, and
 - d. final stabilization of the project site.
3. Such Control Plan shall be prepared by a Professional Engineer, professional certified in erosion and sediment control, or other qualified person.

6.K Performance Standards

1. **General** - In any zoning district, no principal or accessory use shall be conducted or operated in any way detrimental to the public welfare by reason of noise, vibration, smoke, dust, fumes or odor.
2. **Air Emissions** - In any zoning district, no offensive odors or noxious, toxic, or corrosive fumes or gas shall be emitted into the air.
3. **Noise** - In any business zoning district or Industrial zoning district:
 - a. No noise which is objectionable due to volume, intermittence, beat, frequency, or shrillness shall be transmitted beyond the property from which it originates.
 - b. All machinery and devices including, for example, but not limited to, ventilation fans, drying fans, air compressors, air-conditioning units, etc. shall be shielded and insulated in a manner which shall deaden noise and deflect sound waves away from abutting premises.
4. **Utilities** – Utilities including, for example, but not limited to electrical and telephone wires, shall be located underground unless an alternative arrangement is approved by the Commission or the Director of Planning and Community Development.
5. **Screening** - All service areas and rooftop mechanical equipment shall be properly and reasonably screened at all seasons of the year from the view of adjacent lots and streets.

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7.A Exceptions To Certain Requirements

7.A.1 Lot Area

1. **Lot of Record** - In any district in which single-family dwellings are permitted, the provisions of these Regulations shall not prohibit the erection of a single-family dwelling and customary accessory uses on a lot which is smaller than required, provided:
 - a. Such lot is separately recorded by deed in the Office of the Town Clerk prior to May 20, 1957.
 - b. The owner of any such lot did not own sufficient adjoining land at the effective date of the adoption of these Regulations to conform therewith.
 - c. Any structures erected on such lot(s) shall conform with the provisions of these Regulations and all applicable health and sanitation requirements.
 - d. Variance of setback requirements shall be obtained only through action of the Zoning Board of Appeals. *(see Section 7.A.3 below for possible side yard setback flexibility)*

2. **Lot of Record** - In any district in which single-family dwellings are not a permitted use, the provisions of these Regulations shall not prohibit the erection of a permitted building or establishment of a permitted use on a lot which is smaller than required subject to the provisions of Section 7.A.1 above.

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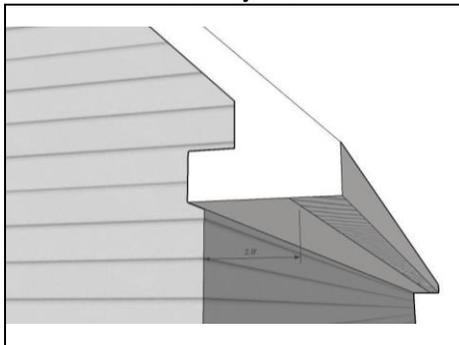
7.A.2 Lot Frontage / Lot Width

1. **Abuts A Paper Street** - Any lot which has a frontage which is less than required by these Regulations but abuts a paper street shall be considered compliant with the frontage requirement for the zone in which said lot is located provided:
 - a. A dwelling was erected on such lot prior to May 20, 1957, and
 - b. Such paper street is evidenced by a map or a deed recorded with the Town prior to May 20, 1957.
2. **Irregularly Shaped Lots** - In any zone, an irregularly shaped lot having sufficient area to meet the requirements for the zone in which it is located may be built on provided that the width at the building line and the mean width of the lot at least equal the required frontage.

7.A.3 Yards / Setbacks

1. **Common Projections** - Projections including, for example, but not necessarily limited to pilasters, sills, cornices, fireplace chimneys and bay windows may extend into any required yard not more than two feet.

Eave Projection



Bay Window



2. **Average Adjacent Front Setbacks** - In any zone, when the lots adjoining on each side of a proposed site of a structure are developed, the minimum front yard setback on the proposed site may be equal to the average depth of the adjoining front yards.
3. **Two+ Family Residence** - In the case of a common property line running through a two-family or more residence in an R-12 zone, there shall be no side yard setback along the common property line.¹
4. **Porches / Vestibules** - Except as governed by requirement for corner visibility in Section 6.G, open or closed porches or vestibules may extend into any required front yard setback provided that such extension shall not exceed 5 feet nor contain more than 50 square feet of floor area computed on exterior dimensions.

¹ New, ZA #592, effective 5/20/17

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5. **Narrow Lot of Record** - For any lot upon which a dwelling may be erected under the provisions of Section 7.A.1 of these Regulations, where such lot has a width (measured on the required building line) less than the frontage required by these Regulations for the zone in which said lot is located, the minimum required side yard width shall be as follows:

Frontage	Side Yard Width
Less than 80 feet	8 feet
80 feet, but less than 100 feet	10 feet
100 feet, but less than 125 feet	15 feet
125 feet, but less than 150 feet	20 feet
150 feet, and over	25 feet

6. **Abuts A Paper Street** - Any lot which abuts a paper street and has a side yard (measured from the dwelling to a paper street) which is less than required by these Regulations shall be considered compliant with the side yard requirement for the zone in which said lot is located provided:
- A dwelling was erected on such lot prior to May 20, 1957,
 - Such paper street is evidenced by a map or a deed recorded with the Town prior to May 20, 1957 and
 - Such side yard complies with the side yard width contained in Section 7.A.3.5 above.¹

7.A.4 Floor Area

<< reserved >>

7.A.5 Lot Coverage

<< reserved >>

¹ New, ZA #542, eff. 10/6/07

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7.A.6 Building Height

1. **Common Projections** - The height limitations set forth in these Regulations shall not apply to the erection of building towers, belfries designed primarily for ornamental purposes, flagstaffs, chimneys, flues, water tanks, necessary mechanical appurtenances normally carried above roof level, and silos provided:
 - a. Such structural features do not exceed a height of 175 feet as measured from adjoining grade, and
 - b. The height of such structural features shall not exceed the linear distance to the nearest property line unless the Commission, by a two-thirds affirmative vote, allows such greater height based on the Commission finding that such height will not be not contrary to the public safety of adjoining properties nor contrary to the integrity, characteristics or aesthetic quality of the surrounding neighborhood.

7.A.7 Reasonable Accommodations

1. **Application Of State Or Federal Law** - Certain provisions of state or federal law or regulations may, under certain circumstances, be deemed to supersede the requirements of these Regulations (Americans with Disabilities Act, etc.). If a landowner or applicant for any form of zoning permit or approval claims a right under any such law or regulation to approval of a use, building or structure that would not or does not conform to the requirements of these Regulations, the Commission or the ZEO may grant such approval if the landowner or applicant provides sufficient evidence to establish:
 - a. That a provision of state or federal law or regulations applies to the proposed use, building or structure;
 - b. That a departure from the requirements of these Regulations is appropriate to address such provisions of state or federal law or regulations;
 - c. That any departure from the requirements of these Regulations is a reasonable accommodation and no more than necessary to address such provisions of state or federal laws or regulations;
 - d. That reasonable strategies have been employed to mitigate impacts (if any) to abutting properties.

7.B Energy And Sustainability

7.B.1 Purpose

This Section of the Regulations is intended to allow for and encourage conservation, economy, and efficiency in energy use and to promote sustainable practices in Southington including the use of abundant, renewable, and nonpolluting energy resources such as solar and wind energy systems subject to reasonable conditions to protect the public health, safety, and welfare.

Roof Mounted Solar



Ground Mounted Solar



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7.B.2 Solar Energy Systems

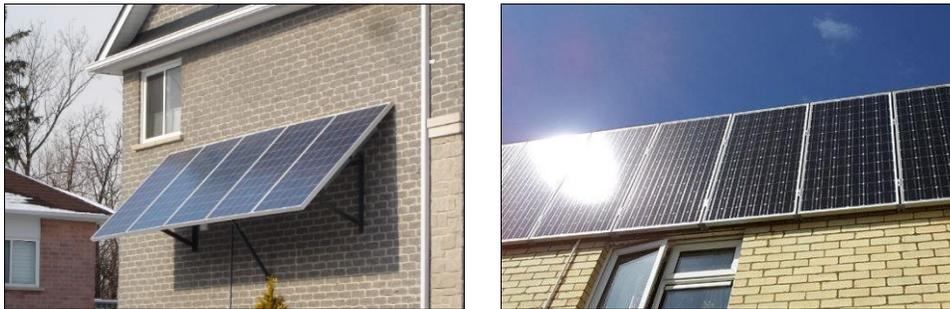
1. **Roof-Mounted– Solar Arrays (Accessory)** - Roof-mounted solar arrays shall be allowed on principal and accessory structures in all zones (no Zoning Permit required in Residential Districts and Zoning Permit in Business and Industrial Districts) provided the array shall:
 - a. Be mounted flush or parallel to the roof surface if mounted on a sloped roof.
 - b. Not exceed the maximum height permitted in the zoning district.
 - c. Not extend more than 12 inches above the roofline or parapet of the structure or five (5) feet above a flat roof, whichever is less.
 - d. Not extend beyond the roof.

Roof Mounted



2. **Wall-Mounted– Solar Arrays (Accessory)** - Wall-mounted solar arrays may be allowed by Special Permit on principal and accessory structures in all zones provided the array shall:
 - a. Be mounted flush or parallel to the wall surface if visible from the street.
 - b. Comply with the setbacks required in the zoning district.
 - c. Not cause reflective glare onto a public street or other properties.
 - d. Not extend beyond the corners of the wall façade.

Wall Mounted



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- 3. **Ground-Mounted–Solar Arrays (Accessory)** - A ground-mounted solar array may be allowed by Special Permit as an accessory use and/or accessory structure on properties in all zones provided the array:
 - a. Does not cause the lot coverage limitation on the property to be exceeded.
 - b. Shall not, when serving a residential use exceed a capacity of fifteen (15) kilowatts per dwelling unit on the property.
 - c. Complies with setbacks for a principal building.
 - d. Shall not be located in the front yard between the principal structure(s) and the public right-of-way.
 - e. If a fixed array (as opposed to a tracking array), shall not cause reflective glare onto a public street or other properties.
 - f. Shall not exceed twelve (12) feet in height.

Ground Mounted



- 4. **Alternative Solar Configurations (Accessory)** – Accessory solar arrays not in accordance with the above standards (including, for example, but not limited to, height setbacks, projections, etc.) may be approved by the Commission by Special Permit.

7.C Non-Conforming Situations

7.C.1 Non-Conforming Uses, Buildings And/Or Structures

Any non-conforming use or building lawfully existing or in use at the time of the adoption of these Regulations or any amendments thereto may be continued and any building so existing which was designed, arranged, intended for or devoted to a non-conforming use may be reconstructed and structurally altered, and the non-conforming use therein changed subject to the following regulations:

1. No non-conforming use may be changed except to a conforming use, or with the approval of the Zoning Board of Appeals, to another non-conforming use of less objectionable characteristics.
2. No non-conforming use shall, if once changed to a conforming use, be changed back again into a non-conforming use.
3. Structural alterations, which do not materially alter the characteristics or exterior appearance of any non-conforming building, may be made providing the total costs of such alterations do not exceed fifty (50%) percent of the assessed valuation of such building at the time it becomes non-conforming, unless the use thereof be changed to a conforming use.
4. Any non-conforming building which has been damaged by fire, explosion, or accident may be repaired, rebuilt, or replaced within 12 months of such damage, provided that such repairs, rebuilding or replacement do not extend nor expand the previously existing non-conforming use. In cases where an investigation and/or insurance claim process causes a delay past 12 months, such building may be repaired, rebuilt, or replaced provided that evidence supporting such delay is accepted by the Planning Department.¹
5. Any building which does not conform to the requirements of these Regulations regarding building height, limit, area and frontage, percentage of lot coverage and required yards shall not be enlarged unless such enlarged portion conforms to the Regulations applicable to the zone in which the building is located.
6. Nothing in these Regulations shall be construed as authorization for or approval of the continuance of the use of a building or lot illegally constituted or in violation of the Zoning Regulations in effect at that time.

¹ Revised, ZA #592, effective 5/20/17

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7.C.2 Expansion Of Non-Conforming Uses

Any non-conforming use may be expanded by Special Permit upon approval the affirmative vote of two-thirds of the membership of the Commission, subject to the provisions of [Section 8.D](#) and the following regulations:

1. Due consideration shall be given by the Commission to the characteristics of the zone in which such Special Permit is requested and as to whether or not such Special Permit will be detrimental to such zone by reasons of smoke, dust, odor, noise, increased traffic hazard or by any other reason.
2. The minimum lot area shall be at least two (2) times the minimum required for the zone in which the non-conforming use is located.
3. Any addition to, or enlargement of, a non-conforming use shall not exceed 25 percent of the floor area of the building at the time the use became non-conforming except that any business use existing in a Business zone or any industrial use existing in an Industrial Zone, which zone shall have been changed by action of the Commission, may be permitted unlimited expansion (within the yard setbacks, coverage limitations, and other dimensional standards), either on its own present land holdings or on adjacent land which it has acquired.
4. Yard requirements shall be not less than those prescribed for the zone in which the non-conforming use is located.
5. All requirements contained in these Regulations for Business and Industrial uses shall be complied with, and in addition, there shall be no parking of motor vehicles in the required front or side yards and no outside storage of materials.
6. As part of the Special Permit application, the Commission may prescribe further restrictions which in its judgment, are necessary in order for the requested expansion to conform to the Special Permit criteria in Section 8.D.5.

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7.D Design Review Guidelines¹

7.D.1 Purpose

These Design Review Guidelines have been adopted by the Commission to provide assistance and guidance to applicants as well as the Commission when reviewing applications, especially for Special Permit use applications where the review criteria include consideration of neighborhood compatibility of the site and building layout and design.

Considerations as to neighborhood compatibility, design, architectural treatment and aesthetic characteristics will be made in view of the fact that excessive uniformity, dissimilarity, inappropriateness or poor quality of design in the exterior appearance of buildings erected in any neighborhood adversely affects the desirability of the immediate area and the neighboring areas for residential, business or other purposes. Doing so impairs the benefits of occupancy of existing property in such areas, and the stability and value of both improved and unimproved real property in the area.

As used in this Section:

The word “shall” means it is anticipated that the relevant guideline will be reflected in the design unless the applicant demonstrates to the satisfaction of the Commission that it would be unreasonable or undesirable to do so.

The word “should” means it is anticipated that the relevant guideline will influence the design but the applicant may offer, and the Commission may accept, an alternative approach if it is determined that the outcome will accomplish the intended result.

7.D.2 Application Of Design Guidelines

The guidelines in this Section are intended to help applicants achieve the overall design objectives of the Town of Southington. These guidelines are not intended to:

- constitute a rigid set of requirements, or
- dictate one particular architectural style, or
- discourage the use of sustainable materials or new technologies.

In the event of any deviation from the design guidelines, the applicant should be prepared to provide an explanation of the reason(s) why a specific guideline cannot be met including a description of how other design elements have been incorporated to meet the intent of the unmet standard or achieve overall design objectives.

¹ New, ZA #537, effective 9/8/07

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7.D.3 General Considerations

To help fulfill the purpose of this section and to assist applicants in understanding the issues which may be reviewed, the following list of design review considerations may serve as general criteria to guide the review of any applications:

1. The effect on the health, safety, and general welfare of the community;
2. The impact on significant natural features of the site including, for example, but not necessarily limited to trees, steep slopes and wetlands
3. The impact on the historic significance of the site and the affected structure;
4. The compatibility of the size and intensity of the proposed use with the size and intensities of existing adjacent uses and with reasonable consideration as to the characteristics of the neighborhood as a whole;
5. The compatibility of a proposed architectural design with the architectural designs of existing adjacent buildings and the architectural characteristics of the neighborhood as a whole;
6. The compatibility of the landscaping and layout of structures on the parcel with the landscaping and layout of adjacent parcels;
7. When the proposed use involves the conversion of a structure built for residential use, the adaptability of the structure to a non-residential use;

7.D.4 Specific Considerations

As part of its review of an application, the Commission may consider the following:

1. **Building Design** - For both new construction and rehabilitation or alterations, buildings should be harmonious and compatible with adjacent buildings. In determining the degree of compatibility the building or alterations will be assessed in relation to adjacent common characteristics including the following:
 - a. Height - Buildings should be built to a height compatible with existing adjacent buildings, and should be built with the same number of stories. The Commission may approve variations in height of buildings if it finds the variation can still meet the design review and general criteria.
 - b. Scale and Proportion of Facades - The relationship of the building's width to its height should be similar to and compatible with adjacent buildings as seen from the public street and publicly accessible areas. Structures designed so that their apparent horizontal and vertical scale reflects the scale of principal structures on the same block and on the block face across the street are preferred. The scale of a structure is (1) the apparent size and bulk of the structure and its components compared to the size of adjacent buildings and to the human scale and (2) the apparent size and bulk of the structure compared to the components of the facade. Discretion in scale is permitted with appropriate building massing.
 - c. Complexity of Building Form - Architectural style is not restricted, but the building or addition should be similar in form, complexity and ornamental detail to adjacent buildings. This assessment will be made against the dominant characteristics of adjacent buildings. Harmony in texture, lines and masses is encouraged; monotony should be avoided.
 - d. Roof Shapes and Materials - The roofs of new buildings or additions which are visible from the public street and public areas should relate in pitch, shape and material to the roofs of existing adjacent buildings, and buildings along the street within 250 feet.
 - e. Rhythms of Entrances and Projections - Entrances, porches, porticos, and other projections to be incorporated into new buildings should relate to the pattern of existing adjacent buildings and the street in such a manner as to reinforce the prevailing form.
 - f. Directional Expression of Facades - Directional expression of facades should be compatible with that of existing adjacent buildings and buildings along the street within at least 250 feet. The dominant directional expression, either horizontal or vertical, is determined by the structural form of the building, the shapes of the openings (windows and doors) and architectural detailing and ornament.
 - g. Proportion of Opening in the Facade - The ratio of the width to the height of the buildings, windows and doors should relate to and be compatible with existing adjacent buildings where these features are visible from the street or public areas. Likewise, the relationship between the walls (e.g., solids) and voids (e.g., windows) should be compatible with adjacent buildings and buildings along the street within 250 feet in either direction from the site.

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2. **Rhythm of Buildings and Spaces** - The buildings should reinforce the existing rhythm of buildings and the spaces between those buildings adjacent to the site and along the street within at least 250 feet of the site.

3. **Setback and Site Location** - The building or addition should be located on the site and be set back from the street to reinforce prevailing setbacks of the adjacent buildings and buildings along the street within at least 250 feet of the site.

4. **Building Materials** –
 - a. The exterior facade materials for new developments should be compatible with and reinforce the prevailing building materials of adjacent buildings and the buildings along the street. Alternate materials may be used but should follow the prevailing directional expression (horizontal or vertical) of adjacent buildings.
 - b. The exterior facade materials for an addition or alteration or renovation should either be the same as the existing building, or a material that simulates the existing or compatible material. Alternative materials may be used if they are consistent with the prevailing building materials of buildings within 250 feet of the site.

5. **Other Design Considerations** - Buildings which are proposed for locations which do not have adjoining existing structures or sites where multiple buildings are proposed for a single site will be assessed against the following criteria:
 - a. Adjacent buildings on the site which are different in architectural style should be made compatible through such means as similar building materials, compatible color schemes, site breaks such as natural or man-made buffers, streams, landscaping features.
 - b. Monotony in building design such as excessive horizontal or vertical form can be avoided or minimized through building modulation, articulation, varieties of roof forms, entrance features and architectural details.

6. **Site Treatment and Existing Site Features** -
 - a. Where natural or existing topographic patterns contribute to the beauty and utility of a development y should be preserved.
 - b. Suitable existing vegetation, where present, should be incorporated into the design of the site.

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7. Parking and Pedestrian Access -

- a. There should be continuity from the public street to the building(s) entry. At least one continuous sidewalk, with landscaping and lighting at pedestrian se, should be provided.
- b. For buildings located on existing commercial streets in commercial districts, buildings should be oriented to the street, and entranceways will be provided from the main building entrance to the public sidewalk.
- c. Whenever possible, parking lots along the full length of a commercial street or commercial district where pedestrian traffic exists or is encouraged should avoided or minimized.
- d. Parking areas can be treated with decorative elements including building wall extensions, landscaping, berms or other innovative means to screen parking areas from view from public ways. These elements should be designed so that the public will feel s during night parking.
- e. Pedestrian systems designed for the movement of people between buildings and from buildings to parking should be lighted to provide safety and security.

8. Landscaping and Screening -

- a. All new utility services and those service modifications necessitated by exterior alterations should be installed underground unless the utility company deems this not to be feasible.
- b. Unity of landscape design may be achieved by repetition of certain plant varieties and other materials and by correlation with adjacent developments. Landscape features should complement building architecture, provide shade and visual relief and interest, and encourage pedestrian circulation.
- c. Plant material should be selected for interest in its structure, texture, and color and for its ultimate growth. Plants that are indigenous to the area and others that will be hardy, harmonious to the design, and of good appearance shall be used.
- d. Screening of utilities, loading docks, dumpsters and other unsightly places shall be accomplished by use of walls, fencing, landscaping or a combination of these. Screening should be effective year-round.
- e. In areas where general plantings will not survive, other materials such as fences, walls and pavings of wood, brick, stone, gravel and cobbles shall be used. Carefully selected plants shall be combined with such materials where possible.
- f. Roof mounted equipment should not be visible from the ground floor level of the building on which the equipment is located for a distance of 500 feet from the exterior walls of the building or may be camouflaged by materials and colors to limit its visibility.

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9. Signs -

- a. Every sign should have scale and proportion in its design and in its visual relationship to buildings and surroundings.
- b. Signs designed as an integral architectural element of the building and site to which it principally relates are preferred. As an architectural element, the sign should reflect the period of architecture and be in harmony with the building’s characteristics and use.
- c. The colors, materials, and lighting of every sign should be restrained and harmonious with the building and site to which it principally relates.
- d. The number of graphic elements on a sign should be held to the minimum needed to convey the sign’s major message and shall be composed in proportion to the area of the sign face.

10. Lighting, Miscellaneous Structures and Street Hardware -

- a. Exterior lighting should enhance the building design and adjoining landscaping. Light standards and building fixtures should be of a design and size compatible with the building and adjacent areas. Excessive brightness should be avoided. All lighting intended to illuminate the building or yards should be arranged so that the lights will not shine into the eyes of any person external to the premises, or cause a nuisance from excessive glare.
- b. Miscellaneous structures and street hardware should be designed to be part of the overall architectural design and landscape. Materials should be compatible with buildings, in scale, colors and proportion.

11. Maintenance - Planning and Design Factors -

- a. Continued good appearance depends upon the extent and quality of maintenance. The choice of materials and their use together with the types of finished and other protective measures should be easy to maintain.
- b. Materials and finish should be selected for their durability and wear as well as for their beauty. Proper measures and devices should be incorporated for protection against the elements, neglect, damage, and abuse.

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7.E Earth Excavation, Filling And/Or Grading

7.E.1 Purpose

This Section of the Regulations is intended to regulate the excavation, filling and/or grading of earth materials in order to ensure that such activities will not adversely affect the surrounding area; will not result in unsafe, unsightly or unsanitary conditions; will result in land that in the future can be put to a use permitted by these Regulations; and will protect the land from erosion and sedimentation.

7.E.2 Applicability

Unless exempted as provided in Section 7.E.3 below, the excavation, removal, filling and/or grading of sand, gravel, loam, soil, earth products, or any other material on any site in any zone shall be considered as a Special Permit Use subject to the provisions of [Section 8.D](#) of the Zoning Regulations.

7.E.3 Exemptions

The following activities shall not require approval under this section:

1. The grading of material on site when approved by the Commission as part of a subdivision or site plan.
2. The excavation and removal, and/or borrowing and filling, of 10,000 yards or less, when approved by the Commission as part of a subdivision or site plan.
3. The following operations not associated with a site plan or subdivision may be undertaken without a permit following the filing of a notice of intent with the Town Engineer on a form provided:
 - a. The moving of materials from one portion of a lot to another portion of the same lot of not more than a total of four hundred (400) cubic yards of material.
 - b. Necessary foundation and trench excavation only in connection with work on the premises for which a building or swimming pool permit has been issued.
 - c. Any filling of or removal from a site involving the movement of no more than four hundred (400) cubic yards of material.
4. Excavations in existence as of March 8, 1984.

7.E.4 Application Materials

1. In addition to the application materials required for a Special Permit Use, an application for earth excavation, filling and/or grading under this section shall be accompanied by the following:
 - a. Map showing all properties within 500 feet of the parcel in question, with list of property owners.
 - b. Grading plans, showing existing and proposed grades, at 1" = 40 feet with 2 foot contours, including the surrounding area within 40 feet.
 - c. Existing and proposed drainage.
 - d. Proposed truck access to the area, including truck routes to the site and roadways within the site.
 - e. Number and types of trucks and other machinery to be used on the site.
 - f. Depth to water table.
 - g. Erosion and sedimentation control plan, including plans for dust control.

7.E.5 Standards

The following standards shall apply to all activities under this section:

1. Rock quarries shall be prohibited.
2. Excavation, filling and grading permits must be completed prior to commencement of any development, including subdivision development.¹
3. No activities, including tree cutting, shall take place within 100 feet of a property line.
4. Where two or more adjoining lots are to be considered, the Commission may treat a joint application as one application.
5. The hours of operation shall not exceed 8:00 AM to 5:00 PM, Monday through Friday. The Commission may impose stricter hours. No work shall occur on legal holidays.
6. The maximum duration of a permit shall be two years. No extension shall be given unless the previous phase is stable.
7. The final grade of all slopes shall not be steeper than three (3) feet horizontal to one foot vertical. The Commission may require flatter slopes, or, by a 2/3 vote, may allow a 2:1 slope.

¹ new, ZA #539, effective 8/24/07

8. Reverse slope benches, at least 8 feet wide, shall be provided whenever the height of a 2:1 to 5:1 slope exceeds 15 feet. Benches shall be located so as to divide the slope face equally as possible and shall convey the water to a stable outlet. Benches shall have a minimum depth of one foot. Bench gradient shall be between one percent and two percent.
9. Diversions shall be required at the top of all cut and fill slopes as required by the Town Engineer based on the Connecticut Guidelines for Soil Erosion and Sediment Control, as amended.
10. Four inches of topsoil, in accordance with the Connecticut Guidelines for Soil Erosion and Sediment Control, as amended, shall be required as final cover. Seed mix shall be as delineated in the Connecticut Guidelines for Soil Erosion and Sediment Control, as amended, for gravel pits.
11. No more than two acres of un-stabilized area shall be exposed at any one time.
12. Dust control measures, including use of mulches, spray adhesives, water, and calcium chloride, shall be utilized whenever ordered or when winds are forecast to exceed 8 MPH.
13. Traffic should be continued on the site to predetermined routes. A minimum of 200 foot access road with an all-weather surface shall be provided.
14. A fence shall be erected prior to commencement of grading or clearing activities at the buffer line whenever grading occurs adjacent to a residential area. The Commission shall determine the type of fence provided.
15. No more than 5,000 yards of earth material shall be stockpiled on the site at any given time unless specific approval is received from the Planning Director and adequate slope stabilization and erosion and sediment control measures are in place.
16. A performance bond sufficient to cover final stabilization and interim erosion controls shall be posted prior to excavation or clearing.
17. The minimum distance between the final grade and the maximum height of groundwater shall be 5 feet, unless a pond is proposed. Creation of such a pond will require an Inland Wetland permit, and will require groundwater monitoring to ensure its water quality. The pond shall be a minimum of 8 feet deep, shall have shade trees planted around its banks, and shall have natural lines.
18. Material shall be excavated in an east to west direction, avoiding having the cut face west, whenever possible.

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7.E.6 Criteria For Consideration

In reviewing the Special Permit application, the Commission shall assess the following criteria in addition to the general considerations stipulated in [Section 8.D.5](#) of the Zoning Regulations:

1. Whether the proposed site work would convey the problems of the property involved to an adjoining property.
2. Whether the landform would be changed in such a way as to degrade ground or surface water quality, or increase the risk of flooding to adjacent properties.
3. Whether the proposed work can permanently result in a landform that can, in the future, be put to a use or uses permitted in the zone in which the parcel or parcels lie.
4. Potential erosion and sedimentation problems inherent with an earth excavation, especially dust control.

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7.F Cannabis / Marijuana ¹

7.F.1 Regulation Of Medical Marijuana ²

1. **Purpose** - The intent of this section is to:
 - a. Regulate the location of Medical Marijuana Dispensaries and Producers.
 - b. Prevent a concentration of these uses in any one area, to minimize any adverse impacts, and to protect and preserve the quality of Southington's neighborhoods, commercial districts, and the quality of urban life through effective land use planning.

This section shall not be interpreted or construed to permit any retail and/or wholesale of marijuana products not considered medical marijuana as regulated within Chapter 420f of the Connecticut General Statutes. ³

2. **Medical Marijuana Dispensaries** - Medical Marijuana dispensaries shall be permitted only in the Central Business Zone (CB) and Business Zone (B), subject to:
 - a. Special Permit approval in accordance with [Section 8.D](#) of these Regulations,
 - b. Site plan approval in accordance with [Section 8.C](#) of these Regulations, and
 - c. The requirements of this section.
3. **Medical Marijuana Production** - Medical Marijuana production facilities shall be permitted only in an Industrial Zone, subject to:
 - a. Special Permit use approval in accordance with [Section 8.D](#) of these Regulations,
 - b. Site plan approval in accordance with Section 9 of these Regulations, and
 - c. The requirements of this section.
4. **Sign And Exterior Display Provisions** - No Medical Marijuana Dispensary or Producer shall be conducted in any manner that permits the observation of any material depicting, describing or relating to Marijuana from any public way or from any property not licensed as a Medical Marijuana Dispensary or Producer. This provision shall apply to any display, decoration, sign, show window or other opening.

¹ New, ZA #565, effective 10/6/12

² New, ZA #565, effective 10/6/12

³ Revised, ZA #598, effective 2/20/19

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5. **Separation Requirements** - Regulated uses identified in this section shall be subject to the following separation restrictions: ¹
- a. No Medical Marijuana Producer or dispensary shall be permitted on a site that is less than 1,000 feet from any other site containing a Medical Marijuana Producer or Dispensary;
 - b. No Medical Marijuana Producer or Dispensary shall be permitted on a site that is less than 750 feet from any site containing a church, school, public building, public park or recreation area, or private recreation area;
 - c. No Medical Marijuana Producer or Dispensary shall be permitted on a site that is less than 750 feet from any residentially zoned 'and as defined in the town's zoning regulations, or from a site zoned B with 5 or more residential units;
 - d. No Medical Marijuana Dispensary or Producer shall be permitted within the same building, structure or portion thereof that is used for residential purposes or that contains another Medical Marijuana Dispensary or Producer;

All distances contained in this section shall be measured by taking the nearest straight line between the respective lot boundaries of each site.

Public Building means any building owned, leased or otherwise held by the United States, the state, the town, any other town, any fire district, any school district, or any other agency or political subdivision of the United States or the state, which building is used for governmental purposes.

Private Recreation Area means any private business, whether for-profit or not-for-profit, intended to serve or attract clients, customers, or users under 18 years of age, for the purpose of engaging in indoor or outdoor youth-oriented programs or activities, including, for example, but not limited to sports or fitness centers, martial arts, dance, gymnastics, music or art studios, indoor open or guided play areas, camps, and the like.

Public Park and Recreation Area means public land that has been designated for park or recreational activities including, for example, but not limited to, a park, playground, nature trails, swimming pool, reservoir, athletic field, golf course, basketball or tennis courts, pedestrian or bicycle paths, open space, wilderness areas, or similar public land within the town that is under the control, operation, or management of the town, any other town, or the state.

School means any public, private or parochial educational facility including, for example, but not limited to, child day care facilities, nursery schools, preschools, kindergartens, elementary schools, middle schools, junior high schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, alternative schools, junior colleges, colleges and universities. School includes the school grounds, but does not include any facility used primarily for another purpose and only incidentally as a school.

¹ Revised ZA #598, effective 2/20/19

7.F.2 Prohibition Of Recreational Cannabis/Marijuana ¹

1. **Purpose** – To prohibit the retail sale of recreational cannabis/marijuana in Southington.
2. **Definitions** – For this section of the regulations:
 - a. The terms “cannabis” and “marijuana” shall be as defined in Section 21a-240 of the Connecticut General Statutes.
 - b. Definitions related to cannabis establishments are derived from Public Act 21 – 1 [June Special Session] - An Act Concerning Responsible And Equitable Regulation Of Adult - Use Cannabis.
 - 1) **Cultivator** – A facility licensed by the Department of Consumer Protection to be used for the cultivation, growing and propagation of the cannabis plant at an establishment with not less than fifteen thousand square feet of grow space .
 - 2) **Delivery service** – A facility licensed by the Department of Consumer Protection to be used for the delivery of cannabis and/or cannabis products.
 - 3) **Dispensary** - A facility licensed by the Department of Consumer Protection where cannabis may be dispensed, sold or distributed.
 - 4) **Food / beverage manufacturer** – A facility licensed by the Department of Consumer Protection to acquire cannabis and create food and –everages.
 - 5) **Hybrid retailer** – A facility licensed by the Department of Consumer Protection to purchase cannabis and sell cannabis and medical marijuana – roducts.
 - 6) **Micro-cultivator** – A facility licensed by the Department of Consumer Protection to engage in the cultivation, growing and propagation of the cannabis plant at an establishment containing not less than two thousand square feet and not more than ten thousand square feet of grow space, prior to any expansion authorized by the commissioner.
 - 7) **Producer** – A facility licensed by the Department of Consumer Protection as a producer pursuant to section 21a-408i of the Connecticut General Statutes and any regulations adopted thereunder.
 - 8) **Product manufacturer** – A facility licensed by the Department of Consumer Protection licensed to obtain cannabis, extract and manufacture products exclusive to such license type.
 - 9) **Product packager** – A facility licensed by the Department of Consumer Protection to package and label cannabis.
 - 10) **Retailer** – A facility, excluding a dispensary facility or hybrid retailer, licensed by the Department of Consumer Protection to purchase cannabis from producers, cultivators, micro-cultivators, product manufacturers and food and beverage manufacturers and to sell cannabis to consumers and rese–rch programs.
 - 11) **Transporter** – A facility licensed by the Department of Consumer Protection to transport cannabis between cannabis establishments, laboratories and research programs.

¹ New, ZA #611, effective 9/25/21

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3. **Permitted / Prohibited Uses** – In Southington, Recreational Cannabis establishments are permitted / prohibited as follows (see Section 7.F.1 for provisions related to Medical Marijuana facilities):

Category	Type(s) Of Recreational Establishments	Uses, Buildings And Structures
Cultivating–	• Cultivator	Prohibited In All Zones
	• Micro – cultivator	Prohibited In All Zones
Producing	• Producer	Prohibited In All Zones
	• Product manufacturer	Prohibited In All Zones
	• Food / beverage manufacturer	Prohibited In All Zones
	• Product packager	Prohibited In All Zones
Transporting	• Delivery service	Prohibited In All Zones
	• Transporter	Prohibited In All Zones
Selling	• Dispensary	Prohibited In All Zones
	• Hybrid retailer	Prohibited In All Zones
	• Retailer	Prohibited In All Zones

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7.G Wireless Telecommunication Facilities ¹

The Planning and Zoning Commission may hold a Public Hearing at its discretion on any new telecommunication facility or new tower location for the purposes of public input and may send such testimony to the Connecticut Siting Council for their review and consideration. This provision does not apply to any co-located facilities.

CO-LOCATED WIRELESS TELECOMMUNICATION FACILITIES – Telecommunication facilities which utilize existing towers, buildings, or other structures for the placement of antennas and do not require the construction of a new communications tower.

COMMUNICATIONS TOWER – A structure that is intended to support antennas in the provisions of wireless telecommunication services. Such structures shall be limited to monopoles and lattice towers.

LATTICE TOWER – A trestle framework consisting of horizontal and vertical structures used to support antennas and designed to resist all loads, including wind loads, without requiring or having guyed wires at any point.

¹ Revised, ZA #584, effective 4/24/15

7.H Adult Oriented Businesses ¹

7.H.1 Purpose

The intent of this section is to regulate uses that have been proven to adversely affect neighborhood children, community improvement efforts, retail trade, and other community interests, particularly when several of such uses are concentrated in a small area of the community. The primary purposes of these regulations are to prevent a concentration of these uses in any one area, to minimize any adverse impacts, and to protect and preserve the quality of Southington's neighborhoods, commercial districts, and the quality of urban life through effective land use planning.

7.H.2 Definitions

The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Adult Arcade – Any establishment where one or more still or motion picture projectors, slide projectors or similar machines, or other image producing machines, for viewing by five or fewer persons each, are regularly used to show films, motion pictures, videocassettes, slides or other photographic reproductions that are characterized by the depiction or description of specified anatomical areas or specified sexual activities.

Adult Cabaret – Any nightclub, bar, restaurant or similar commercial establishment, whether or not alcoholic beverages are served, which regularly features:

- Persons who appear nude or seminude;
- Live performances that are characterized by the exposure of specified anatomical areas; or
- (3) Films, motion pictures, videocassettes, slides or other photographic reproductions that are characterized by the depiction or description of specified anatomical areas or specified sexual activities.

Adult Books – Any books, magazines, periodicals, pamphlets, or other printed materials that depict, display or describe specified anatomical areas or specified sexual activities.

¹ New, ZA #553, effective 6/23/10

Adult Entertainment –

- Any exhibition of any adult-oriented motion picture, live performance, display or dance of any type that has as a significant or substantial portion of such performance any performance of specified sexual activities or exhibition and viewing of specified anatomical areas, removal of articles of clothing or appearing unclothed, pantomime, modeling, or any other personal services offered customers, when such adult entertainment is held, conducted, operated or maintained for profit, direct or indirect; or
- Any amusement machine that is regularly used for presenting material that is characterized by the depiction or description of specified anatomical areas or specified sexual activities, for observation by patrons thereof.

Adult Minimotion Picture Theater – Any enclosed building with a capacity of 50 or less persons regularly used for showing films, motion pictures, videocassettes, slides or other photographic reproductions that are characterized by the depiction or description of specified anatomical areas or specified sexual activities, for observation by patrons therein.

Adult Motel – A commercial establishment which offers public accommodations, for any form of consideration or gratuity, and provides patrons with closed circuit television transmissions, images transmitted by computer, films, video cassettes, slides or other photographic reproductions which are characterized by an emphasis of depicting or describing specified sexual activities or specified anatomical areas and which advertises the availability of this type of material by means of a sign(s) visible from a public right of way or by means of off premises advertising in newspapers, magazines, leaflets, radio or television; offers a sleeping room for rent for a period of time less than ten hours or allows a tenant or occupant to sub-rent a sleeping room for a time period of less than ten hours; or defines itself as such by advertising as an adult oriented business to the general public.

Adult Motion Picture Theater – Any enclosed building with a capacity of more than 50 persons regularly used for showing films, motion pictures, videocassettes, slides or other photographic reproductions that are characterized by the depiction or description of specified anatomical areas or specified sexual activities, for observation by patrons–therein.

Adult Novelties – (a) Instruments, devices, toys or paraphernalia that are designed for or marketed primarily for stimulating human genital organs, sexual arousal or sadomasochistic use; (b) Instruments, devices, gag gifts; toys or paraphernalia that depict, display or are shaped in the form of specified anatomical areas; (c) Oils, lotions, gels or creams that are designed for or marketed primarily for use upon specified anatomical areas and intended for stimulating human genital organs, sexual arousal or as an aid to enhance or promote specified sexual activities; and (d) Supplements, vitamins or similar products designed or marketed for enlarging, extending or otherwise enhancing human male genitals or for stimulating, enhancing or extending male or female sexual arousal or libido.

Adult Oriented Business -:

- An adult arcade, adult oriented store, adult cabaret, adult minimotion picture theater, adult motion picture theatre, adult motel, adult theatre, escort agency, massage parlor, nude model studio or sexual encounter establishment;
- Any premises to which the public, patrons, or members are invited or admitted and wherein an entertainer provides adult entertainment, or which premises are so physically arranged as to provide booths, cubicles, studios, rooms, compartments or stalls separate from the common areas of the premises for the purposes of viewing adult-oriented motion pictures or wherein an entertainer provides adult entertainment, when such adult entertainment is held, conducted, operated or maintained for profit, direct or indirect;
- Any adult entertainment studio or any premises that are physically arranged and used as such, whether advertised or represented as an adult entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, modeling studio or any other term of like import; or
- Any establishment that advertises itself as an adult oriented business to the general public.

Adult Oriented Store – Any establishment having:

- a substantial or significant portion of its stock in trade in Adult Books, Adult Videos or Adult Novelties or any combination thereof;
- (2) any portion of its stock in trade in Adult Books, Adult Videos or Adult Novelties and in conjunction therewith has rooms, designated areas or facilities for the presentation, observation or use by patrons of any item sold or rented in such establishment.

For the purpose of this definition, factors indicating that a "substantial or significant" portion of a business is devoted to the sale or rental of such items include without limitation any one or more of the following criteria:

- Twenty percent or more of all inventory consists of such items at any time;
- Twenty percent or more of the merchandise displayed for sale consists of such items at any time;
- Twenty percent or more of the stock in trade consists of such items at any time;
- Twenty percent or more of the floor area of the business (not including storerooms, stock areas, bathrooms, basements or any portion of the business not open to the public) is devoted to such items at any time;
- Twenty percent or more of the sales, measured in dollars over any consecutive ninety-day period, is derived from such items;
- Twenty percent or more of the number of sales transactions, measured over any consecutive ninety-day period, is of such items; or,
- Twenty percent or more of the dollar value of all merchandise displayed at any time is attributable to such items.

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Adult Theater – Any theater, concert hall, auditorium or similar commercial establishment that regularly features persons who appear nude or seminude or who appear in live performances that are characterized by the depiction or description of specified anatomical areas or specified sexual activities, for observation by patrons therein.

Adult Videos – Films, motion pictures, videocassettes, DVDs, software, slides or other photographic reproductions that depict, display or describe specified anatomical areas or specified sexual activities.

Church – Any church, synagogue, mosque, temple or building that is used primarily for religious worship and related religious activities.

Employee – Any and all persons, including independent contractors, who work in or at or render any services directly related to the operation of an adult oriented business.

Entertainer – Any person who provides adult entertainment within an adult oriented business, whether or not a fee is charged or accepted for such entertainment and whether or not such entertainment is provided as an employee or independent contractor.

Escort – Any person who, for any form of consideration, agrees or offers to act as a social companion, guide or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

Escort Agency – Any person or business that furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.

Inspector – The town manager, chief of police, fire marshal, chief building official, director of health, zoning enforcement officer, their agent or representative, or any town or state employee designated to make inspections for public safety, fire code, building code, public health, zoning purposes, violations of this article, or for violations of other laws and ordinances of the town or state.

Licensed Premises – Any premises that requires an Adult Oriented Business License pursuant to the Town of Southington Code of Ordinances, as amended, including any buildings, parking areas and all other portions of the property of which the licensee has control.

Licensee – Any person in whose name a license to operate an adult oriented business has been issued, as well as the individual listed as an applicant on an application for a license.

Live Adult Entertainment – Any live performance by a person who appears nude or seminude or any live performance that is characterized by the exposure of specified anatomical areas.

Massage Parlor – Any establishment having a fixed business where any person engages in or carries on, or permits to be engaged in or carried on, any method of pressure on, or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating or stimulating of the external soft parts of the body with the hands or with the aid of any mechanical or electric apparatus or appliance with or without any supplementary aids such as rubbing alcohol, liniments, antiseptics, oils, powders, creams, lotions, ointments, or other similar preparations commonly used in this practice. The definition of massage parlor shall not include the practice of massage:

- In any state-licensed hospital, nursing home, clinic, medical office or rehabilitation facility;
- By a state-licensed physician, surgeon, chiropractor, osteopath, physical therapist, or massage therapist;
- By any registered nurse, licensed practical nurse or technician working under the supervision of a state-licensed physician, surgeon, chiropractor, osteopath, physical therapist, or certified massage therapist who shall be present on the licensed premises during the time the service is rendered;
- By trainers for any amateur or professional athlete or athletic team or school athletic program; or
- By any state-licensed barber or beautician with regard to the massaging of the neck, face, scalp and hair for cosmetic or beautifying purposes.

Masseur – Any person who, for any form of consideration, performs massage activities as described in the previous definition of this section.

Minor – Any person under the age of 18 years.

Nude Model Studio – Any place where a person, for any form of consideration, regularly appears nude or seminude or displays specified anatomical areas to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons. A nude model studio shall not include a modeling class operated by an accredited public or private school or college.

Nudity -:

- The appearance of human bare buttocks, anus, genitals, pubic region or the areola or nipple of the female breast; or
- A state of dress that fails to opaquely and fully cover human buttocks, anus, genitals, pubic region or areola or nipple of the female breast.

Operator – Any person operating, owning, managing, conducting or maintaining an adult oriented business.

Public Building – Any building owned, leased or otherwise held by the United States, the state, the town, any other town, any fire district, any school district, or any other agency or political subdivision of the United States or the state, which building is used for governmental purposes.

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Private Recreation Area – Any private business, whether for-profit or not-for-profit, intended to serve or attract clients, customers, or users under 18 years of age, for the purpose of engaging in indoor or outdoor youth-oriented programs or activities, including, for example, but not limited to sports or fitness centers, martial arts, dance, gymnastics, music or art studios, indoor open or guided play areas, camps, and the like.

Public Park and Recreation Area – Public land that has been designated for park or recreational activities including, for example, but not limited to, a park, playground, nature trails, swimming pool, reservoir, athletic field, golf course, basketball or tennis courts, pedestrian or bicycle paths, open space, wilderness areas, or similar public land within the town that is under the control, operation, or management of the town, any other town, or the state.

School – Any public, private or parochial educational facility including, for example, but not limited to, child day care facilities, nursery schools, preschools, kindergartens, elementary schools, middle schools, junior high schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, alternative schools, junior colleges, colleges and universities. School includes the school grounds, but does not include any facility used primarily for another purpose and only incidentally as a school.

Seminude – A state of dress in which clothing covers no more than the genitals, pubic region and areola of the female breast, as well as portions of the body covered by supporting straps or devices.

Sexual Activities is not intended to include any medical publications or films or bona fide educational publication or films, nor does it include any art or photography publications that devote at least 25 percent of the lineage of each issue to articles and advertisements dealing with subjects of art or photography. Nor does this definition apply to any news periodical that reports or describes current events and which, from time to time, publishes photographs of nude or seminude persons in connection with the dissemination of the news. Nor does this definition apply to publications or films that describe and report different cultures and which, from time to time, publish or show photographs or depictions of nude or seminude persons who describing cultures in which nudity or seminudity is indigenous to the population.

Sexual Encounter Establishment – A business or commercial establishment that, for any form of consideration, offers a place where two or more persons may congregate, associate or consort for the purpose of specified sexual activities or the exposure of specified anatomical areas. A sexual encounter establishment shall not include an establishment where a state-licensed medical practitioner, psychologist, psychiatrist, or similar professional person engages in medically approved and recognized sexual therapy.

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Specified Anatomical Areas -:

- Less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areola; or
- Human male genitals in a discernibly turgid state, even if completely opaquely covered.

Specified Sexual Activities -:

- Showing of human genitals in a state of sexual stimulation or arousal;
- Acts of masturbation, sexual intercourse, sodomy, bestiality, necrophilia, sadomasochistic abuse, fellatio or cunnilingus;
- Fondling or touching of another person’s genitals, pubic region, buttocks or female breasts;
- Lap dancing; or
- Excretory functions as part of or in connection with any of such activities.

7.H.3 Regulations

1. **Where/How Permitted** – Adult oriented businesses shall be permitted only in the Business Limited Zone (BL), Business Zone (B) and Business Overlay Zone (BOZ), subject to:
 - a. Site plan approval in accordance with Section 9 of these Regulations
 - b. The requirements of this section, and
 - c. Only after approval of an adult oriented business license pursuant to the Town of Southington Code of Ordinances, as amended.

2. **Separation Requirements** - All regulated uses identified in this section shall be subject to the following separation restrictions:
 - a. No adult oriented business shall be permitted on a site that is less than 1,000 feet from any other site containing an adult oriented business;
 - b. No adult oriented business shall be permitted on a site that is less than 500 feet from any site containing a church, school, public building, public park or recreation area, or private recreation area;
 - c. No adult oriented business shall be permitted on a site that is less than 750 feet from any residentially zoned land as defined in the town’s zoning regulations, or from a site zoned B with 5 or more residential units;
 - d. No adult oriented business shall be permitted within the same building, structure or portion thereof that is used for residential purposes or that contains another adult oriented business;
 - e. All distances contained in this section shall be measured by taking the nearest straight line between the respective lot boundaries of each site;

3. **Sign And Exterior Display Requirements** - No adult oriented business shall be conducted in any manner that permits the observation of any material depicting, describing or relating to specified sexual activities or specified anatomical areas, from any public way or from any property not licensed as an adult oriented business. This provision shall apply to any display, decoration, sign, show window or other opening.

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8.A Staff Procedures**8.A.1 Zoning Permit**

1. A Zoning Permit shall be required from the Zoning Enforcement Officer whenever:
 - a. A building, structure or part thereof is to be constructed, reconstructed, altered, extended, enlarged, moved, or occupied,
 - b. A Building Permit is to be issued except that a Zoning Permit shall not be required for repairs or alterations to existing buildings or structures providing that such work does not increase the floor area of any building or structure, does not increase the number of uses on the property, does not increase the number of dwelling units or bedrooms on the property, and does not change the actual use thereof,
 - c. A non-conforming use is to be altered, changed, intensified or extended after the date of adoption of these Regulations,
 - d. The Zoning Determination Form used by the Zoning Enforcement Officer determines that a Zoning Permit is required, or
 - e. These Regulations indicate that a Zoning Permit is required.

2. An application for a Zoning Permit shall be accompanied by plans and/or other information that comply with the requirements in these Regulations. The application fee shall be included with all applications for a zoning permit. ¹

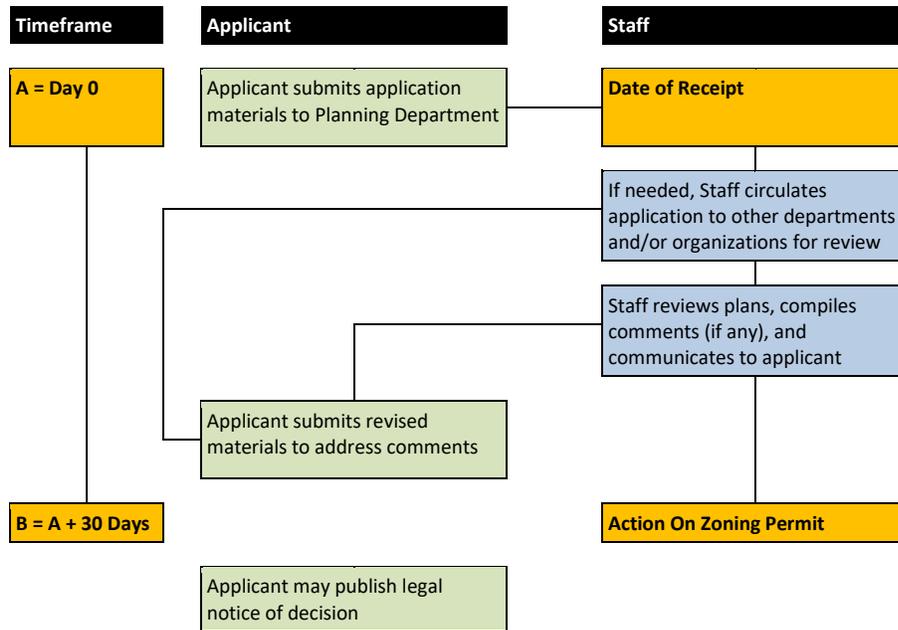
3. The Zoning Enforcement Officer shall have two weeks to approve or reject a zoning permit for a residential use and four weeks to approve or reject a zoning permit for a commercial or industrial use. In the event the Zoning Enforcement Officer fails to approve or reject a Zoning Permit in the time period prescribed by this regulation, the applicant may petition the Commission for approval or rejection of the permit. The Commission shall approve or reject the Zoning Permit within two weeks of its receipt. The day of receipt shall be the next regularly scheduled meeting of the Commission.

4. No Zoning Permit shall be issued by the Zoning Enforcement Officer for a structure or use which requires approval of a Site Plan application, granting of a Special Permit or Special Exception, or other action by the Planning and Zoning Commission, Zoning Board of Appeals, or Inland Wetlands Agency without first receiving approval of the agency or agencies involved.

5. No Zoning Permit shall be issued by the Zoning Enforcement Officer as precedent to a Building Permit for new construction of a building on a lot which is located on an abandoned road, paper street, or right-of-way unless such right-of-way was recorded in the Office of the Town Clerk before May 20, 1957, the date of initial adoption of Zoning Regulations in Southington.

¹ revised, effective 5/8/07

Southington Zoning Regulations
Zoning Permit Application



6. No Zoning Permit shall be issued by the Zoning Enforcement Officer without approval in writing from the following officials:
 - a. Inland Wetlands Agent (wetlands and floodplain filling regulations)
 - b. Director of Planning and Community Development (planning and zoning regulations)
 - c. Water Department Superintendent (water supply)
 - d. Town Engineer (sewer, drainage, location on an improved (or bonded) Town road, adequacy of sight lines for driveways)
 - e. Sanitarian (adequacy of well and septic system)

7. **Location Verification** –
 - a. After a foundation has been completed and prior to any additional construction thereon, the Zoning Enforcement Officer may require the submission of a certified plot plan drawn by a land surveyor currently licensed to practice in Connecticut showing the exact location of the foundation on the site.
 - b. No building or structure shall thereafter be constructed above the foundation walls until the certified survey has been approved by the Zoning Enforcement Officer or the Commission as complying with the Zoning Permit and all applicable provisions of the Zoning Regulations.

8. As provided in CGS Section 8-3(f), the recipient of a Zoning Permit may publish notice of issuance of the Zoning Permit in a newspaper with substantial circulation in Southington in order to establish the appeal period per CGS Section 8-7. Any such notice to be published by the recipient shall contain:
 - a. A description of the building, use or structure and its location;
 - b. The identity of the applicant; and
 - c. A statement that an aggrieved person may appeal to the Zoning Board of Appeals in accordance with the provisions of CGS Section 8-7.

9. Any Zoning Permit issued under these Regulations shall expire twelve months from the date of issuance unless:
 - a. A valid Building Permit for the use, construction and site development authorized by the Zoning Permit is in effect; or
 - b. The Zoning Enforcement Officer renews the Zoning Permit for periods not to exceed twelve months, when the building and/or site development authorized by the Zoning Permit is in conformity with these Regulations and any amendments made subsequent to the date of original issuance of the Zoning Permit.

10. In the event that any Zoning Permit is issued based on incorrect information or the specific conditions of approval are not strictly adhered to, such Zoning Permit shall be null and void.

11. A zoning permit may be revoked if the Zoning Enforcement Officer determines that the terms of the permit are not being met.

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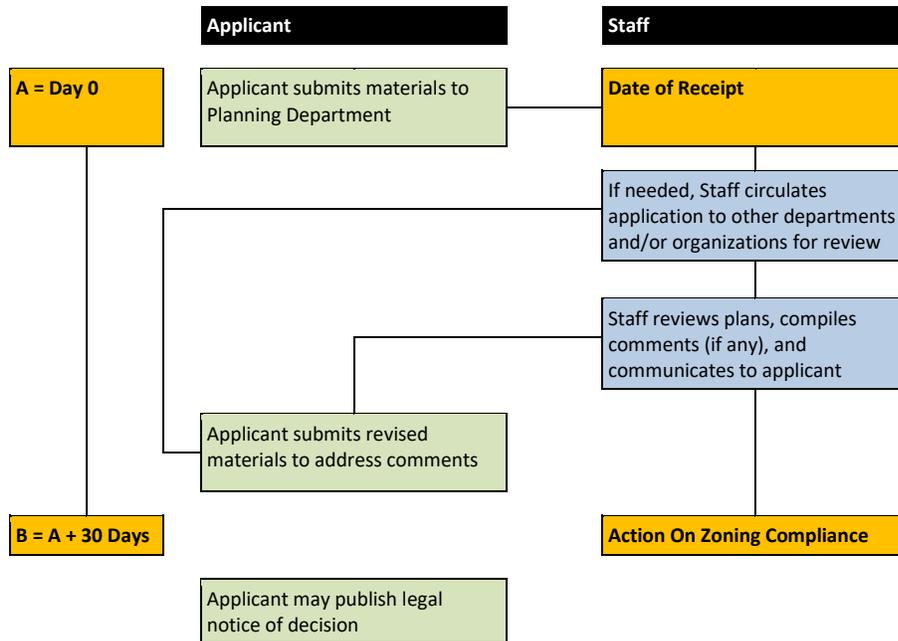
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8.A.2 Determination Of Zoning Compliance

No building or structure shall be built or altered or land used for any purpose and no business or industrial enterprise shall be commenced or changed in characteristics until the owner, proprietor, developer or builder has obtained a certificate from the Zoning Enforcement Officer which states that the use or structure is lawful.

1. Until the Zoning Enforcement Officer has determined conformance of the building, structure or use with these Regulations or with a variance granted by the Zoning Board of Appeals or that the building, structure or use is a valid nonconforming building, structure or use under these Regulations:
 - a. No use of land shall be occupied, used or changed in violation of these Regulations; and
 - b. No use of a building or structure shall be undertaken or changed.
2. In addition, pursuant to CGS Section 8-3(f), no Certificate of Occupancy shall be issued until the Zoning Enforcement Officer has made such determination.
3. In the case of new construction, the Zoning Enforcement Officer may require submission of a certified plot plan drawn by a land surveyor currently licensed to practice in Connecticut showing the exact location of the improvements on the site prior to making such determination. In the event of substantial deviations from any plan approved by the Commission, the Zoning Enforcement Officer shall submit such "as built" drawings to the Commission for its determination of acceptance or need for plan amendment.
4. If the site improvements cannot be completed because of weather or for other pertinent reasons, the Zoning Enforcement Officer may authorize the issuance of the Certificate of Occupancy provided that a financial guaranty shall be posted in an amount sufficient to cover the cost of completing the remaining site improvements. Upon satisfactory completion of the remaining site improvements and the written request of the applicant, the Zoning Enforcement Officer and/or the Commission shall then release the financial guaranty.

Southington Zoning Regulations
Determination Of Zoning Compliance



DISCLAIMER – This graphic is a generalized overview of the application process and the provisions in the Connecticut General Statutes and the text of these Regulations shall control.

5. In the case of a development containing affordable housing units, the issuance of Certificates of Occupancy shall be limited to 75% of the dwelling units contained in the project until a pro rata share of any affordable units have received Certificates of Occupancy.
6. As provided in CGS Section 8-3(f), the recipient of a Certificate of Occupancy may publish notice of such issuance in a newspaper with substantial circulation in Southington in order to establish the appeal period per CGS Section 8-7. Any such notice to be published by the recipient shall contain:
 - a. A description of the building, use or structure and its location,
 - b. The identity of the applicant; and
 - c. A statement that an aggrieved person may appeal to the Zoning Board of Appeals in accordance with the provisions of CGS Section 8-7.
7. In the event that any determination of zoning compliance is made based on incorrect information or the specific conditions of approval are not strictly adhered to, such determination of zoning compliance shall be null and void.

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8.B Pre-Application Reviews (STAFF / PZC)

8.B.1 Pre-Application Review By Staff

1. Prior to the submission of an official application, it is recommended that the applicant meet with the Planning Department to discuss the proposed application in order to:
 - a. suggest possible enhancements and identify areas of concern or further study;
 - b. identify the potential need for third party consultants in accordance with [Section 8.H.5](#) of these Regulations; and
 - c. minimize delay, expense, and inconvenience to the applicant.
2. This meeting is recommended in order to facilitate consideration of factors that may be associated with a particular proposal before the applicant proceeds with preparation of detailed maps, plans and documents required for formal consideration.
3. Neither the pre-application plan nor the informal consideration by the Planning Department shall be deemed to constitute any portion of the official and formal procedure of applying for any approval as contemplated herein or under the provision of the Connecticut General Statutes.

8.B.2 Pre-Application Review By Commission

As provided in CGS Section 7-159b, the Commission may conduct a preapplication review of a proposed project with the applicant at the applicant's request. Such preapplication review and any results or information obtained from it may not be appealed under any provision of the general statutes, and shall not be binding on the applicant or [the Commission] having jurisdiction to review the proposed project.

1. For larger or more complex applications, an applicant may request a pre-application review by the Commission prior to the submission of an official application in order to:
 - a. facilitate consideration of factors that may be associated with a particular proposal before the applicant proceeds with preparation of materials required for formal consideration by the Commission; and/or
 - b. identify the potential need for third party consultants in accordance with [Section 8.H.5](#) of these Regulations.

2. Such request for a pre-application review shall, at a minimum, include the following:
 - a. a plan providing sufficient information for the Commission to visualize how the proposed use or development might be configured and to identify the location of significant natural and proposed features, and other relevant information; and
 - b. a written summary of the particular issue(s) the Commission is being asked to address.
3. The pre-application materials shall be submitted to the Planning Department so that the Commission may consider the need for a pre-application review and, if authorized, for scheduling on a future Commission agenda.
4. Neither the pre-application plan nor the informal consideration by the Commission shall be deemed to constitute any portion of the official and formal procedure of applying for any approval as contemplated herein or under the provision of the Connecticut General Statutes.
5. While the meeting and optional pre-application plan should benefit any formal application, as provided in CGS Section 7-159b, neither the applicant nor the Commission shall be bound by any statement made during such informal review, nor shall the statement of any Commission member be deemed to be an indication of prejudgment or prejudice, it being acknowledged by the applicant that the Commission response like the request itself are preliminary and subject to further refinement.

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8.C Site Plan Application (PZC)

8.C.1 Purpose

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

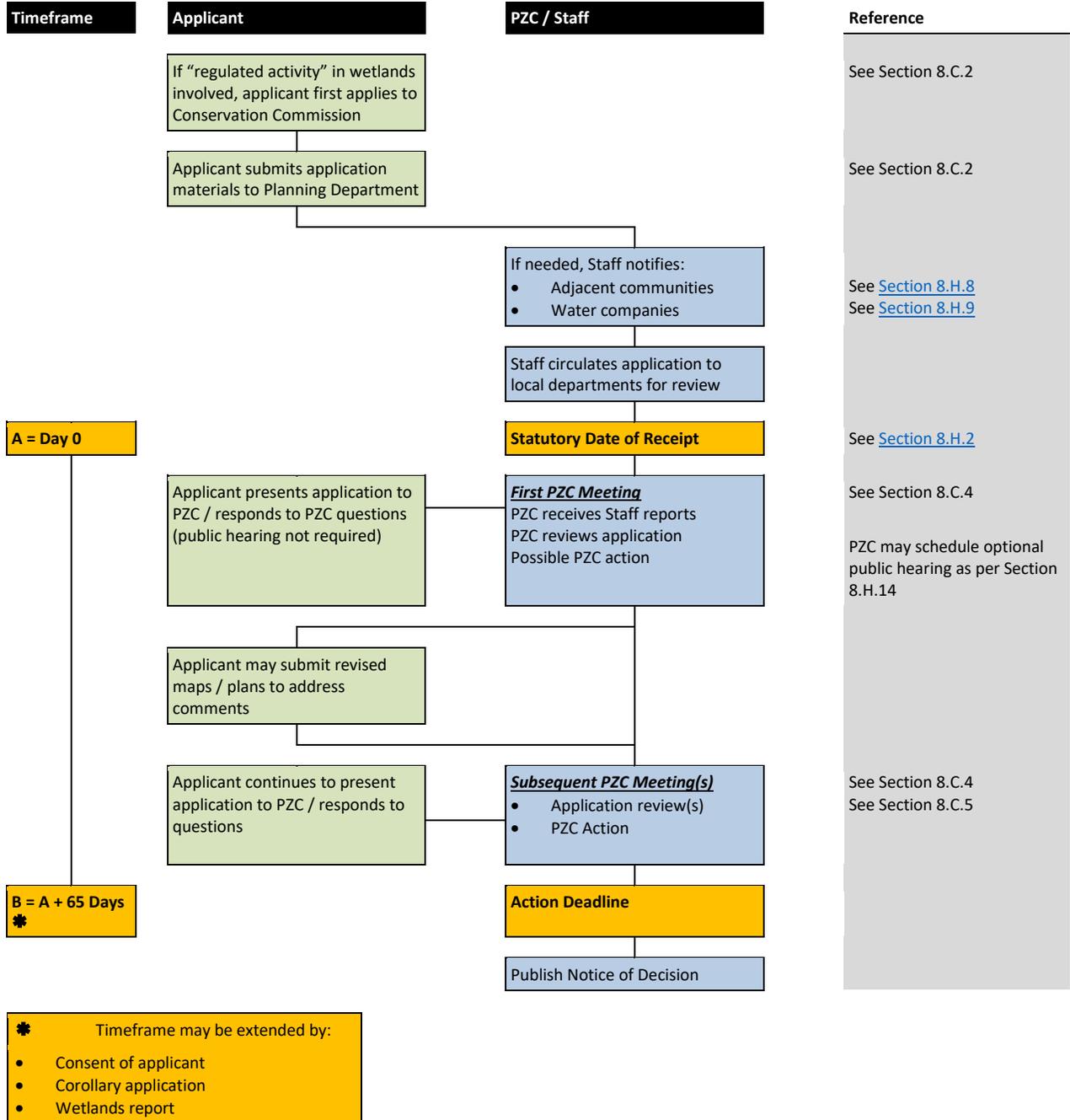
8.C.2 Application Requirements

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

8.C.3 Proceedings

1. The date of receipt for the Site Plan Application shall be determined in accordance with [Section 8.H.2.](#)
2. An incomplete Site Plan Application may be denied in accordance with [Section 8.H.3.](#)
3. Notification to adjoining municipalities may be required in accordance with the requirements of [Section 8.H.8.](#)
4. Notification to water companies may be required in accordance with the requirements of [Section 8.H.9.](#)
5. Notification to DEEP regarding the Natural Diversity Database may be required in accordance with the requirements of [Section 8.H.11.](#)
6. The Commission may require the applicant:
 - a. Provide a report from a qualified historian regarding the historic significance of a property or any structures thereon, and/or
 - b. Make a written inquiry to the Connecticut Office of State Archeology to determine whether there is evidence or a likelihood of sites of archeological significance within the property. Such written inquiry shall be made part of the record. The lack of reply shall not delay the processing of the application.
7. Whenever approval of another application required by these Regulations (such as a Special Permit Application) must be approved before a Site Plan Application can be approved:
 - a. the time period for acting on the Site Plan Application shall coincide with the time period for acting on the related application; and
 - b. a decision on the application shall be rendered within sixty-five (65) days after the close of the public hearing on such other application except that the applicant may consent to one or more extensions of such period provided the total period of any such extension or extensions shall not exceed sixty-five (65) days.
8. Whenever approval of a Site Plan Application is the only approval required, a decision on the application shall be rendered within sixty-five (65) days after the date of receipt of such Site Plan Application, regardless of whether an optional public hearing (as provided in Section 8.H.14) is held, except that the applicant may consent to one or more extensions of such period provided the total period of any such extension or extensions shall not exceed sixty-five (65) days.
9. Notwithstanding the provisions of this Section, if an application involves an activity regulated pursuant to CGS Sections 22a-36 to 22a-45, inclusive and the time for a decision by the Commission would elapse prior to the thirty-fifth day after a decision by the Conservation Commission, the time period for a decision shall be extended to thirty-five (35) days after the decision of such agency.
10. The applicant may withdraw such application at any time prior to action by the Commission.

Southington Zoning Regulations
Site Plan Application



DISCLAIMER – This graphic is a generalized overview of the application process and the provisions in the Connecticut General Statutes and the text of these Regulations shall control.

8.C.4 Decision Considerations

1. On a Site Plan Application involving an activity regulated pursuant to CGS Sections 22a-36 to 22a-45, inclusive, the Commission shall:
 - a. wait to render its decision until the Conservation Commission, acting as the Inland Wetlands Agency for the Town, has submitted a report with its final decision; and
 - b. give due consideration to any report of the Conservation Commission when making its decision.

2. On a Site Plan Application involving notice to adjoining municipalities under [Section 8.H.8](#) or notice to water companies under [Section 8.H.9](#), the Commission shall give due consideration to any report received.

3. Before the Commission approves a Site Plan Application, it shall determine that the application is in conformance with the applicable provisions of these Regulations.

4. Application for Site Plan Approval shall be evaluated by the Commission under the requirements of these Regulations and the supplemental considerations listed within this Section.

5. The Commission may request reports on the application from Town Departments and/or any other agency deemed appropriate by the Commission.

6. In accordance with CGS Section 8-3(g), the Commission may require that a financial guaranty be posted in accordance with the provisions of [Section 8.H.13](#) before any permits are issued for the activities shown on the approved plan, in an amount and form acceptable to the Commission, to ensure:
 - a. the timely and adequate completion of any site improvements that will be conveyed to or controlled by the municipality;
 - b. the implementation of any erosion and sediment controls required during construction activities; and/or
 - c. the maintenance of roads, streets, retention or detention basins or other improvements approved with such site plan for up to one year after the date on which such improvements have been completed to the reasonable satisfaction of the Commission or the Town Engineer or accepted by the Town.

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8.C.5 Action Documentation

1. The Commission shall, whenever it grants or denies a Site Plan Application, state upon its record the reason(s) for its decision.
2. The Commission shall send, by Certified Mail, a copy of any decision to the applicant within fifteen (15) days after such decision is rendered.
3. The Commission shall cause notice of the approval or denial of site plans to be published in accordance with applicable provisions of CGS Chapter 124 (such as CGS Section 8-7d) within fifteen (15) days after such decision is rendered.
4. In any case in which such notice is not published within the fifteen-day period after a decision has been rendered, the person who submitted such plan may provide for the publication of such notice within ten (10) days thereafter.

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8.C.6 Following Approval

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

8.C.7 Expiration And Completion

1. Unless otherwise provided by CGS Section 8-3 or other provision of State law, all work in connection with a site plan shall be completed within five (5) years after the approval of the plan and failure to complete all work within such five-year period shall result in automatic expiration of the approval of such site plan unless the Commission shall have granted an extension of the time to complete work in connection with such site plan.
2. The Commission may grant one or more extensions of the time to complete all or part of the work in connection with the site plan provided the total extension or extensions shall not exceed ten years from the date such site plan is approved.
3. The Commission may condition the approval of such extension on a determination of the adequacy of the financial guaranty.

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8.D Special Permit Application (PZC)

8.D.1 Purpose

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

8.D.2 Application Requirements

1. A Special Permit Application shall be submitted to the Planning Department for any activity designated in the Regulations as requiring approval of a Special Permit.
2. Each application for a Special Permit shall be accompanied by a Site Plan Application unless such requirement is expressly waived by the Commission or in writing by the Zoning Enforcement Officer. If a Site Plan Application is required, such application is subordinate to the Special Permit Application and cannot be acted upon until the Special Permit Application is decided by the Commission.
3. Five (5) copies of the Special Permit Application shall be made in the form prescribed by the Commission, and shall include the information as required by the checklist in [the Appendix](#) for a Special Permit application and the following information:
 - a. a detailed statement describing the existing and proposed use or use;
 - b. a detailed statement describing how the Special Permit criteria in [Section 8.D.5](#) are addressed;
 - c. any approval from any local, regional, state, or federal agency or department having jurisdiction over any aspect of the application;
 - d. a list of all property owners, together with addresses, required to be notified by [Section 8.H.7](#) or other section of these Regulations; and
 - e. all applications shall be accompanied by a fee, as provided in the fee schedule of the Town, to cover the cost of administration.
4. The Commission may require the submission of additional information as deemed necessary to make a reasonable review of the application.
5. If a Special Permit Application involves an activity regulated pursuant to CGS Sections 22a-36 to 22a-45, inclusive, the applicant shall submit an application for a permit to the Conservation Commission not later than the day such application is filed with the Commission.
6. The Commission shall not be required to hear the same Special Permit application, or substantially the same Special Permit application for a period of 12 months after a decision by the Commission or by a Court on an earlier such application.

8.D.3 Proceedings

1. The date of receipt of the Special Permit Application shall be determined in accordance with [Section 8.H.2](#).
2. An incomplete Special Permit Application shall be denied in accordance with [Section 8.H.3](#).
3. The Commission shall hold a public hearing on the Special Permit Application and:
 - a. publish a legal notice in accordance with the requirements of [Section 8.H.6](#); and
 - b. require that the applicant give notice to property owners within 500 feet, unless a different distance is specified by these Regulations, in accordance with the requirements of [Section 8.H.7](#).
4. Prior to the scheduled meeting regarding the application, the applicant shall submit the following to the Planning Department or the application shall be considered incomplete:
 - a. a copy of the complete package of information sent to abutters;
 - b. a list of the abutters to whom the notices were sent; and
 - c. proof of mailing to property owners required to be notified by [Section 8.H.7](#) or other section of these Regulations.
5. Notification to adjoining municipalities may be required in accordance with the requirements of [Section 8.H.8](#).
6. Notification to water companies may be required in accordance with the requirements of [Section 8.H.9](#).
7. Notification to DEEP regarding the Natural Diversity Database may be required in accordance with the requirements of [Section 8.H.11](#).
8. The Commission shall process the Special Permit Application within the period of time permitted under CGS Section 8-7d:
 - a. the public hearing shall commence within sixty-five (65) days after receipt of the application;
 - b. the public hearing shall be completed within thirty-five (35) days after such hearing commences;
 - c. all decisions shall be rendered within sixty-five (65) days after completion of such hearing; and
 - d. the applicant may consent to one or more extensions of any period specified in this subsection provided the total extension of all such periods shall not be for longer than sixty-five (65) days.

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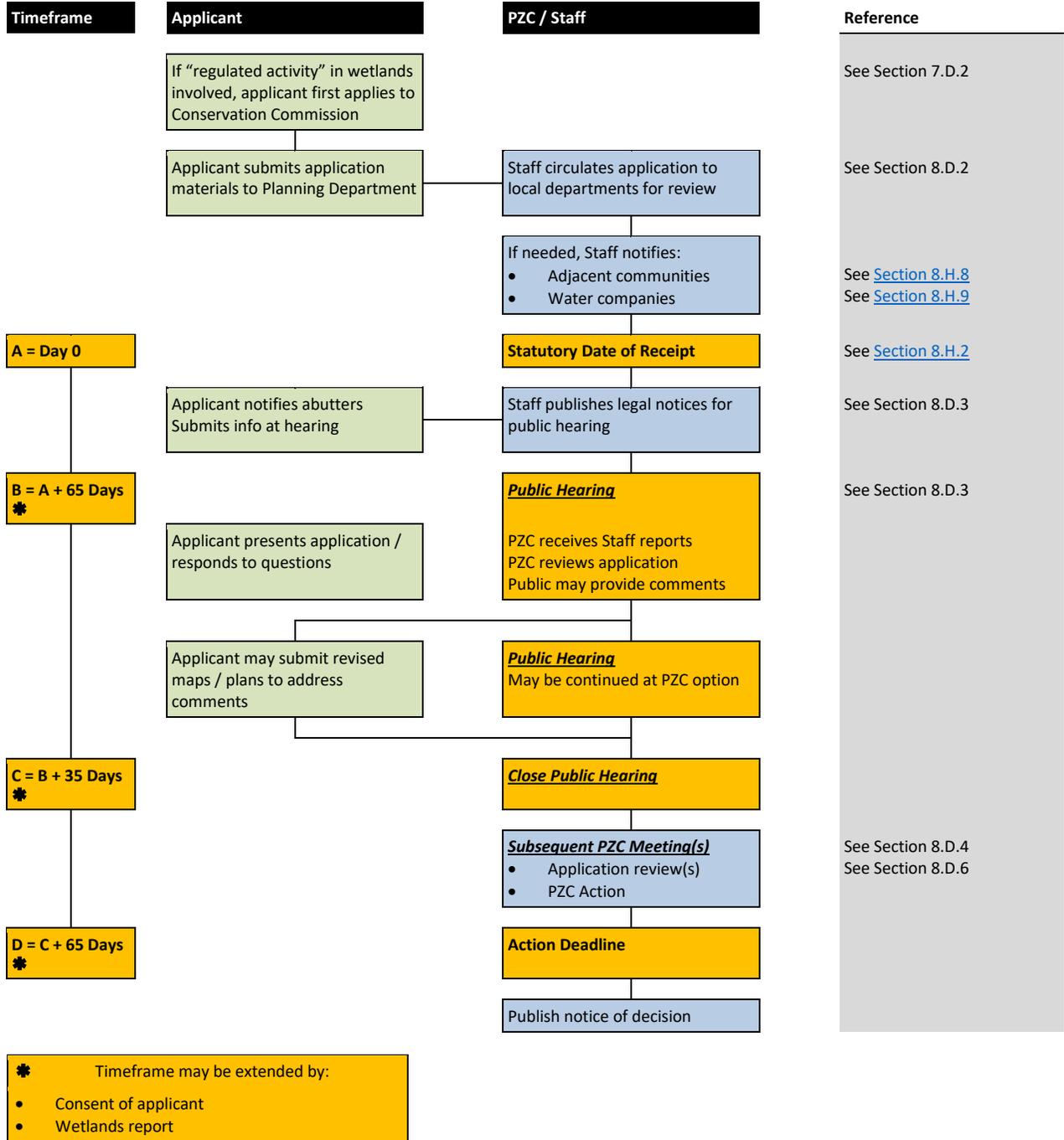
9. Notwithstanding the provisions of this Section, if an application involves an activity regulated pursuant to CGS Sections 22a-36 to 22a-45, inclusive and the time for a decision by the Commission would elapse prior to the thirty-fifth day after a decision by the Conservation Commission, the time period for a decision shall be extended to thirty-five (35) days after the decision of such agency.
10. The applicant may, at any time prior to action by the Commission, withdraw such application.

8.D.4 Decision Considerations

1. All such uses are declared to possess such special characteristics that each shall be considered as an individual case.
2. On a Special Permit Application involving an activity regulated pursuant to CGS Sections 22a-36 to 22a-45, inclusive, the Commission shall:
 - a. wait to render its decision until the Conservation Commission has submitted a report with its final decision; and
 - b. give due consideration to any report of the Conservation Commission when making its decision.
3. On a Special Permit Application involving notice to adjoining municipalities under [Section 8.H.8](#) or notice to water companies under [Section 8.H.9](#), the Commission shall give due consideration to any report received.
4. Before the Commission approves a Special Permit Application, it shall determine that the application:
 - a. is in conformance with the applicable provisions of these Regulations;
 - b. has, in the sole discretion of the Commission, satisfied the Special Permit Criteria in [Section 8.D.5](#); and
 - c. is in harmony with the purposes and intent of these Regulations and the currently adopted Plan of Conservation and Development.
5. Before granting a Special Permit, the Commission shall determine that any accompanying Site Plan Application is in conformance with the applicable provisions of these Regulations.

Southington Zoning Regulations

Special Permit Application



DISCLAIMER – This graphic is a generalized overview of the application process and the provisions in the Connecticut General Statutes and the text of these Regulations shall control.

6. In granting a Special Permit, the Commission may:
 - a. stipulate such conditions as are reasonable and necessary to protect or promote the public health, safety or welfare; the environment; sound planning and zoning principles; improved land use, site planning and land development; or better overall neighborhood compatibility; and
 - b. impose additional requirements, conditions or safeguards as a prerequisite to the issuance of the determination of zoning compliance by the Zoning Enforcement Officer, if it shall be found necessary in order as reasonably necessary to serve public safety and welfare.

7. Where the Commission finds or has reason to believe that circumstances or conditions upon which a Special Permit is warranted may change over time, the Commission may:
 - a. set time limits on the Special Permit and/or limit the time during which the Special Permit shall remain valid;
 - b. call for the review and substantiation of the justifying circumstances or conditions at periodic intervals; and/or
 - c. require periodic renewal of the Special Permit with or without a public hearing.

In the event an appeal is taken from the Commission approval of such Special Permit, then the time period shall commence on the date of final disposition of such litigation.

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8.D.5 Special Permit Criteria

A. Suitable Location for Use -

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

B. Appropriate Improvements -

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

C. Suitable Transportation Conditions -

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

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D. Adequate Utilities and Services -

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

E. Environmental Protection & Conservation -

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

F. Long Term Viability -

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

G. Consistency With Overall Objectives -

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

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8.D.6 Action Documentation

1. The Commission shall, whenever it grants or denies a Special Permit, state upon its record the reason(s) for its decision.
2. The Commission shall send, by Certified Mail, a copy of any decision on a Special Permit Application to the applicant within fifteen days after such decision is rendered.
3. The decision shall:
 - a. state the name of the owner of record;
 - b. contain a description of the premises to which it relates;
 - c. identify the Section of the Regulations under which the Special Permit was granted or denied; and
 - d. specify the nature of the Special Permit.
4. The Commission shall cause notice of the approval or denial of the Special Permit Application to be published in accordance with applicable provisions of CGS Chapter 124 (such as CGS Section 8-7d).
5. In any case in which such notice is not published within the fifteen-day period after a decision has been rendered, the person who submitted such application may provide for the publication of such notice within ten days thereafter.

8.D.7 Following Approval

1. A Special Permit granted by the Commission shall only become effective upon the filing of a copy, certified by the Commission, in the land records of the Town, in accordance with the provisions of CGS Section 8-3d.
2. A Special Permit shall only authorize the particular use or uses specified in the Commission's approval.
3. Failure to adhere strictly to the documents, plans, terms, conditions, and/or safeguards approved by the Commission or its staff shall be a violation of these Regulations.
4. A Special Permit may be amended or modified in like manner as provided above for the granting of a Special Permit except that amendments which shall be found to be of a minor nature or which do not materially alter the Special Permit, as determined by the Commission, may be authorized with Commission approval only, without another public hearing.

5. Any approved Special Permit Use which is not filed in the Office of the Town Clerk within a period of 12 months shall become null and void, unless an extension of time is applied for within the 12 month period and granted by the Commission. A single extension may be granted for a period of not more than 12 months from the anniversary date of the date of approval.
6. An expired Special Permit shall be considered null and void.
7. Any condition or safeguards attached to the granting of a Special Permit shall remain with the property as long as the Special Permit use shall be in operation. These conditions and safeguards shall continue in force regardless of any change in ownership of the property.
8. Any authorized Special Permit shall be subject to revocation by the Commission if any condition or safeguard imposed by the Commission upon buildings, structures, land or uses for said permit shall not be strictly adhered to by the applicant, user and/or owner. Notification thereof shall be filed in the Office of the Town Clerk.
9. Amendments or Modifications -
 - a. Applications for amendment or modification of a Special Permit may be authorized with Commission approval without another public hearing only when such amendment or modification:
 - is deemed to be in the public interest, or
 - is determined by the Commission to be of a minor nature or to not materially alter the Special Permit.
 - b. Other applications for amendment or modification of a Special Permit may only be authorized with Commission approval after another public hearing.

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8.E Regulation Amendment Application PZC)

8.E.1 Application Requirements

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

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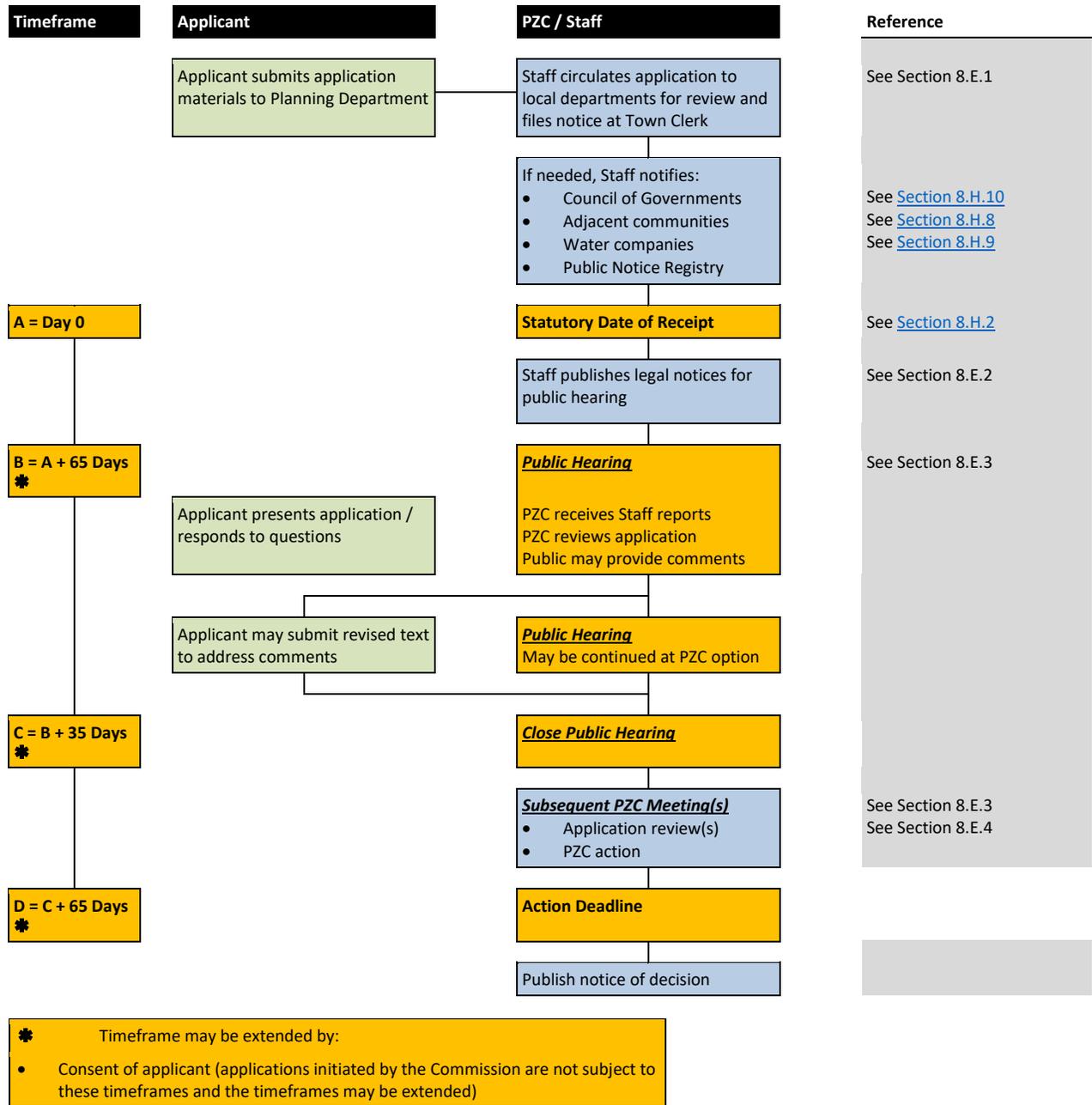
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8.E.2 Proceedings

1. The date of receipt for the Regulation Amendment Application shall be determined in accordance with [Section 8.H.2](#).
2. An incomplete Regulation Amendment Application shall be denied in accordance with [Section 8.H.3](#).
3. The Commission shall hold a public hearing on the Regulation Amendment Application and:
 - a. shall cause a legal notice to be published in accordance with the requirements of [Section 8.H.6](#); and
 - b. may publish the full text of such proposed regulation in full in such notice.
4. For any proposed amendment to these Regulations initiated by the Commission:
 - a. any fees shall be waived; and
 - b. the notice requirements of [Section 8.H.6](#) shall be sufficient.
5. The Commission may refer any application to amend these Regulations to any Town department or other agency the Commission deems appropriate and may request any such department or agency to submit a report to the Commission on matters that are of concern to it in connection with its own responsibility.
6. Notification to Councils of Governments may be required in accordance with the requirements of [Section 8.H.10](#).
7. Notification to adjoining municipalities may be required in accordance with the requirements of [Section 8.H.8](#).
8. Notification to water companies may be required in accordance with the requirements of [Section 8.H.9](#).
9. Notification to DEEP regarding the Natural Diversity Database may be required in accordance with the requirements of [Section 8.H.11](#).
10. A copy of the proposed regulation shall be filed by the applicant in the Office of the Town Clerk for public inspection at least ten (10) days before the public hearing.
11. In accordance with CGS Section 8-7d(g), the Commission shall notify any person or organization on the public notice registry at least seven (7) days prior to the commencement of the public hearing on the Regulation Amendment application.

Southington Zoning Regulations

Regulation Amendment Application



DISCLAIMER – This graphic is a generalized overview of the application process and the provisions in the Connecticut General Statutes and the text of these Regulations shall control.

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12. The Commission shall process the Regulation Amendment Application within the period of time permitted under CGS Section 8-7d:
 - a. the public hearing shall commence within sixty-five (65) days after receipt of the application;
 - b. the public hearing shall be completed within thirty-five (35) days after such hearing commences;
 - c. all decisions shall be rendered within sixty-five (65) days after completion of such hearing;
 - d. the applicant may consent to one (1) or more extensions of any period specified in this subsection provided the total extension of all such periods shall not be for longer than sixty-five (65) days; and
 - e. these provisions shall not apply to any action initiated by the Commission regarding adoption or change of any Regulation.
13. The applicant may, at any time prior to action by the Commission, withdraw such application.

8.E.3 Decision Considerations

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

8.E.4 Action Documentation

1. Whenever the Commission acts upon a Regulation Amendment Application, it shall state upon the record the reasons for its decision.
2. In making its decision, the Commission shall state on the record its findings on consistency of the proposed establishment, change, or repeal of such Regulations with the Plan of Conservation and Development, as amended.
3. As part of approving a Regulation Amendment Application, the Commission shall establish an effective date for the Regulation change provided that a notice of the decision of the Commission shall have been published in accordance with applicable provisions of CGS Chapter 124 (such as CGS Section 8-7d).
4. The Commission shall send, by Certified Mail, a copy of any decision on a Regulation Amendment Application to the applicant within fifteen (15) days after such decision is rendered.
5. The Commission shall cause notice of the approval or denial of the Regulation Amendment Application to be published in accordance with applicable provisions of CGS Chapter 124 (such as CGS Section 8-7d) within fifteen days after such decision is rendered.
6. In any case in which such notice is not published within the fifteen (15) day period after a decision has been rendered, the person who submitted such application may, in accordance with CGS Section 8-3(d), provide for the publication of such notice in a newspaper with substantial circulation in Southington in order to establish the appeal period per CGS Section 8-7.

8.E.5 Following Approval

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

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8.F Zone Change Application (PZC)

8.F.1 Application Requirements

1. A Zone Change Application shall be submitted in writing to the Planning Department on forms provided by the Commission for any proposal to alter the zoning designation of any parcel of land or part thereof.
2. A Zone Change Application shall be:
 - a. Initiated by the affected property owner(s); or
 - b. commenced by the Commission on its own initiative.
3. Unless such application is initiated by the Commission, the application shall include the material identified on the checklist in [the Appendix](#) for a Zone Change Application including:
 - a. a metes and bounds description of the land to be included in the amendment;
 - b. written reason(s) for the proposed amendment;
 - c. five (5) copies of a map, accurately drawn to a maximum scale of 50 feet or a minimum of two-hundred (200) feet to the inch, showing north arrow, name of the petitioner and all existing lots, dimensions, property lines, streets, the location size and use of existing structures within the area of proposed change, existing and proposed zoning for the area included in and within five-hundred (500) feet of the subject property, and any other information considered pertinent by the applicant;
 - d. a list of all property owners required to be notified in [Section 8.H.7](#) plus the names, addresses, tax map and lot numbers of all owners of property subject to the proposed amendment; and
 - e. a fee, as provided in the fee schedule of the Town to cover the cost of administration.
4. The Commission shall not be required to hear a Zone Change Application that has been rejected within one (1) year from the date of rejection unless it finds, on facts presented in writing, that a material change in the situation justifies this action. A change of ownership of property or any interest therein shall not be deemed a material change in the situation for the purpose of this Section.

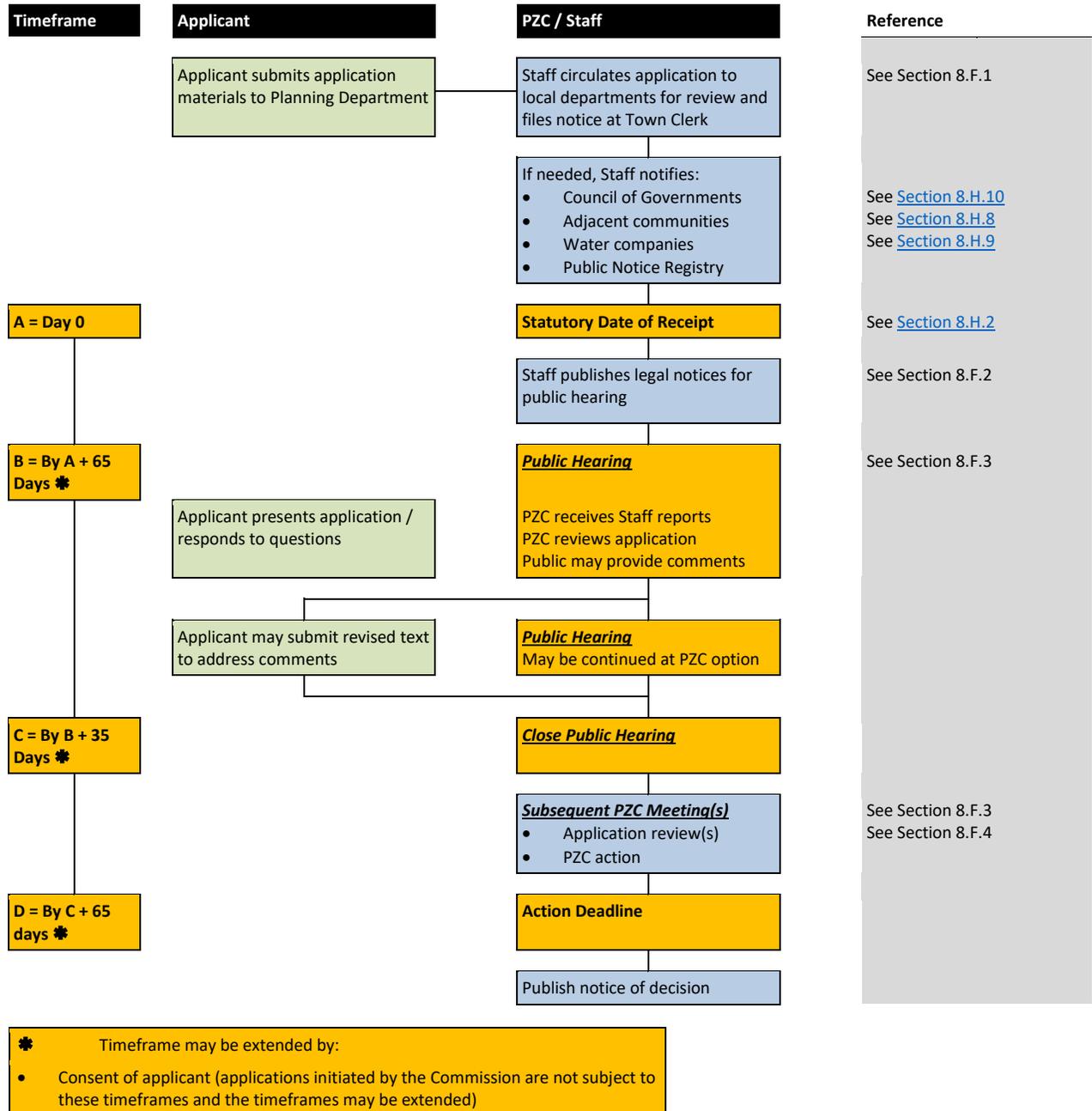
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8.F.2 Proceedings

1. The date of receipt of the Zone Change Application shall be determined in accordance with [Section 8.H.2](#).
2. The Commission shall hold a public hearing on the Zone Change Application and:
 - a. shall cause a legal notice to be published in accordance with the requirements of [Section 8.H.6](#); and
 - b. require that the applicant give notice to property owners within 500 feet in accordance with the requirements of [Section 8.H.7](#) and the following:
 - applicant files applications and maps with Planning Department (including 8.5x11 maps showing zone change request).
 - applicant provides list of property owners within 500 feet.
 - Planning Department provides cover letter and copy of legal notice to applicant.
 - applicant sends the required legal notice to property owners.
 - Applicant submits Certificate of Mailing(s) to the Planning Department at least one (1) week prior to the Public Hearing.
3. The Commission may refer any application to amend the Zoning Map to any Town department or other agency the Commission deems appropriate and may request any such department or agency to submit a report to the Commission on matters that are of concern to it in connection with its own responsibility.
4. In accordance with [Section 8.H.10](#) of these Regulations, any proposed change of zone affecting any properties within 500 feet of the Town line shall be referred to the regional Council of Governments.
5. Notification to adjoining municipalities may be required in accordance with the requirements of [Section 8.H.8](#).
6. Notification to water companies may be required in accordance with the requirements of [Section 8.H.9](#).
7. A copy of the proposed zone change shall be filed by the applicant in the Office of the Town Clerk for public inspection at least ten (10) days before the public hearing.
8. The Commission shall process the Zone Change Application within the period of time permitted under CGS Section 8-7d:
 - a. the public hearing shall commence within sixty-five (65) days after receipt of the application;
 - b. the public hearing shall be completed within thirty-five (35) days after such hearing commences;
 - c. all decisions shall be rendered within sixty-five (65) days after completion of such hearing;
 - d. the applicant may consent to one or more extensions of any period specified in this subsection provided the total extension of all such periods shall not be for longer than sixty-five (65) days; and
 - e. these provisions shall not apply to any action initiated by the Commission regarding a Zone Change Application.

Southington Zoning Regulations

Zone Change Application



DISCLAIMER – This graphic is a generalized overview of the application process and the provisions in the Connecticut General Statutes and the text of these Regulations shall control.

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9. In accordance with CGS Section 8-7d(g), the Commission shall notify any person or organization on the public notice registry at least seven (7) days prior to the commencement of the public hearing on the of the Zone Change application.
10. The applicant may at any time prior to action by the Commission, withdraw such application.

8.F.3 Decision Considerations

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

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8.F.4 Action Documentation

1. Whenever the Commission acts upon a Zone Change Application, it shall state upon the record:
 - a. the reason for its decision; and
 - b. its findings on consistency of the proposed zone change with the Plan of Conservation and Development, as amended.
2. As part of approving a Zone Change Application, the Commission shall establish an effective date for the zone change provided a notice of the decision of the Commission shall have been published in accordance with applicable provisions of CGS Chapter 124 (such as CGS Section 8-7d) before such effective date.
3. The Commission shall send, by Certified Mail, a copy of any decision on a Zone Change Application to the applicant within fifteen (15) days after such decision is rendered.
4. The Commission shall cause notice of the approval or denial of the Zone Change Application to be published in accordance with applicable provisions of CGS Chapter 124 (such as CGS Section 8-7d) within fifteen (15) days after such decision is rendered.
5. In any case in which such notice is not published within the fifteen (15) day period after a decision has been rendered, the person who submitted such application may, in accordance with CGS Section 8-3(d), provide for the publication of such notice in a newspaper with substantial circulation in Southington in order to establish the appeal period per CGS Section 8-7.

8.F.5 Following Approval

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

8.G Zoning Board Of Appeals Procedures (ZBA)

8.G.1 General Provisions

1. **Appointment** - There shall be a Zoning Board of Appeals (ZBA) established pursuant to the provisions of any special or public act adopted by the General Assembly and any Charter provisions adopted by the Town.

2. **Powers And Duties** - The Board shall have the following powers and duties:
 - a. **Appeal Of Order** - to hear and decide appeals where it is alleged that there is an error in any order, requirement or decision made by the Zoning Enforcement Officer except that no order, requirement, or decision made by the Planning and Zoning Commission shall be subject to a review by the Board of Appeals;
 - b. **Vary Regulations** - to determine and vary the application of the Zoning Regulations solely with respect to a parcel of land where, owing to conditions especially affecting such parcel but not affecting generally the district in which it is situated, a literal enforcement of these Regulations would result in exceptional difficulty or unusual hardship and only when such determination or variance shall:
 - be in harmony with the general purpose and intent of these Regulations,
 - give due consideration for conserving the public health, safety, convenience, and welfare; and
 - result in substantial justice being done and the public safety and welfare secured.
 - c. **Special Exception Application** – to hear and decide applications for Special Exceptions as provided in these Regulations.
 - d. **Approval Of Location** – as provided in CGS Section 14-54 and/or CGS Section 319, to decide upon all requests for Approval of Location for dealing in or repairing motor vehicles or sale of gasoline.
 - e. **Other Matters** - to hear and decide all matters referred to it and upon which it shall be required to pass under any provision of these Regulations or State law.

3. **General Provisions** -
 - a. All appeals and applications made to the Board of Appeals shall be in writing on forms prescribed by the Board.
 - b. All applications and appeals shall be accompanied by the required fee to cover the cost of advertising and processing. The Board of Appeals is authorized to waive fees for non-profit agencies.
 - c. Each appeal or application shall:
 - fully set forth the circumstances of the case.
 - refer to the specific provision of the regulation involved.
 - exactly set forth as the case may be, the interpretation that is claimed, the use for which the Special Exception is sought, or the details of the variance that is applied for and the grounds on which it is claimed that the same should be granted.

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4. Meetings -

- a. All meetings of said Board shall be held at the call of the Chairman or Secretary at such times as the Board may determine and shall be open to the public.
- b. The Chairman or, in his absence, the Acting Chairman, may administer oaths and compel the attendance of witnesses.
- c. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, shall indicate such fact, and shall keep records of its examinations and other official acts.
- d. Each rule or regulation and each amendment or repeal thereof and each order, requirement or decision of the Board shall immediately be filed in the Planning and Zoning Department and shall be a public record.
- e. If a regular member of the Board of Appeals is absent, the member may designate an alternate from the panel of alternates to act in his place but if the member fails to make such designation or if they are is disqualified, the chairman of the Board shall designate an alternate from such panel.
- f. In choosing an alternate, the Chairman shall choose alternates in rotation so that they shall act as nearly equal a number of times as possible and, if any alternate is not available in accordance with such rotation, such fact shall be recorded in the minutes of the meeting.

- 5. A member of the Board shall disqualify themselves to act in a given case by reason of their relationship to any party involved or of financial interest in the matter before the Board.

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8.G.2 Appeal Of Enforcement Decisions

1. **Authority** - In accordance with CGS Section 8-7, an appeal may be taken to the Board of Appeals by a person alleging to be aggrieved by an order, requirement, or decision made by the Zoning Enforcement Officer.

2. **Application Materials** –
 - a. Any such appeal shall be taken within thirty (30)-days of the issuance of the order, requirement, or decision by filing a notice of appeal on the application forms provided by the Town with the Zoning Enforcement Officer and the Zoning Board of Appeals specifying the grounds thereof.
 - b. The Zoning Enforcement Officer shall forthwith transmit to said Board all the papers constituting the record upon which the appeal was taken.
 - c. When warranted by the proximity of the proposed change of use or construction or alteration of a structure to any property line, the Board of Appeals may require the filing of a survey meeting the Class A-2 accuracy standards of the Code of Practice for Standards of Accuracy of Surveys and Maps, by the Connecticut Association of Land Surveyors, Inc.

3. **Effect of Appeal** –
 - a. Where such appealable decision by the Zoning Enforcement Officer prohibits further construction or expansion of a use in violation of the Zoning Regulations, an appeal shall not be cause for such construction or expansion to continue except to such extent that the Board may allow when ruling on the appeal.
 - b. In situations other than that described in Section 8.G.2.3.a above, an appeal shall temporarily stop all zoning enforcement and proceedings with regard to such order, requirement or decision unless the Zoning Enforcement Officer certifies to the Board of Appeals after the appeal has been filed that, by reason of facts stated in the certificate, a stay would cause imminent peril to life or property.
 - c. If the Zoning Enforcement Officer certifies to the Board of Appeals that a stay would cause imminent peril to life or property, enforcement and proceedings shall only be stayed by a restraining order granted by a court of record, on notice to the Zoning Enforcement Officer and on due cause shown.

4. **Proceedings -**

- a. The Board shall hold a public hearing on the appeal and publish a legal notice in accordance with the requirements of [Section 8.H.6.](#)
- b. The applicant shall post a notification sign, to be furnished by the Zoning Enforcement Officer, at least ten (10) days prior to the hearing. Failure to post such sign shall be grounds for denial of the application. All such signs shall be clearly legible from the street.
- c. At such hearing, any party may appear in person or may be represented by agent or by attorney.
- d. Notification to adjoining municipalities may be required in accordance with the requirements of [Section 8.H.8.](#)
- e. Notification to water companies may be required in accordance with the requirements of [Section 8.H.9.](#)
- f. The Board shall process the appeal within the period of time permitted under CGS Section 8-7d:
 - the public hearing shall commence within sixty-five (65) days after receipt of the appeal;
 - the public hearing shall be completed within thirty-five (35) days after such hearing commences;
 - all decisions shall be rendered within sixty-five (65) days after completion of such hearing; and
 - the applicant may consent to one or more extensions of any period specified in this subsection provided the total extension of all such periods shall not be for longer than sixty-five (65) days.
- g. The applicant may, at any time prior to action by the Board, withdraw such application.

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5. **Considerations –**

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

6. **Action Documentation -**

- a. The Board shall, whenever it grants or denies an appeal, state upon its record the reason(s) for its decision.
- b. Notice of the decision of the Board shall be sent by Certified Mail to any person who appeals to the Board within fifteen (15) days after such decision has been rendered.
- c. Notice of the decision of the board shall be published in accordance with applicable provisions of CGS Chapter 124 (such as CGS Section 8-7d) within fifteen (15) days after such decision has been rendered.
- d. In any case in which such notice is not published within such fifteen (15) day period, the person who took such appeal may provide for the publication of such notice within ten (10) days thereafter.

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8.G.3 Variances

1. **Authority** - In accordance with CGS Section 8-6, the Board of Appeals shall have the power and duty to determine and vary the application of the Regulations solely with respect to a parcel of land where, owing to conditions especially affecting such parcel but not affecting generally the district in which it is situated, a literal enforcement of these Regulations would result in exceptional difficulty or unusual hardship.

2. **Application Requirements** -
 - a. A Variance Application shall be accompanied by six (6) copies of sufficiently detailed plans for review by the Board and its designees.
 - b. An accurate and detailed plan drawn to scale is required showing the type and the degree of the variance requested, however, the Board of Appeals may require the filing of a survey meeting the Class A-2 accuracy standards of the Code of Practice for Standards of Accuracy of Surveys and Maps, by the Connecticut Association of Land Surveyors, Inc., when the variance is dimensional in nature or such survey is integral to the understanding of the application.
 - c. An application to the ZBA shall be accompanied by a fee as provided in Appendix C to these Regulations.
 - d. If a Variance Application involves an activity regulated pursuant to CGS Sections 22a-36 to 22a-45, inclusive, the applicant shall submit an application for a permit to the Conservation Commission not later than the day such application is filed with the Board.
 - e. The Board shall not be required to hear any application for the same variance or substantially the same variance for a period of six (6) months after a decision by the Board or by a court on an earlier such application.

3. **Nature of Variance** -
 - a. Any variance granted by a Board of Appeals shall run with the land and shall not be personal in nature to the person who applies for and receives the variance.
 - b. A variance shall not be extinguished solely because of the transfer of title to the property or the invalidity of any condition attached to the variance that would affect the transfer of the property from the person who initially applied for and received the variance.
 - c. A variance shall only authorize the particular activity specified in the Board's approval.

4. Proceedings -

- a. The date of receipt for the Variance Application shall be determined in accordance with [Section 8.H.2.](#)
- b. The Board shall hold a public hearing on the Variance Application and:
 - publish a legal notice in accordance with the requirements of [Section 8.H.6;](#)
 - not less than fifteen (15) days before the subject hearing, the applicant shall mail a copy of the legal notice of the hearing to the owners of each parcel or property within 200 feet of the appellant's property, as determined from the latest real estate list of the Town in the Tax Assessor's Office; and
 - at the hearing, the applicant, or his/her legal representative, shall submit evidence of the required mailing in the form of U.S. Postal Service Certificates of Mailing, a list showing the names and address of the owners of all such properties, and a copy of the notification (including attachments) which were mailed.
- c. The applicants shall post a notification sign, to be furnished by the Zoning Enforcement Officer, at least ten (10) days prior to the hearing. Failure to post such sign shall be grounds for denial of the application. All such signs shall be clearly legible from the street.
- d. At such hearing, any party may appear in person or may be represented by agent or by attorney.
- e. Notification to adjoining municipalities may be required in accordance with the requirements of [Section 8.H.8.](#)
- f. Notification to water companies may be required in accordance with the requirements of [Section 8.H.9.](#)
- g. An incomplete Variance Application shall be denied in accordance with [Section 8.H.3.](#)
- h. The Board shall process the Variance Application within the period of time permitted under CGS Section 8-7d:
 - the public hearing shall commence within sixty-five (65) days after receipt of the application;
 - the public hearing shall be completed within thirty-five (35) days after such hearing commences;
 - all decisions shall be rendered within sixty-five (65) days after completion of such hearing; and
 - the applicant may consent to one or more extensions of any period specified in this subsection provided the total extension of all such periods shall not be for longer than sixty-five (65) days.
- i. The applicant may, at any time prior to action by the Board, withdraw such application.

5. Decision Considerations -

- a. Whenever a Variance Application is joined with an enforcement appeal pursuant to [Section 8.G.2,](#) the Board shall first decide the issues presented by such appeal.
- b. The application of a regulation affirming a statute shall not be subject to variance.

- c. In order to approve an application for a variance, the Board shall find that a literal enforcement of these Regulations would result in exceptional difficulty or unusual hardship:
 - solely with respect to the parcel of land that is the subject of the application;
 - owing to conditions especially affecting such parcel but not affecting generally the district in which it is situated; and
 - shall not be based upon the non-conforming use of neighboring lands, structures, or buildings.
 - d. The Board shall only grant the minimum variance necessary to alleviate the exceptional difficulty or unusual hardship:
 - in harmony with the general purpose and intent of these Regulations;
 - with due consideration for conserving the public health, safety, convenience, and welfare; and
 - so that substantial justice shall be done and the public safety and welfare secured.
 - e. Whenever the Board of Appeals grants or denies any variance in the Zoning Regulations applicable to any property it shall state upon its records:
 - the reason for its decision;
 - the Regulation which is varied in its application; and
 - when a variance is granted, a specific description of the exceptional difficulty or unusual hardship on which its decision is based.
 - f. The concurring vote of four (4) members of the Board shall be necessary to vary the application of the Zoning Regulations.
- 6. Action Documentation -**
- a. The Commission shall, whenever it grants or denies a Variance Application, state upon its record the reason(s) for its decision.
 - b. Notice of the decision of the Board shall be sent by Certified Mail to any applicant to the Board within fifteen (15) days after such decision has been rendered. Such notice shall:
 - state the name of the owner of record'
 - contain a description of the premises to which it relates'
 - state the nature of the hardship claimed; and
 - specify the nature of such variance including the Regulation which is varied in its application.
 - c. Notice of the decision of the Board shall be published in accordance with applicable provisions of CGS Chapter 124 (such as CGS Section 8-7d) within fifteen (15) days after such decision has been rendered.
 - d. In any case in which such notice is not published within such fifteen (15) day period, the applicant may provide for the publication of such notice within ten (10) days thereafter.
- 7. Following Approval -**
- a. A variance granted by the Board shall only become effective upon the filing of a copy, certified by the Board, in the Office of the Town Clerk, in accordance with the provisions of CGS Section 8-3d.

8.G.4 Special Exception Application (ZBA)

1. **Purpose** - The purpose of a Special Exception Application is to review the appropriateness of certain uses or activities in a specific location or configuration in order to evaluate overall impacts of the specific application, ensure compliance with these Regulations, and promote the health, safety, and general welfare of the community.
2. **Application Requirements** -
 - a. A Special Exception Application shall be submitted for any activity designated in the Regulations as requiring approval of a Special Exception.
 - b. In addition to a completed application form and the required application fee, seven (7) copies of the application materials shall be provided so that the Board may undertake a thorough review of the application.
 - c. The Board may require the submission of additional information as deemed necessary to make a reasonable review of the application.
3. **Proceedings** – The proceedings on a Special Exception application shall be the same as those for a Special Permit application (see [Section 8.D](#)) except that references to the Commission shall be understood to be references to the Board.
4. **Decision Considerations** - On a Special Exception Application:
 - a. Each specific Special Exception application shall be considered as an individual case.
 - b. the Board shall give due consideration to any report received from any other agency or person notified.
 - c. the Board shall determine whether:
 - the Special Exception application is in conformance with applicable provisions of these Regulations
 - the Special Exception application is in harmony with the purposes and intent of these Regulations
 - The nature, location, size, intensity, site layout, and operation of the use will be in harmony with the appropriate and orderly development of the area in which it is situated and the safety of the roadway and pedestrian traffic.
 - The location and height of buildings, the location, nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof.
 - d. In granting a Special Exception, the Board may:
 - stipulate such conditions as the Board considers reasonable and necessary to protect or promote the public health, safety or welfare; and
 - set time limits on the Special Exception and/or limit the time during which the Special Exception shall remain valid;
 - call for the review and substantiation of the justifying circumstances or conditions at periodic intervals; and/or
 - require periodic renewal of the Special Exception with or without a public hearing.

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5. **Action Documentation -**

- a. The Board shall, whenever it grants or denies a Special Exception, state upon its record the reason(s) for its decision.
- b. The Board shall send, by Certified Mail, a copy of any decision on a Special Exception Application to the applicant within fifteen days after such decision is rendered.
- c. The decision shall:
 - state the name of the owner of record;
 - contain a description of the premises to which it relates;
 - identify the Section of the Regulations under which the Special Exception was granted or denied; and
 - specify the nature of the Special Exception.
- d. The Board shall cause notice of the approval or denial of the Special Exception Application to be published in accordance with applicable provisions of CGS Chapter 124 (such as CGS Section 8-7d).
- e. In any case in which such notice is not published within the fifteen-day period after a decision has been rendered, the person who submitted such application may provide for the publication of such notice within ten days thereafter.

6. **Following Approval -**

- a. A Special Exception shall only authorize the particular use or uses specified in the Board's approval.
- b. Failure to adhere strictly to the documents, plans, terms, conditions, and/or safeguards approved by the Board or its staff shall be a violation of these Regulations.
- c. A Special Exception may be amended or modified in like manner as provided above for the granting of a Special Exception except that amendments which shall be found to be of a minor nature or which do not materially alter the Special Exception, as determined by the Board, may be authorized with Board approval only, without another public hearing.
- d. Any approved Special Exception Use which is not filed in the Office of the Town Clerk within a period of 12 months shall become null and void, unless an extension of time is applied for within the 12 month period and granted by the Board. A single extension may be granted for a period of not more than 12 months from the anniversary date of the date of approval.
- e. Amendments or Modifications - Applications for amendment or modification of a Special Exception may be authorized with Board approval without another public hearing only when such amendment or modification:
 - is deemed to be in the public interest, or
 - is determined by the Board to be of a minor nature or to not materially alter the Special Exception.

8.G.5 Approval Of Location

1. In accordance with CGS Section 14-54, as amended, any person who desires to obtain a license for dealing in or repairing motor vehicles shall submit an application for a Certificate of Location Approval to the Zoning Enforcement Officer requesting affirmation that the proposed location and use of the property conform to the zoning regulations except that this requirement shall not apply to:
 - a. A transfer of ownership to a spouse, child, brother, sister or parent of a licensee;
 - b. A transfer of ownership to, or from, a corporation in which a spouse, child, brother, sister, or parent of a licensee has a controlling interest; or
 - c. A change in ownership involving the withdrawal of one or more partners from a partnership.
2. In accordance with CGS Section 14-321, any person who desires to obtain a license for the sale of gasoline or any other product under the provisions of CGS Section 14-319 (including the alteration or changing of adjoining physical properties for such purpose) shall submit an application for a Certificate of Location Approval to the ZBA except that this requirement shall not apply:
 - a. In the case of a renewal of a license by the holder of the license;
 - b. To the transfer of the last issued license from one person to another provided no more than one (1) year has elapsed since the expiration of such license; or
 - c. In the case of the addition or discontinuance of pumps.
3. In reviewing a Certificate of Location Approval application, the Zoning Enforcement Officer and/or the ZBA are acting as an agent of the State of Connecticut and the notice provisions and other provisions of CGS Chapter 124 (CGS Section 8-1 et seq.) shall not apply.
4. The ZBA may hold a public hearing on the Certificate of Location Approval application filed in accordance with CGS Section 14-321 and, if such hearing is to be held:
 - a. Shall cause a legal notice to be published in accordance with the requirements of [Section 8.H.6](#) of these Regulations; and
 - b. May require that the applicant give notice to nearby property owners in accordance with the requirements of [Section 8.H.7](#) of these Regulations.
5. The applicant may withdraw any Certificate of Location Approval application at any time prior to action by the Zoning Enforcement Officer or by the ZBA.
6. Approval of a Certificate of Approval of Location by the ZBA as per CGS Section 14-321 does not preclude any requirement for, or approval of, Site Plans or Special Permits by the Planning and Zoning Commission.

8.H Procedural Elements

8.H.1 Application Submittal Requirements

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

8.H.2 Date Of Receipt

1. For the purposes of calculating statutory time frames for processing applications, the date of receipt of an application to the Commission or the Board of Appeals shall be the earlier of:
 - a. the day of the next regularly scheduled meeting of the Commission or the Board of Appeals immediately following the day of submission of the application to the Zoning Enforcement Officer ; or
 - b. thirty-five (35) days after submission to the Zoning Enforcement Officer.

8.H.3 Incomplete Applications

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

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8.H.4 Sequence Of Hearings

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

8.H.5 Consultations

1. On any application, the Commission or Board may seek the advice and opinion of other officials, boards, commissions, or other organizations to assist it in evaluating applications.
2. On any application, the Commission or Board may, in accordance with CGS Section 8-1c(b):
 - a. retain an architect, landscape architect, professional land use planner, or other consultant to review, comment, and guide its deliberations on any application; and
 - b. require that the applicant, to the extent authorized by any Town Ordinance:
 - deposit funds with the Commission or Board for the costs of any consulting review fees, or
 - reimburse the Commission or Board for the cost of such consulting review.

8.H.6 Publication Of Notice

1. When a public hearing is required by these Regulations or scheduled by the Commission, the Zoning Enforcement Officer shall cause notice of the hearing to be published in accordance with applicable provisions of CGS Chapter 124 (such as CGS Section 8-7d).
2. Such notice shall be published at least twice at intervals of not less than two days, the first not more than fifteen days, nor less than ten days, and the last not less than two days before the date of the hearing.

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8.H.7 Notice To Nearby Property Owners

1. Unless a different distance is required by these Regulations, applicants or their representatives shall be responsible for notifying owners of property within 500 feet of the subject property of any pending application for Special Permit or Zone Change Application.
2. As part of any such application, the applicant shall submit:
 - a. a list of the names and addresses of owners of property within 500 feet of the subject property utilizing the latest records of the Town Tax Assessor to determine the owner of each property; and
 - b. a map showing the subject property, the surrounding properties and the approximate location of structures within 500 feet of the subject property, including tax lot numbers.
3. The applicant shall notify each property owner within 500 feet of the subject property of the time, place, date, and purpose of the hearing by sending a copy of the legal notice to each property owner within 500 feet not less than ten (10) days prior to the scheduled hearing.
4. Notices from the applicant to the property owners within 500 feet shall be sent via Certified U.S. Mail and proof of mailing shall be evidenced by Certificates of Mailing from the U.S. Postal Service.
5. Prior to the date of the Public Hearing regarding the application, the applicant shall submit:
 - a. the Certificates of Mailing;
 - b. a list of the property owners to whom the notices were sent; and
 - c. a copy of the letter and any enclosures sent to the property owners.

8.H.8 Notice To Adjoining Municipalities

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

8.H.9 Notice To Water Companies

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

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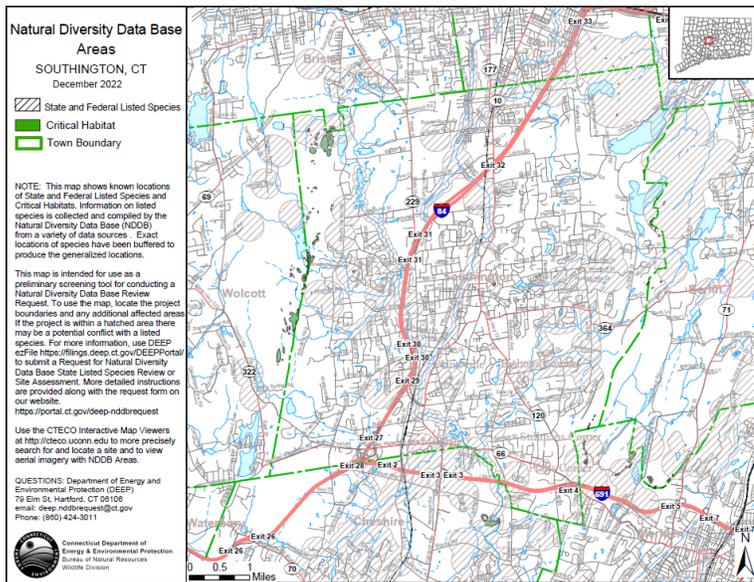
8.H.10 Notice To Regional Councils Of Governments

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

8.H.11 Notice To DEEP

1. If any portion of the property which is the subject of a Site Plan, Special Permit, or Special Exception application is located within a “shaded area” identified on the most current Natural Diversity Database maps for Southington (see <https://portal.ct.gov/DEEP/NDDDB/Natural-Diversity-Data-Base-Maps>), the applicant shall notify the Connecticut Department of Energy and Environmental Protection (DEEP) of the pending project at least 30 days prior to the official date of receipt for the application.
2. Evidence of such notification shall be provided to the Commission or Board as part of the application.

Example of Map (check DEEP website for most current information)



8.H.12 Beneficiaries Of A Trust

As required by CGS Section 8-7c, any person who makes an application to the Commission or Board pertaining to real property, the record title to which is held by a trustee of any trust, shall file with said application a sworn statement disclosing the name(s) of the equitable owner(s) of such real property or the beneficiary(ies) of the trust.

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8.H.13 Financial Guaranty Requirements

1. Where a financial guaranty is required by any section of these Regulations, the Town Engineer or Director of Planning shall require evidence of compliance with the following standards before accepting any financial guaranty.
2. The required amount of the financial guaranty will be established by the Commission based on a listing provided by the applicant of the type and estimated quantities of materials needed to complete the approved improvements, exclusive of buildings. The amount of the financial guaranty shall be sufficient to cover the cost of any proposed or required site improvements, including but not necessarily limited to:
 - a. street grading, roadway paving, and street plantings;
 - b. installation of curbs, gutters, storm drainage facilities, landscaping, sidewalks, monuments, bridges, and culverts;
 - c. erosion and sedimentation control measures; and
 - d. all other such improvements that the Commission deems necessary to promote public health and safety and to safeguard the Town in regard to the future maintenance of said improvements.
3. The Commission may require a separate financial guaranty for all erosion and sedimentation controls required as part of the Site Plan approval.
4. All financial guaranties must be posted prior to the issuance of a Zoning Permit precedent to the issuance of a Building Permit. Site Plan approval(s), Special Permits(s), Special Exceptions, and any determination of zoning compliance shall be null and void if required financial guaranties are not posted as required. The Commission or Board may grant an extension of the established time limit for good cause if in its opinion, unusual circumstances prevent filing of the financial guaranty within the prescribed time limit.

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5. **Acceptable Forms of Financial Guaranties** - Financial guaranties shall be in one or more of the following forms:
 - a. cash deposited with the Town;
 - b. certified check(s) payable to the Town, when the amount of any check is fully insured by the FDIC;
 - c. bank deposit(s) assigned solely and irrevocably to the Town, when the amount of any deposit is fully insured by the FDIC; and/or
 - d. an irrevocable letter of credit naming the Town as sole beneficiary provided that:
 - such letter of credit shall be issued by a branch of a bank in Connecticut or by a branch of a bank in the United States
 - the bank issuing the letter of credit shall be acceptable to the Town ;
 - the terms and conditions of such letter of credit shall be acceptable in form and substance to the Town;
 - such letter of credit shall not expire or lapse without 30 days prior notice to the Town , and
 - should circumstances warrant, the Town may draw the full amount under said letter of credit and the proceeds may be retained by the Town as the financial guaranty .

6. Upon completion of the proposed and required improvements, the applicant may be required to submit to the Commission:
 - a. an as-built, A-2 survey of the improvements;
 - b. certification of accurate monument location by a land surveyor registered in the State of Connecticut;
 - c. easements (if required) in a form satisfactory to the Commission; and
 - d. proof of fulfillment of any other requirements or conditions.

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7. At the written request of the applicant, the Commission or Board may authorize release of all or the balance of any financial guaranty provided that:
 - a. the Town Engineer and/or Director of Planning has submitted a letter stating that all required improvements have been satisfactorily completed and that all conditions and requirements of the Commission's approval have been satisfied; and
 - b. the applicant's engineer or surveyor has certified to the Commission, through submission of a set of detailed "as built" plans on mylar, that all improvements and other work are in accordance with approved site plans; and
 - c. the Town Engineer and/or Zoning Enforcement Officer shall, not later than sixty-five days after receiving such request:
 - release or authorize the release of any such financial guarantee or portion thereof or
 - provide the person posting such financial guarantee with a written explanation as to the additional improvements that must be completed before such financial guarantee or portion thereof may be released.

8. To promote public health and safety and to safeguard the Town in regard to the future maintenance of said improvement, the Commission or Board may retain a financial guaranty for maintenance, in cash or certified check, in the amount of ten percent (10%) of the total required financial guaranty for a period of one (1) year following completion of all proposed and required improvements.

9. If all work associated with a Site Plan Application approved by the Commission is not completed within the prescribed amount of time, the Site Plan approval shall expire and become null and void. Any financial guaranty shall be defaulted and the Town shall use the proceeds to ensure public health and safety and to safeguard the Town in regard to the future maintenance of said improvement.

8.H.14 Discretionary Public Hearings

1. At any time the Planning and Zoning Commission deems it necessary, they shall have full discretion to call for public input or a public hearing if such action is approved by a two-thirds (2/3) affirmative vote.
2. Notice of the time and place of discretionary public hearings so approved by the Commission shall be published in the form of a legal advertisement appearing in accordance with applicable provisions of CGS Chapter 124 (such as CGS Section 8-7d), at least twice at intervals of not less than two days, the first not more than fifteen days nor less than ten days, and the last not less than two days before such hearing, and a copy of information relevant to the discretionary public hearing shall be filed in the Office of the Town Clerk for public inspection at least ten days before such hearing.

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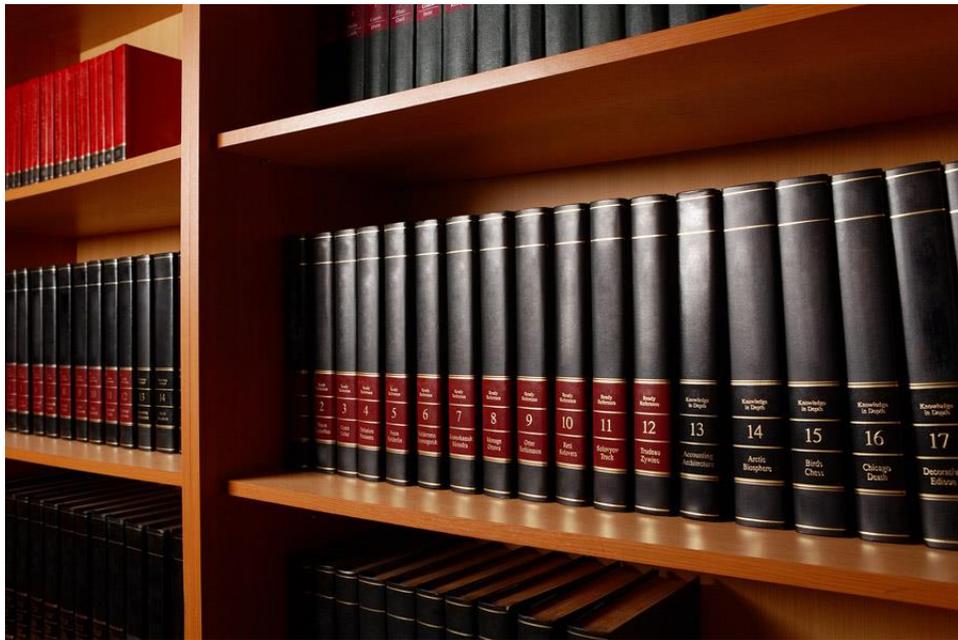
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9 REGULATORY FRAMEWORK

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- 9.A [Authority & Purposes](#)
- 9.B [Zones And Districts](#)
- 9.C [Applicability & Conformity](#)
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9.A Authority & Purposes

These regulations are adopted under the authority of Chapter 124 of the General Statutes of the State of Connecticut, as amended, for the purpose of promoting public health, public safety, and the comfort, convenience, prosperity and welfare of the community and other purposes as enumerated in CGS Section 8-2 including, for example, but not limited to lessening congestion in the streets; providing adequate light and air; facilitating adequate, safe and accessible transportation, as well as pedestrian circulation; of facilitating adequate water, sewerage, schools, parks and other public requirements; and encouraging the most appropriate use of land throughout the town with reasonable consideration for the characteristics of the area and its peculiar suitability for particular uses.

9.B Zones And Districts

1. To accomplish these purposes, the Town of Southington is divided into different districts of zones as provided in these regulations for the purpose of determining the appropriate use of land in accordance with the present and proposed uses.
2. The boundaries of such districts or zones shall be shown on a map entitled "Zoning Map of the Town of Southington, Connecticut," as amended, which is filed in the Office of the Town Clerk. Such map, with all explanatory matter thereon, is hereby declared to be a part of these Regulations as fully as if set out herein.
3. In interpreting the location of zone boundaries:
 - a. Where zone boundaries are indicated as approximately following the center line of a street, highway, railroad, brook, stream, right-of-way or easement, such lines shall be construed to be such zone boundaries.
 - b. Where zone boundaries are so indicated that they are approximately parallel to the center lines of streets, such zone boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the Zoning Map.
 - c. Where zone boundaries are indicated as approximately following lot lines, such lot lines of record shall be construed to be such boundaries.
 - d. In case of uncertainty and no dimensions or official lot lines of record are shown, then the zone boundary shall be determined by the Commission.
4. Where a lot is divided by one or more zone district boundary lines, the lot and building requirements for the portion of such lot lying within the less restrictive zone may extend not more than thirty (30) feet into that portion of the lot lying within the more restrictive zone, provided the lot has frontage in the less restrictive zone district.

9.C Applicability & Conformity

1. In their interpretation and application, the provisions of these Regulations shall be held to be the minimum requirements adopted for the promotion of the public health, safety and general welfare.
2. No building, structure or land shall be designed, designated, or used for a use or the uses other than what is permitted in the zone in which such building, structure or land is located. Any use or activity not expressly permitted in the Regulations is prohibited. In the event of uncertainty as to whether a use or activity is permitted by the wording of the regulations, the Commission shall be responsible for interpreting these Regulations.
3. No building or structure shall be erected, reconstructed, structurally altered, enlarged, or moved, except in compliance with the dimensional requirements of these regulations.
4. No lot shall be diminished in area nor shall any yard, or open space be reduced except in conformity with the provisions of these Regulations.
5. No lot shall be occupied by more than one permitted principal building, but in the case of a public, institutional, commercial, or industrial building, a group of separate buildings under the same ownership or under different ownership in the case of common interest development may be considered as occupying the same lot if, in the opinion of the Planning and Zoning Commission, following public hearing by Special Permit, such buildings and uses are deemed compatible.
6. It is not intended by these Regulations to repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws or ordinances, except those specifically repealed by these Regulations, or with private restrictions placed upon property by covenant, deed or other private agreement, or with restrictive covenants running with the land to which the Town is a party; provided, however, that where these Regulations impose a greater restriction upon land, buildings or structures than is imposed or required by such existing provisions of law, ordinance, contract, or deed, the provisions of these Regulations shall control.

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9.D Enforcement and Administration

1. The Southington Planning and Zoning Commission designates its duly authorized Zoning Enforcement Officer(s) as its enforcement authority to enforce the Zoning Regulations. In the absence of a Zoning Enforcement Officer, the Director of Planning and Community Development shall act as the Zoning Enforcement Officer.
2. The Zoning Enforcement Officer is authorized to institute, in addition to other remedies, actions or proceedings to prevent unlawful erection, construction, alteration, conversion, maintenance, or use or to restrain, correct or abate such violation or to prevent the occupancy of such building structures, or land or to prevent any illegal act, conduct, business, or use in or about such premises.
3. Furthermore, the Zoning Enforcement Officer is authorized to cause any building, structure, place or premises to be inspected and examined and to order in writing the remedying of any condition found to exist therein or thereon in violation of any provision in these Zoning Regulations and that said officer is authorized to take the actions authorized in Chapter 124, Section 8-12 of the Connecticut General Statutes, as amended.
4. Penalties for violations of these Regulations shall be prescribed in Chapter 124 of the General Statutes, as amended including, for example, but not necessarily limited to CGS Section 8-12.

9.D.1 Separability

Should any phrase, clause or section of these Regulations be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of any other phrase, clause or section of these Regulations.

10 DEFINITIONS & TERMS

QUICK LINKS

- 10.A [Overall Framework](#)
- 10.B [Basic Rules](#)
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- 10.D [Specific Terms](#)

10.A Overall Framework

1. In the construction, interpretation, application, use and enforcement of these Regulations, the rules, terms, and definitions contained in this Section shall be observed and applied, except where the context clearly indicates otherwise.
2. The meaning of words or terms not defined in this Section shall be determined by the Staff and/or Commission after consulting one or more of the following:
 - a. The State Building Code.
 - b. The Connecticut General Statutes.
 - c. The Illustrated Book of Development Definitions (Rutgers University, Center for Urban Policy Research (Piscataway, NJ).
 - d. Black's Law Dictionary.
 - e. A comprehensive general dictionary.

10.B Basic Rules

In the construction, interpretation, application, and enforcement of these Regulations and when not inconsistent with the context, the following rules shall apply:

1. Words used in the singular include the plural, and the plural the singular.
2. Words used in the present tense include the future tense.
3. Words which are specifically masculine or feminine shall be interchangeable and shall be interpreted to include other gender and non-gender identities .
4. The word "shall" is mandatory and not discretionary.
5. The word "may" is permissive.
6. In case of any difference of meaning or implication between the text of these Regulations and any caption, illustration, summary, table or illustrative table, the text shall control.

10.C Common Terms

In the construction, interpretation, application, use and enforcement of these Regulations, commonly used terms shall be interpreted as follows:

1. The words “parcel”, “lot”, “site”, and “property” have the same meaning.
2. The words “zone”, “zoning district”, and “district” have the same meaning.
3. The phrase “used for” includes the phrases “arranged for”, “designed for”, “intended for”, “maintained for” and “occupied for”, and vice versa.
4. The phrase “these Regulations” refers to the entire Zoning Regulations of the Town of Southington.
5. The word “Section” refers to all paragraphs starting with the same sequence of numbers and/or letters of these Regulations, unless otherwise specified.
6. The word “person” includes any individual, firm, partnership, corporation, association, organization, or other legal entity.
7. The word “structure” includes the word “building”.
8. The word “built” includes the words “erected”, “constructed”, “reconstructed”, “altered”, or “enlarged”.
9. The “Town” means the Town of Southington, Connecticut.
10. The “State” means the State of Connecticut.
11. The “Commission” means the Planning and Zoning Commission of the Town of Southington, unless otherwise specified.
12. The phrase “Zoning Map” means the latest officially adopted Zoning Map of the Town of Southington.

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10.D Specific Terms

Some definitions related to specific sections of the Regulations may be located within those Sections including, for example, but not limited to:

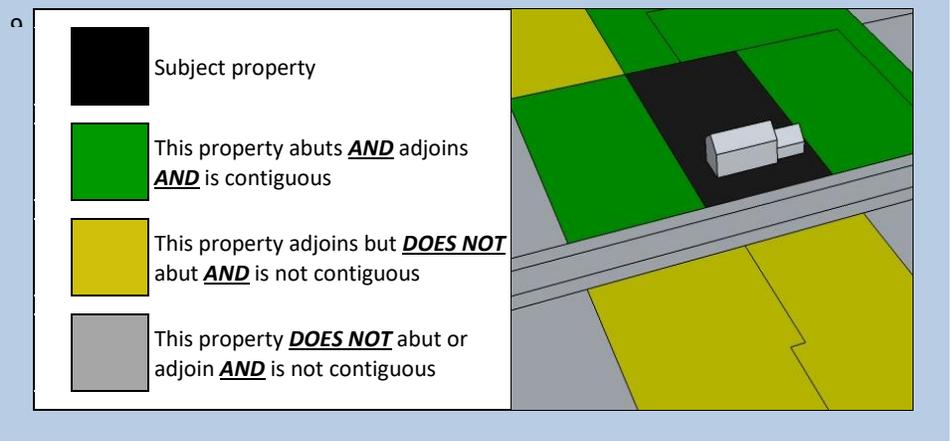
- Ridgeline Zoning ([Section 4.A](#))
- Aquifer Protection District Zoning ([Section 4.B](#))
- Electric Vehicle Charging ([Section 6.B.6](#))
- Cannabis ([Section 7.D.2](#))
- Adult-Oriented ([Section 7.F](#))
- Flood Hazard Zone ([Appendix](#))

Abut and Related Terms

ABUT – Directly next to and sharing a property line with.

ADJOIN – Property that abuts, property that shares a property corner with, and/or property across a public or private street or right-of-way.

CONTIGUOUS – Properties that abut each other individually or collectively .



ACCESSORY – See “Principal and Accessory”

ADMINISTRATIVE ORDER – Any order, regulation, or specification issued by the Zoning Enforcement Officer acting in accordance with the Zoning Regulations, as amended.

ADULT ORIENTED— See [Section 7.H](#) of these Regulations.¹

ADJOIN – See “*Abut and Related Terms*”

ADULT DAY CARE FACILITY – See “*Day Care*”

AGRICULTURE – As provided in CGS Section 1-1(q):

- Cultivation of the soil, dairying, forestry, raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training and management of livestock, including horses, bees, the production of honey, poultry, fur-bearing animals and wildlife, and the raising or harvesting of oysters, clams, mussels, other molluscan shellfish or fish;
- The operation, management, conservation, improvement or maintenance of a farm and its buildings, tools and equipment, or salvaging timber or cleared land of brush or other debris left by a storm, as an incident to such farming operations;
- The production or harvesting of maple syrup or maple sugar, or any agricultural commodity, including lumber, as an incident to ordinary farming operations or the harvesting of mushrooms, the hatching of poultry, or the construction, operation or maintenance of ditches, canals, reservoirs or waterways used exclusively for farming purposes;
- Handling, planting, drying, packing, packaging, processing, freezing, grading, storing or delivering to storage or to market, or to a carrier for transportation to market, or for direct sale any agricultural or horticultural commodity as an incident to ordinary farming operations, or, in the case of fruits and vegetables, as an incident to the preparation of such fruits or vegetables for market or for direct sale.
- The term “agriculture” does not include the cultivation of cannabis, as defined in section 21a-420.

ALCOHOLIC BEVERAGE – Any alcoholic beverage as defined in CGS Section 12-433, as may be amended.

ALTERATION – See “*Change Of Use And Related Terms*”

AMUSEMENT PARK – See “*Recreation / Amusement Park*”

ANTENNA – Any device used to receive or transmit electromagnetic waves including, for example, but not limited to, whip antennae, panel antennae and dish antennae.

¹ new, ZA #553, effective 6/23/10

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Animal-Related Facilities

ANIMAL BOARDING FACILITY - A place, other than a veterinary hospital, at which overnight boarding of dogs and/or other common household pets not registered to a resident of the property is provided for remuneration or compensation of any kind:

ANIMAL DAY CARE FACILITY - A place at which dogs and/or other common household pets are kept and/or maintained for monetary remuneration but no overnight boarding is provided (includes "doggie day care").

ANIMAL GROOMER - A place at which dogs and/or other common household pets are groomed for monetary remuneration but no overnight boarding is provided.

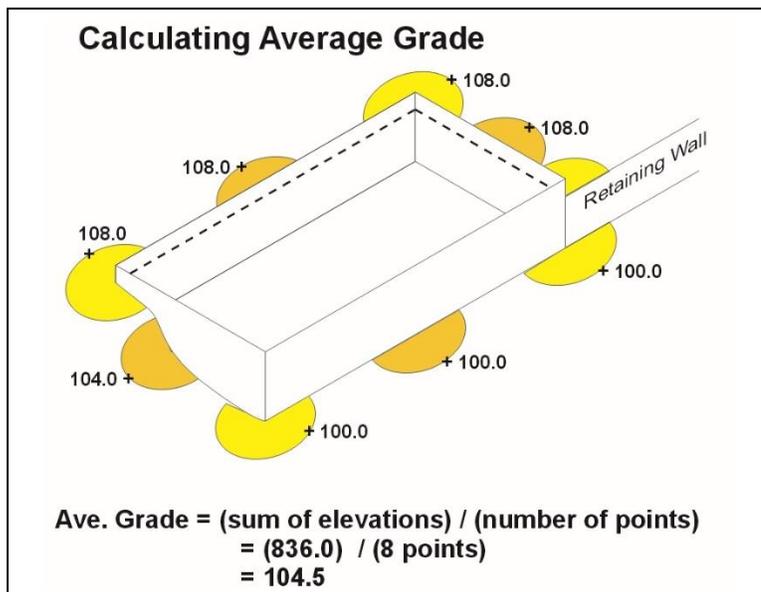
ANIMAL TRAINER - A place at which dogs and/or other common household pets are trained for monetary remuneration but no overnight boarding is provided.

VETERINARY HOSPITAL – A place where animals including, for example, but not limited to, cats, dogs and/or other common household pets are given medical care and the boarding of animals is limited to short-term care accessory to the hospital use.

ASSISTED LIVING FACILITY - A residential development licensed by the Connecticut Department of Public Health to provide assisted living services, typically to adults aged 55 and older, who need some health or nursing care or assistance with activities of daily living, including dressing, eating, bathing, and transferring from a bed to a chair.

AVERAGE FINISHED GRADE – A reference plane representing the average of finished ground levels around a building’s exterior walls at the four outermost corners and the intervening midpoints. (See “GRADE PLANE” in the Building Code)

- Where finished ground level generally slopes toward the exterior wall, the finished ground level at that point shall be measured at the building wall.
- Where the finished ground level slopes away from the exterior wall, the reference plane shall be established by the lowest point within the area between the building and points six feet (6’) from the building or, where the lot line is within six feet (6’) from the building, at the property line



BASEMENT – A story which is partly underground and has less than six feet of its story height above the average level of the ground along all walls of the building.

BED AND BREAKFAST FACILITY – See “Lodging-Related Terms”

BERM – A constructed mound or small hill of earth.

BLASTING SERVICES BUSINESS – Any operation involving the storage, sale, and/or distribution of explosives and/or blasting agents, as defined in CGS Section 29-343. This definition shall not include the manufacture of same.

BOARDING HOUSE – See “Lodging-Related Terms”

BREWERY / DISTILLERY – A facility where beer or spirits are manufactured and can be stored, bottled and sold at wholesale or at retail in sealed containers for consumption off premises or offered for tastings on the premises.

BREW PUB / DISTILLERY PUB - A facility where beer or spirits are manufactured and can be stored, bottled and:

- Sold at wholesale or at retail in sealed bottles or other sealed containers for consumption off premises, or
- Sold to be consumed on the premises in a room that is ancillary to its production, This use generally involves the service of food.

BUFFER OR BUFFER YARD - Open spaces, landscaped areas, fences, walls, berms, or any combination thereof used to physically separate or screen one use or property from another so as to visually shield or block noise, light, or other nuisances.

Building Versus Structure

BUILDING –

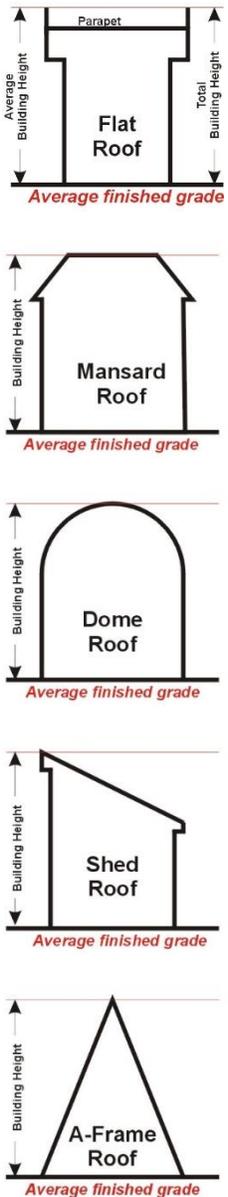
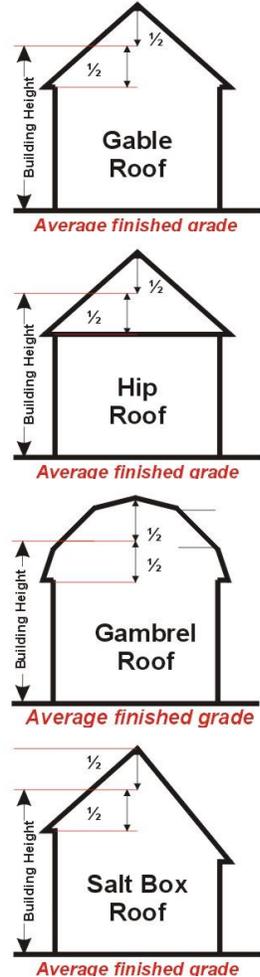
- Any structure having a roof and intended for the shelter, housing or enclosure of persons, animals, or materials.
- Any other structure more than eight feet high, excluding a public utility pole or flagpole.

STRUCTURE – Anything constructed or erected which requires location on the ground or attachment to something having location on the ground, including, for example, but not limited to:

- Foundations.
- Signs.
- Walls and fences four feet (4’) in height or higher in a front yard.
- Walls and fences seven feet (7’) in height or higher in a rear yard or side yard.
- In a rear lot, walls and fences seven feet (7’) in height or higher and located in the front yard of the rear lot. ¹

¹ revised, ZA #559, effective 8/19/11

BUILDING HEIGHT – The vertical distance measured from the average finished grade around a building to:

<p>The highest point, including the top of any parapet, for:</p> <ul style="list-style-type: none"> • a flat roof (less than 3:12 pitch) • a mansard roof, • a dome roof, • a shed roof • an A-frame roof 	<p>The mean level between the eaves and ridge for a gable, hip, gambrel, or salt box roof.</p>
 <p>The diagrams in this column show the measurement of building height for five roof types. Each diagram includes a vertical double-headed arrow labeled 'Building Height' and a horizontal line at the bottom labeled 'Average finished grade'. - Flat Roof: Shows a flat roof with a parapet. The height is measured to the top of the parapet. A horizontal line at the top of the parapet is labeled 'Parapet'. - Mansard Roof: Shows a roof with a flat top and sloped sides. The height is measured to the top of the flat section. - Dome Roof: Shows a semi-circular dome. The height is measured to the highest point of the dome. - Shed Roof: Shows a single-sloped roof. The height is measured to the highest point of the roof. - A-Frame Roof: Shows a triangular roof. The height is measured to the peak of the triangle.</p>	 <p>The diagrams in this column show the measurement of building height for four roof types. Each diagram includes a vertical double-headed arrow labeled 'Building Height' and a horizontal line at the bottom labeled 'Average finished grade'. - Gable Roof: Shows a gable roof. The height is measured to the mean level between the eaves and the ridge, indicated by a horizontal line and a vertical double-headed arrow labeled '1/2'. - Hip Roof: Shows a hip roof. The height is measured to the mean level between the eaves and the ridge, indicated by a horizontal line and a vertical double-headed arrow labeled '1/2'. - Gambrel Roof: Shows a roof with two slopes. The height is measured to the mean level between the eaves and the ridge, indicated by a horizontal line and a vertical double-headed arrow labeled '1/2'. - Salt Box Roof: Shows a roof with two slopes. The height is measured to the mean level between the eaves and the ridge, indicated by a horizontal line and a vertical double-headed arrow labeled '1/2'.</p>

BUILDING COVERAGE – See “Coverage, Building”

Change Of Use And Related Terms

CHANGE OF USE - Any proposed use that differs from the existing or prior use of a building, structure, or lot by virtue of having different zoning requirements as classified in these Regulations (such as parking, buffering, etc.).

CHANGE OF USE, MINOR - A change of use within all or part of an existing building provided:

- a. The new use is permitted by Zoning Permit or by Site Plan,
- b. No expansion of the building or parking area will occur, and
- c. The number of parking spaces existing on the site or otherwise available to the use(s) on the site is at least 90% of the number of parking spaces required by these Regulations.

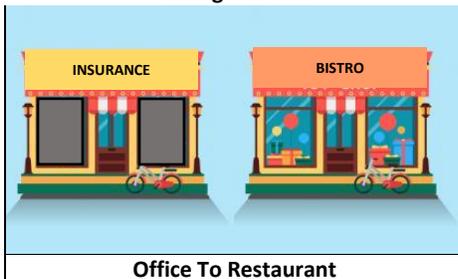
CHANGE OF OCCUPANT – A continuation of the same use (or substantially the same use) under a different name or occupant or owner but subject to the same zoning requirements as classified in these Regulations.

ALTERATION - A change, rearrangement, or expansion to an existing building, structure, or use.

ALTERATION TO A BUILDING OR STRUCTURE – A change or rearrangement in the structural parts thereof, the movement of all or any part thereof, or the substantial reconstruction thereof, so as to produce a substantial change in the appearance, character, or construction; an expansion, whether by increasing in height, coverage, volume, or floor area.

ALTERATION TO A USE – A change or expansion in the character, area occupied by, intensity, or scope of the use, including, for example, but not limited to, the extension of the hours of operation, the addition of other activities, equipment, functions, or processes.

Change Of Use



Change Of Occupant



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CHILDCARE - See *“Day Care Related Terms”*.

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

COLLEGE - See *“Private School / College”*.

COMMISSION – The Planning and Zoning Commission of the Town of Southington.

CONTIGUOUS – See *“Abut and Related Terms”*

COMMUNITY CENTER BUILDING - A building designed or intended to be used for community services that are not conducted for profit.

COMMUNITY RESIDENCE – In accordance with CGS Section 8-3e:

- A residential structure housing six (6) or fewer persons with intellectual disability and necessary staff persons and is licensed by the State of Connecticut, or
- Any child care residential facility that houses six (6) or fewer children with mental or physical disabilities and necessary staff persons and is licensed by the State of Connecticut, or
- Any community residence that houses six (6) or fewer persons receiving mental health or addiction services and necessary staff persons, which is paid for or provided by the Connecticut Department of Mental Health and Addiction Services and that has been issued a license by the Department of Public Health.

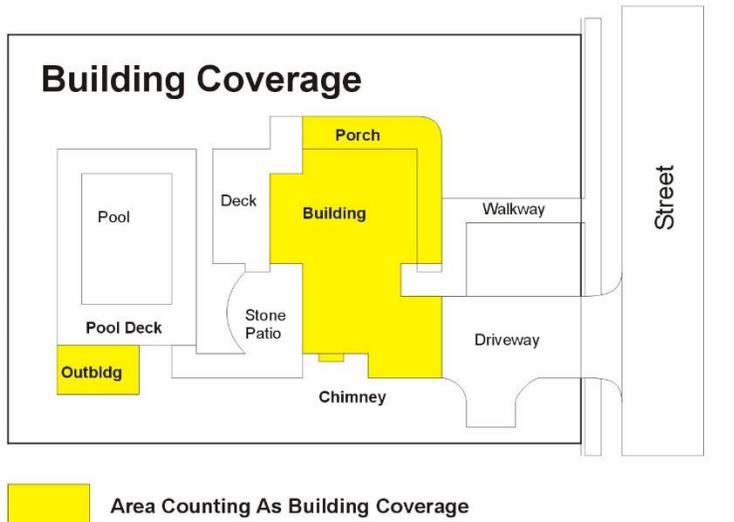
CONFERENCE CENTER - A multi-purpose facility providing, within a single structure, public space for meetings and seminars, full service dining facilities, provisions for overnight accommodations, and related accessory uses.

CONFERENCE CENTER, EXECUTIVE PARK - A facility located within an Executive Park which provides overnight accommodations, dining facilities, meeting rooms and incidental recreational facilities.

CONVALESCENT HOME – A facility licensed by the Connecticut Department of Health to provide care while patients recover from long term illnesses or medical procedures.

COVERAGE, BUILDING – The ground area on a parcel enclosed by the walls of a building together with the areas of all covered porches and other roofed buildings. Typically expressed as a percentage of the total parcel area.

(see [Appendix](#) for listing of building features contributing to coverage)



COVERAGE, IMPERVIOUS –A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water or any situation where rainfall is intercepted by a material that prevents or reduces sub-surface infiltration of water and increases the volume of storm water runoff including, for example, but not limited to, buildings, parking areas and driveways, walkways, equipment pads and platforms, etc., Typically expressed as a percentage of the total lot area.

CREMATORIUM - A facility for the disposal by incineration of the bodies of dead people.

CUSTOMARY – See “Principal And Accessory”

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Day Care-Related Terms

DAY CARE – A program of supplementary care to people outside their own homes on a regular basis but specifically not including:

- Overnight care or accommodations,
- Alcohol or substance abuse services, treatment, or rehabilitation, or
- Residential services for persons released from or assigned to a correctional facility.

CHILDCARE – Any day care program as defined in CGS Section 19a-77.

ADULT DAY CARE – Any day care program certified by the Connecticut Association of Adult Day Centers (CAADC) offering supervision, activities, and/or services for persons 18 years of age or older.

CHILDCARE CENTER – A program in accordance with CGS Section 19a-77 which offers or provides supplementary care to more than twelve children outside their own homes on a regular basis.

FAMILY CHILDCARE HOME – A private home providing day care for not more than six children in accordance with CGS Section 19a-77.

GROUP CHILDCARE HOME – A day care program which offers or provides a program of supplementary care in accordance with CGS Section 19a-77:

- to not less than seven or more than twelve related or unrelated children on a regular basis, or
- that meets the definition of a family child care home except that it operates in a facility other than a private family home.

DEVELOPMENT - Any man-made change to improved or unimproved real estate, including, for example, but not limited to, the construction of buildings, or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations, or permanent storage of materials.

DINNER THEATER - A structure used for dramatic, operatic, motion pictures, or similar legitimate performances for paid admission which may contain an additional accessory facility within the confines of the structure for a public establishment for preparation and service of food, non-alcoholic, and alcoholic beverages primarily for consumption by its patrons.

DIRECTLY CONNECTED IMPERVIOUS AREA (DCIA) – [See Section 7.10.](#)

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DISPENSARY – See Section 7.D for definition. ¹

DISTILLERY – See “Brewery / Distillery” and/or “Brew Pub / Distillery Pub”

DISTURBED AREA - An area where the ground cover is destroyed or removed leaving the land subject to accelerated erosion.

DRIVE-THROUGH FACILITY – Any arrangement which results in service directly to the occupants of a motor vehicle or where the customer drives a motor vehicle onto the premise and to a window or mechanical device through or by which the customer is serviced without exiting the vehicle. This shall not include the selling of fuel at a fueling station or the accessory functions of a carwash facility including, for example, but not limited to, vacuum cleaning stations.

Dwelling-Related Terms

DWELLING OR RESIDENCE - A building, structure, or part thereof intended for human habitation, constructed in accordance with the State of Connecticut Health and Building Codes, and providing living, cooking, sleeping, and sanitation facilities for one (1) family.

DWELLING, MULTI-FAMILY - A building designed or intended to be occupied as a residence for three or more families living independently of each other, whether such building is on a parcel or part of an overall development.

DWELLING, SINGLE-FAMILY - A building designed or intended to be occupied as a residence for one family.

DWELLING, TWO-FAMILY – A building, whether on a separate parcel or part of an overall development containing two dwelling units, each of which is totally separated from each other by:

- an unpierced wall extending from ground to roof, or
- an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units.

¹ new, ZA #565, effective 10/6/12

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ELDERLY HOUSING - A multi-family dwelling containing dwelling units each of which units is occupied:

- in the case of private elderly housing, by at least one person 55 years of age or older and none below the age of 16 years and
- in the case of municipal elderly housing, by at least one person meeting the definition of “Elderly Persons” as set forth in CGS Section 8-113a(m), as may be amended.

Electric Vehicle-Related Terms

ELECTRIC VEHICLE (EV) – A motor vehicle containing a battery powered electric motor as a means of propulsion.

ELECTRIC VEHICLE CHARGING STATION (EVCS) – A parking space with the necessary apparatus (such as pylons, stanchions, conductors, connectors, attachment plugs, and all other necessary fittings and devices) for transferring electrical energy to an electric vehicle.

LEVEL 1 – A 110 to 120-volt alternating current (AC) connected to a 20 Ampere or higher capacity circuit.

LEVEL 2 – A 208 to 240 volt alternating current (AC) connected to a 40 Ampere or higher capacity circuit.

LEVEL 3 - A 208 to 480 Volt direct current (DC) charger with 70 Ampere or higher capacity service.

EVCS CAPABLE — Electrical panel capacity, breaker service, and raceways or conduits to the parking space location to support eventual installation of Level 2 EVCS or higher capacity.

EVCS READY - A designated EVCS which is provided with a minimum Level 2 EVCS or higher capacity to terminate in a junction box or 240-volt outlet at the parking space location.

EVCS INSTALLED — A designated Level 2 EVCS with equipment installed and operational.

EROSION - The detachment and movement of soil or rock fragments by water, wind, ice or gravity.

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EXECUTIVE OFFICE - General business office of at least 1,250 SF, from which services are not offered to the general public except as incidental, as determined by the Planning and Zoning Commission, to the business operations of the office occupant, but including professional office suites of not less than 1,250 SF. A proposed general business office or professional office suite of less than 1,250 SF may be considered by the Planning and Zoning Commission in those situations where all of the remaining space on the floor in question has been occupied by tenants.

EXECUTIVE PARK - Pre-planned integrated development consisting of:

- Executive Office,
- Light industrial/warehousing (I-1),
- Conference center,
- Colleges, universities or other post-secondary schools,
- Hospitals, medical clinics and medical offices which are ancillary and subordinate to an existing on-site medical clinic or hospital, and
- Accessory Uses.

FAMILY - Any number of persons living together as a single housekeeping unit but not including paying guests, boarders, or roomers.

FARM - A plot, tract or parcel of land of three or more acres devoted primarily to farming. As provided in CGS Section 1-1(q), the term “farm” includes farm buildings, and accessory buildings thereto, nurseries, orchards, ranges, greenhouses, hoophouses and other temporary structures or other structures used primarily for the raising and, as an incident to ordinary farming operations, the sale of agricultural or horticultural commodities.

FARMING - The use of a farm for the production of crops therefrom, including the raising of livestock or poultry. As provided in CGS Section 1-1(q), the term “farming” does not include the cultivation of cannabis, as defined in section 21a-420.

FENCE – A protective, confining, and/or excluding barrier, generally constructed of natural or man-made materials.

FLOOR AREA - The sum of the horizontal area of all floors of all buildings and any accessory buildings on the same lot, measured from the exterior faces of the walls. Such area shall not include:

- Basements designed and used solely for storage or mechanical equipment, and
- Unenclosed porches or attics not used for human occupancy or for commercial and industrial purposes.

(see [Appendix](#) for listing of building features contributing to floor area)

FOUNDATION, PERMANENT - A masonry or concrete foundation wall designed to be permanent and to support the entire building and built in compliance with the Building Code.

FRONTAGE – See *Lot-Related Attributes*.

GARAGE, RESIDENTIAL - A detached accessory building or a portion of a main building for the parking of automobiles belonging to the occupants of the premises.

GARAGE SPACE - For purposes of calculation the number of spaces allowed within a residential garage on a residential parcel, a garage space shall be defined as a 364 square foot¹ dimensional footprint.²

GRADING - Any excavating, grubbing, filling (including hydraulic fill) or stockpiling of earth materials or any combination thereof, including the land in its excavated or filled condition.

HALF STORY – See *Story, Half*.

HOME BASED BUSINESS – The use of any portion of a dwelling for employment or for business purposes.

HOTEL- See *“Lodging-Related Terms”*

INCIDENTAL - See *“Principal And Accessory”*

JUNKYARD – Any area of land or building used in whole or in part for the accumulation, collecting, storage, and/or sale of wastepaper, rags, scrap metal, or other similar material and including an automobile junkyard as defined by state law, but not including Town refuse disposal areas or Town transfer stations.

LANDSCAPING – Changing, rearranging, or adding to the original vegetation or scenery of a piece of land to produce an aesthetic effect appropriate for the use to which the land is put. It may include reshaping the land by grading, as well as preserving the original natural vegetation or adding vegetation.

LICENSED DISPENSARY – See [Section 7.D](#) for definition³

LICENSED PRODUCER – See [Section 7.D](#) for definition⁴

LIVESTOCK – Animals of any kind, raised and/or maintained for sale, resale or agricultural field production. The keeping of common household pets such as dogs, cats and the like for non-commercial purposes shall not be considered as the keeping of livestock.

¹ revised, ZA 3592, effective 5/20/17

² revised, ZA #577, effective 3/7/14

³ new, ZA #565, effective 10/6/12

⁴ new, ZA #565, effective 10/6/12

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Lodging-Related Terms

HOTEL- A building or buildings designed and/or used for temporary occupancy by transients with rooms accessed from interior corridors. A hotel may include facilities for the serving of food, alcoholic beverage, and/or rooms for public assembly as accessory uses.

MOTEL - A building or buildings designed and/or used for temporary occupancy by transients with rooms accessed directly from the exterior. A motel may include facilities for the serving of food as accessory uses.

BED AND BREAKFAST FACILITY - An owner-occupied residence with one kitchen in which the owner provides overnight accommodations and offers breakfast service to transient persons for compensation, generally on a nightly basis.

TOURIST HOME – An owner-occupied residence with one kitchen in which the owner provides overnight accommodations to transient persons for compensation.

BOARDING HOUSE – An owner-occupied residence with one kitchen in which the owner provides room and board for compensation, generally on a weekly or monthly basis.

ROOMING HOUSE –An owner-occupied residence with one kitchen in which the owner provides one or more rooms for compensation, generally on a weekly or monthly basis.

Lot-Related Terms

LOT – A parcel of land that is recognized as a separate legal entity for purposes of transfer of title and is capable of being lawfully built on in conformity with these Regulations.

LOT OF RECORD – A lot that existed prior to the date of adoption of subdivision regulations as shown or described on a plat or deed filed in the records of the Town Clerk.

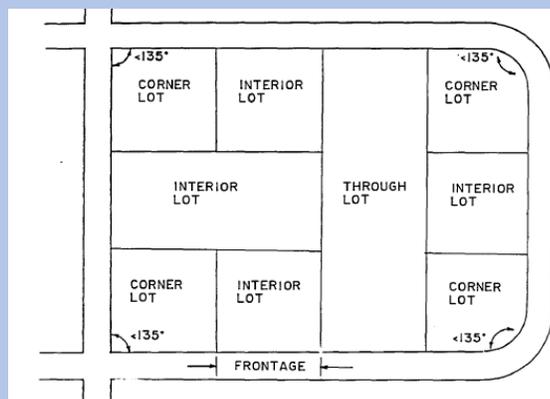
LOT, LEGAL BUILDING – A lot of record that meets all the requirements of these Regulations for the zoning district within which it is located.

LOT, NONCONFORMING – See “Non-Conforming-Related Terms”

LOT LINE - Any property line bounding a lot.

Types Of Lots

LOT, CORNER – A lot at the junction of and fronting on two (2) or more intersecting streets that have an interior angle of less than one hundred thirty-five (135) degrees at the intersection of two (2) street lines.



LOT, FRONT (INTERIOR LOT) – A lot, other than a corner or through lot, abutting a street with the building location generally located near the street.

LOT, REAR – A lot not having the required frontage on a public street with the building location generally located behind other lots fronting on the same street.

LOT, THROUGH – A lot other than a corner lot having frontage on two (2) parallel or approximately parallel streets.

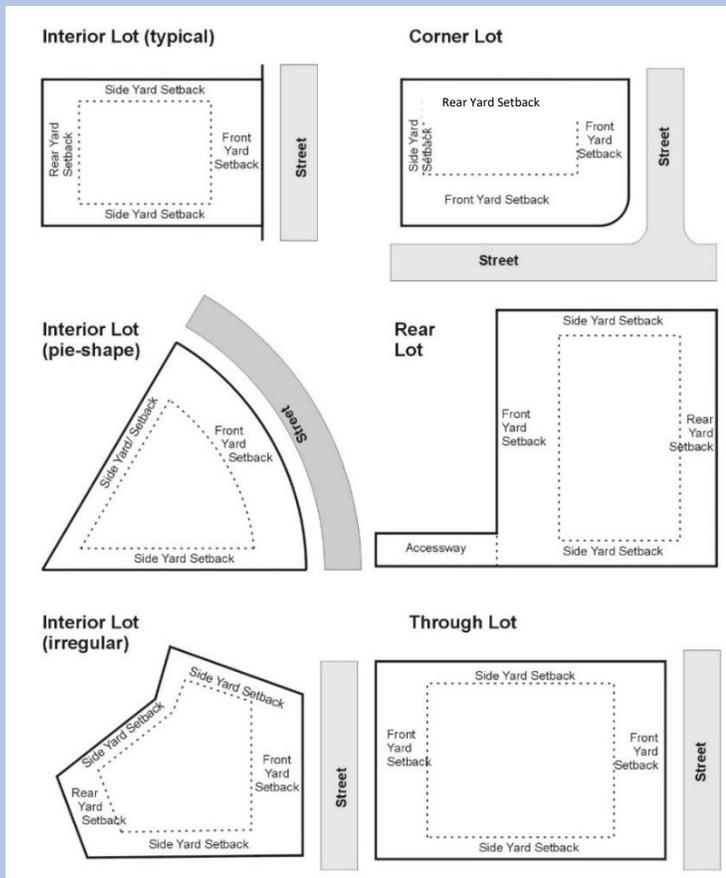
Lot-Related Attributes

FRONTAGE - The distance between the side lines of a lot measured along the street line except where the street line is an arc or the side lines converge toward the street line, in which case the distance may be measured along the minimum front yard setback line. The frontage along the street line does not need to be continuous.

LOT AREA – The area of land contained within the property lines of a lot including the area of any easement, but excluding any area within existing or designated future street right(s)-of-way.

LOT COVERAGE – See “Coverage, Building”

Lot –Setback Locations



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Mobile Home-Related Terms

MOBILE HOME – A structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or forty body feet or more in length, or, when erected on site, is three hundred twenty or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein; except that such term shall not include any self-propelled recreational vehicle. Also known as a manufactured home and defined in the National Manufactured Home Construction and Safety Standards Act, 42 U.S.C. Section 5402).

Notwithstanding the foregoing, any mobile home in existence and presently occupied within the town shall be considered a “mobile home” within this definition provided:

- It was in existence as of May 20, 1957 when zoning regulations became effective in Southington, or
- It met the definition of “mobile home” set forth in the Zoning Regulations in effect at the time the mobile was established .

Notwithstanding the foregoing, any manufactured home of predominantly wood construction which is installed on a permanent foundation shall not be considered a “mobile home” within this definition.

MOBILE HOME CAMP OR PARK - A lot, parcel or area which is subdivided into sites for the purpose of leasing, but not for the sale of, sites and/or mobile homes and sites for the location of two or more mobile homes to be occupied for living purposes.

MOBILE HOME SITE - A parcel of land on which one occupied mobile home may be legally maintained.

MODIFICATION – Any change of a site plan approved by the Commission which is different from that plan brought in for initial review by an applicant. Such change or changes may include changes requested or required by the Planning and Zoning Commission which may be based on Staff comments, or public comments. It may also include minor field adjustments as authorized by the Town Engineer.

MONOPOLE - A structure composed of a single spire that may be used to support signs, antennas, wind turbines, and similar structures.

MOTEL - See “Lodging-Related Terms”

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Motor Vehicle-Related Terms

MOTOR VEHICLE – A machine propelled by power other than human power designed to travel along the ground by use of wheels, treads, runners, or slides and transport persons or property or pull machinery, except for wheelchairs, bicycles, or scooters; snowplows, snow blowers or lawn mowers; and shall include, without limitation, automobile, truck, major recreational equipment, motorcycle, and tractor.

TRUCK SERVICE CENTER – A privately operated business in which the primary activity involves the fueling, servicing and/or maintenance of trucks; including the sale of gasoline, oil, petroleum-related products, and services utilized in the operations of commercial trucking.

VEHICLE FUELING FACILITY - A facility where motor vehicles are fueled (petroleum, electricity, natural gas, etc.) and those fuel products are dispensed from fixed equipment into the motor vehicles. This definition shall not be interpreted to include a truck service center.

VEHICLE MAINTENANCE AND/OR REPAIR FACILITY - A facility where motor vehicles are serviced or repaired and where [related](#) products are stored and utilized in such service / repair operations.

VEHICLE SALES AND/OR DISPLAY FACILITY- As provided in CGS Section 14-1, any facility, location, or established place of business used for buying, selling or exchanging new and/or used motor vehicles including, incidental to such business, the repair of motor vehicles.

VEHICLE WASHING FACILITY - A facility used to clean the exterior and/or the interior of motor vehicles including fully automated, self-service, and,or full-service.

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<i>Non-Conforming Related Terms</i>	
NON-CONFORMING	– A situation where a use, structure or lot does not conform with the regulations for the zone in which it is situated.
NON-CONFORMING USE	– The use of land or use of a building or structure which does not conform to the applicable use provisions of these Regulations for the district in which it is located.
NON-CONFORMING LOT	– A lot which does not conform to the area, shape, frontage, or locational provisions of these Regulations for the district in which it is located.
NON-CONFORMING BUILDING / STRUCTURE	– A building or other structure which does not conform to the dimensional or locational or other applicable provisions of these Regulations for the district in which it is located.
ILLEGAL NON-CONFORMING	– A situation where a nonconforming use, structure or lot is not a legal conforming use, structure, or lot.
LEGAL NON-CONFORMING	– A situation where a use, structure, or lot: <ul style="list-style-type: none"> • Was legally existing as of May 20, 1957 or any pertinent amendments hereto and became nonconforming as a result of such adoption. • Had been issued a building permit prior to May 20, 1957 or any pertinent amendments hereto and actual construction (as defined in these Regulations) had lawfully begun. • Was authorized by variance or other legal approval. • In the case of a structure, the property owner is able to prove, in accordance with CGS Section 8-13a, that the structure has been so situated for three years without the institution of an action to enforce such regulation.

PARENT/GRANDPARENT APARTMENT - An apartment located within a single family home and owned by individuals who are the children (i.e., natural born or adopted) of the apartment occupants. Those occupants shall be either the owner’s parents or grandparents or their parents- in-law or grandparents-in-law. Conversely, the relationships and home/apartment occupants may be reversed with the parent/grandparent occupying such an apartment.

PARKING AREA - An area other than a street used for the temporary parking of more than three motor vehicles.

PARKING SPACE - An off-street space available for the parking of one motor vehicle conforming to the typical parking lot standards, [Section 6.B.](#)

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PERMANENT FOUNDATION – See “*Foundation, Permanent*”

PLACE OF WORSHIP - A building or structure or part thereof which is operated, maintained and/or used by a religious organization in which people regularly congregate primarily to participate in or hold religious services, worship, religious training or education, or meetings or other activities related to religious expression.

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

Principal And Accessory

PRINCIPAL – That which is most important. The main or primary condition as distinguished from an incidental and subordinate accessory condition.

ACCESSORY - That which is customarily incidental and subordinate to the principal condition.

PRINCIPAL BUILDING - The primary or predominant building on a parcel of land and/or a building in which is conducted the principal use of the parcel. See “*Building*”. See also “*Accessory Building*”

ACCESSORY BUILDING - Any building that is subordinate to, and whose use is subordinate and customarily incidental and supplementary to, the use of the principal building on the same lot. An accessory building attached to the principal building by any covered porch, breezeway or any other roofed structure is considered part of the principal building.

ACCESSORY STRUCTURE – Any structure that is subordinate to, and whose use is subordinate and customarily incidental and supplementary to, the use of the principal building on the same parcel. An accessory structure attached to the principal building by any covered porch, breezeway or other roofed structure in any way is considered part of the principal building. See “*Structure*”

Principal Building (Dwelling)



Accessory Building (Detached Garage)



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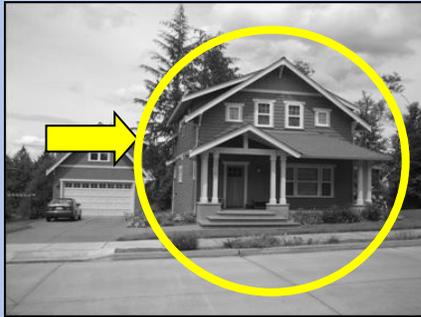
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PRINCIPAL USE – The primary or predominant use or activity of a building, structure, or parcel of land. See “Use”. See also “Accessory Use”.

ACCESSORY USE – A use of a building, structure, or parcel of land that is customarily incidental to, and subordinate and supplementary to, a principal use or activity on the same parcel as the principal use. See “Use”. See “Principal Use”, “Customary”, “Subordinate”, and “Incidental.”

Principal Use (Residential)



Accessory Use (Vehicle Parking)



CUSTOMARY –Something commonly practiced, used, or observed such that it is considered conventional and typical rather than unusual.

INCIDENTAL - Something likely to ensue as a minor consequence of another activity or something that happens as a minor part or result of something else.

SUBORDINATE – Something inferior, smaller, fewer, and of less importance or impact or something placed in or occupying a lower class, rank, or position.

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PRIVATE SCHOOL / COLLEGE – A facility which meets state requirements for elementary, secondary, or higher education and which does not secure the major part of its funding from any governmental agency.

PROCESSING (OF EARTH MATERIALS) - Alteration of earth materials excavated on site, including mixing with earth materials or other materials imported to the site using processing equipment, including, for example, but not limited to screening and crushing and production of concrete, asphalt, and/or other earth materials or products.

PRODUCER – See [Section 7.D](#) for definition ¹

PROFESSIONAL OFFICE – An office of recognized professions including, not necessarily limited to, doctors or physicians, dentists, lawyers, architects, engineers, planners, landscape architects, artists, musicians, designers, teachers, authors, and others who are qualified to perform, with or without staff, personal services of a professional nature.

PLAN OF CONSERVATION AND DEVELOPMENT (POCD) – The adopted Plan of Conservation and Development, as amended, and all the land use studies and fact sheets leading to it.²

RECREATION / AMUSEMENT PARK - A commercial recreation facility and/or theme park designed for patronage of the family as a group, with integrated rides, shows, exhibits, events, activities, and/or services.

RECREATIONAL VEHICLE (RV) – A portable vehicle built on a chassis, which can be towed, hauled or driven and primarily designed to be used as temporary living accommodations for travel, camping and recreational purposes, including but not limited to, campers, boats and associated travel trailers, but excluding mobile homes as defined in the zoning regulations.³ *Also see “Trailer”*

¹ new, ZA #565, effective 10/6/12

² Revised ZA #592, effective 5/20/17

³ new, ZA #582, effective 1/9/15

RESIDENCE - See “*Dwelling*”

ROOMING HOUSE - “ See “*Lodging-Related Terms*”

SCHOOL, PRIVATE - See “*Private School / College*”.

SETBACK - See “*Lot Setback Locations*” and “*Yards Versus Setbacks*”

SEDIMENT - Solid material, either mineral or organic, that is in suspension, is transported, or has been moved from its site of origin by erosion.

SHED - A free standing structure designed exclusively for the keeping and/or storage of items accessory to the principal use.

SIGN – Any device, emblem, logo or insignia for visual communication which is used for the purpose of bringing the discernable subject thereof to the attention of the public and/or which is situated so that it can be seen from a public street. Noncommercial flags or any other flags displayed from flagpoles or staffs will not be considered to be signs. ¹

SIGN, PORTABLE (A.K.A. “A-FRAME SIGN”) - A street graphic not permanently attached to the ground or a building or designed to be permanently attached to the ground or building. Does not include “wire-frame” temporary signs.

SOIL - Any unconsolidated mineral or organic material of any origin.

SOLAR ENERGY SYSTEM ² - A system consisting of linked photovoltaic modules, the primary purpose of which is to convert solar energy to electrical energy.

SOLAR COLLECTOR-ROOF-MOUNTED - A solar energy system installed upon, or is part of, the roof of a building or structure. This shall include systems that are attached to the roofs of porches, sheds, carports, and covered parking structures.

SOLAR COLLECTORS-WALL MOUNTED - A solar energy system installed on the side of a building or structure. This shall include systems that are integrated as awnings.

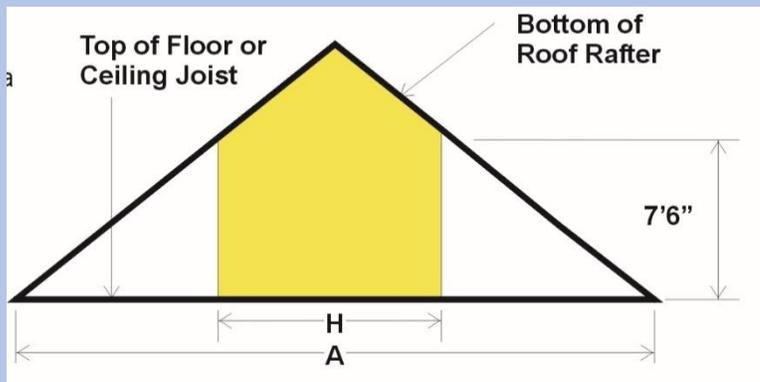
SOLAR COLLECTOR-GROUND-MOUNTED - A solar energy system mounted on the ground to hold solar panels up at a fixed angle as well as systems that enable tracking of the sun via manual or automatic methods.

¹ revised, ZA #583, effective 1/9/15

² New, ZA 607, effective 5/19/21

STORY - That part of a building, other than a half-story, between any floor and the ceiling or roof above it. In determining the number of stories in a building, a story with a ceiling which is six feet or more above the average level of the ground along all walls of the building shall be included.

STORY, HALF - A half-story is that portion of a building between any sloped roof(s) (including any dormers) and the floor below where the area with a height of 7.5 feet or more does not exceed 50% of the floor area below.



STREET - Any right-of-way used as a public thoroughfare dedicated and accepted for public travel and any right-of-way recorded in the Office of the Town Clerk constructed and accepted before the passage of these Regulations.

STREET LINE - The dividing line between the street and the lot. In any case where the width of the street and the location of the street lines have not been established, the street line shall be assumed to be a distance of twenty-five feet from the center line of the traveled path. Where the width of the street has been established but where the exact locations of the street lines have not been determined, they shall be assumed to be equidistant from the center line of the traveled path.

STRUCTURE – See *“Building Versus Structure”*

STRUCTURAL ALTERATION - Any change in or addition to the supporting members of a structure such as bearing walls, columns, beams, or girders.

SUBORDINATE – See *“Principal And Accessory”*

TOURIST HOME – See *“Lodging-Related Terms”*

Trailer Types

TRAVEL TRAILER - A vehicular portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation use, permanently identified “travel trailer” by the manufacturer of the trailer.

TENT TRAILER / CAMPING TRAILER - A fabric folding structure mounted on wheels and designed for travel use.

PICKUP CAMPER - A structure designed primarily to be mounted on a pickup or truck chassis and with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreational or vacation use.

UTILITY TRAILER - An open or closed trailer towed by an automobile or small truck (excluding trailers built to be towed by tractor trucks) for storing or carrying materials, equipment, or vehicles.

BOAT / TRAILER – A boat and/or a boat trailer used for transporting a boat or boats to point of use.

RECREATION EQUIPMENT / TRAILER – Recreational equipment (including personal watercraft, skimobiles, dune buggies, amphibious vehicles, dirt bikes, and the like) and including trailers, cases, or boxes used for transporting such vehicles to point of use.

Travel Trailer



Pickup Camper



Recreation Trailer



Utility Trailer



Boat / Trailer



Open Trailer



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TRUCK SERVICE CENTER – See *“Motor Vehicle-Related Terms”*.

USE -- Any activity, occupation, business, or operation carried on or intended to be carried on in a building or other structure or on a tract of land.

USE, ACCESSORY -- See *“Principal and Accessory”*

USE, PRINCIPAL -- See *“Principal and Accessory”*

VARIANCE - A grant of relief by the Zoning Board of Appeals from the requirements of the Zoning Regulation in a way that allows construction and/or use in a manner that would otherwise be prohibited by these Zoning Regulations.

VETERINARY HOSPITAL – See *“Animal Facilities”*

VEHICLE FUELING FACILITY - See *“Motor Vehicle Related Terms”*

VEHICLE MAINTENANCE AND/OR REPAIR FACILITY - See *“Motor Vehicle Related Terms”*

VEHICLE SALES AND/OR DISPLAY FACILITY-. See *“Motor Vehicle Related Terms”*

VEHICLE WASHING FACILITY - See *“Motor Vehicle Related Terms”*

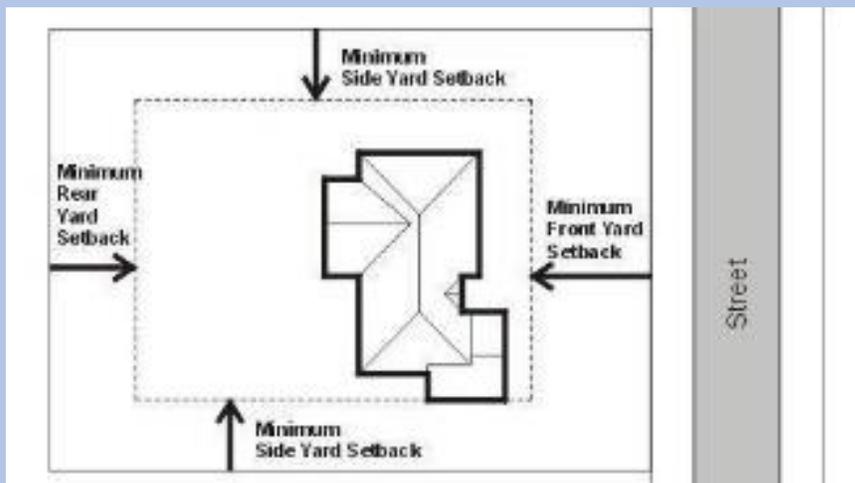
WIRELESS TELECOMMUNICATION FACILITIES - Antenna(s), telecommunications equipment, monopole(s) or lattice tower(s) and equipment shed(s) or cabinet(s) used in conjunction with cellular communications services, personal communications services, paging, radio and television broadcasting services.

Yards versus Setbacks

SETBACK - A line parallel to a street line or a lot line at a distance established by the minimum yard setback requirements of these Regulations for the zoning district, behind which buildings and structures may be legally erected. See "Lot Line"

(see [Appendix](#) for listing of building features subject to setbacks)

Setbacks (defined from the property lines in)



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Yards versus Setbacks

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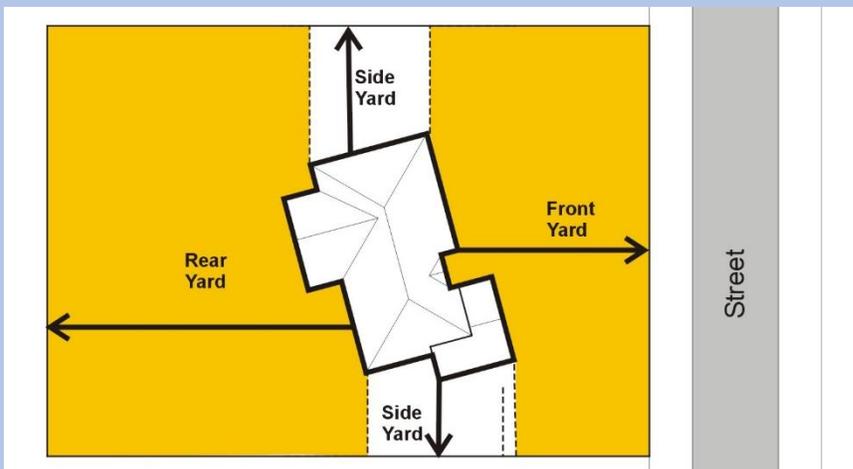
YARD – The area between the principal structure and a lot line.

FRONT YARD - The area on a lot lying between the front of the principal building and the front lot line (the street line), extending across the full width of the lot.

SIDE YARD - The area on a lot lying between the side lot line and the principal building which is not a front yard or a rear yard.

REAR YARD - The area on a lot lying between the rear of the principal building and the rear lot line, extending across the full width of the lot.

Yards (defined from the building out)



ZONE - Any area set aside on the Zoning Map having separate requirements established by these regulations.

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11 APPENDICES

11.A Application Checklists

11.A.1 Site Plan Application Checklist

- 1. Application Form bearing the original signature(s) of the owner(s) of record, or letter of authorization from the owner to a designated agent
- 2. Application Fee
- 3. Five (5) paper copies and one (1) PDF copy of a narrative description of the project and a description of all proposed uses
- 4. Five (5) paper copies, one (1) reduced-size copy (11" by 17"), and one (1) PDF copy of site plans showing, where applicable:

Reference

- Name and address of property owner(s)
- Name and address of applicant(s) / developer(s)
- Address of property in question
- Name of development (if any)

Professional Certifications

- Signature and seal of an engineer, landscape architect, or land surveyor who is registered in the State of Connecticut
- Incorporation of an A-2 survey prepared, sealed and signed by a Connecticut licensed land surveyor unless specifically waived by the Commission
- Where applicable, a statement from a Connecticut-licensed soil scientist that the delineation of wetland soils and watercourses on the maps is accurate

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Site Plan Application Checklist (continued)

Property Location / Configuration

- A north arrow
- An acceptable scale, generally not less than 1" equals 40'
- A key map, Scale 1"=1000', showing the zoning and street pattern within 500 feet of the site
- The subject lot and all structures and curb cuts on adjacent properties within 100 feet of the lot lines of the subject lot on both sides of the street
- Survey information of the land in question the actual dimensions of the plot to be built upon or used including distances, angles, and bearings
- The location of any wetlands, watercourses, aquifers, or areas of special flood hazard
- The zoning district classification of the plot and any surrounding zones
- Limits of any easements, or right of way and their purpose

Site Layout

- Existing and proposed topography at 2 ft contour intervals
- The location, height, and size of existing and proposed buildings and structures including signs, walls, and fences (including safety fences for storm run-off detention basins or ponds) with setback distances from lot lines
- Finished floor elevations of all buildings and structures
- Location of all uses not requiring a structure
- Location of driveways, loading and parking areas showing the number of spaces as required by the provisions of these regulations.
- Location of sidewalks, handicapped ramps, and other facilities for the provision of safe and accessible pedestrian circulation, including easements where required by the Commission
- The location of setback lines
- Existing and proposed merestones, iron pins and other property markers
- Proposed interior traffic circulation system demonstrating safe accessibility:
 - to all required off street parking by site users, and
 - for police and fire protection to all structures, equipment and materials.

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Site Plan Application Checklist (continued)

Zoning Compliance

- Existing and proposed bulk requirements including lot size, lot frontage, building coverage, front yard, side yards, and rear yard
- Existing and proposed building height
- Existing and proposed parking, open space, landscaping, and other requirements

Utility Services

- Design of water supply and sewage disposal system facilities and easements including soil testing locations, if applicable
- Existing and proposed storm drainage facilities and easements, including runoff computations before and after development, unless waived by the Commission
- Site lighting (pole specifications, lamp specifications, lighting diagram)
- Engineering data including drainage system (computations as required)

Landscaping and Open Space

- Location, nature and extent of open space, landscaping, existing trees in excess of 4" in diameter, buffer strips and screening in accordance with these Regulations.
- A planting schedule which includes the number and types of species (tabular form) and their location.

Erosion and Sediment Control

- A soil erosion and sediment control plan and narrative demonstrating compliance with the erosion and sediment control provisions of these Regulations
- Identification of specific erosion and sedimentation controls to be used

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Site Plan Application Checklist (continued)

- 5. **Plans And Elevations**
 - Five (5) paper copies and one (1) PDF copy of plans and elevations of:
 - Proposed structures or alterations to existing structures,
 - Proposed signs
 - Exterior architectural elevations clearly labeling all exterior building materials.

- 6. **Design Data**
 - A copy of survey and final design data shall be submitted in a digital format. Such data shall be provided in “DXF” format and submitted in accordance with the Town Engineering Department requirements.

- 7. **Other Information**
 - In the case of uses requiring approval of any Department of the State or Town, the approval of said Department.
 - Cross-sections detailing the construction of proposed sidewalks, driveways, parking areas, and storm drainage structures
 - The estimated costs of installation, maintenance, and remediation of soil erosion and sedimentation control measures
 - A traffic study (unless waived by the Commission) specifying existing and resulting levels of service.
 - Five (5) paper copies and one (1) PDF copy of:
 - drainage calculations
 - statements of anticipated utility impacts
 - traffic reports

N.B. The Zoning Regulations may call for additional plan information or submittals depending on the nature of the activity proposed.

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11.A.2 Special Use Permit Application Checklist

- 1. Application Form bearing the original signature(s) of the owner(s) of record, or letter of authorization from the owner to a designated agent
- 2. Application Fee
- 3. A statement describing in detail the proposed use or uses
- 4. A statement describing consistency of the proposal in relation to the Special Permit Criteria in [Section 8.D.5](#) of the Regulations
- 5. Any relevant approval from any local, regional, state, or federal agency or department having jurisdiction over any aspect of the application
- 6. A list of all property owners, together with addresses, required to be notified by [Section 8.H.7](#) or other section of these Regulations
- 7. Site plans (if necessary) in accordance with checklist in [Section 11.A.1](#)

N.B. The Zoning Regulations may call for additional plan information or submittals depending on the nature of the activity proposed.

11.A.3 Regulation Change Application Checklist

- 1. Application Form bearing the original signature(s) of the owner(s) of record, or letter of authorization from the owner to a designated agent
- 2. Application Fee
- 3. Five (5) paper copies and one (1) PDF copy of the proposed text amendment identifying by reference to appropriate section, subsection, or paragraph numbers and to any other designation to be altered and indicating in brackets the text (italicized) to be added and strike through the text to be deleted
- 4. Five (5) paper copies and one (1) PDF copy of a statement describing in detail the reasons for the proposed regulation change and the intended result of the proposed regulation change
- 5. Five (5) paper copies and one (1) PDF copy of a statement regarding consistency of the proposed regulation change with the Plan of Conservation and Development and how the proposed regulation change would enhance the general health, safety and welfare of the Town of Southington.
- Any other information which in the Commission’s judgment will assist in evaluating the proposal

N.B. The Zoning Regulations may call for additional plan information or submittals depending on the nature of the activity proposed.

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11.A.4 Zone Change Application Checklist

- 1. Application Form bearing the original signature(s) of the owner(s) of record, or letter of authorization from the owner to a designated agent
- 2. Application Fee
- Five (5) paper copies and one (1) PDF copy of a map at an appropriate scale showing:
 - The property proposed to be rezoned indicating the existing zoning district designation, the proposed boundary line(s), and the proposed zoning district designation
 - A metes and bounds description of the land to be included in the amendment
 - A key map showing the location of the property in relation to surrounding areas
 - Properties within five hundred (500) feet in all directions of the premises proposed to be rezoned
- 3. Five (5) paper copies and one (1) PDF copy of a statement describing in detail the reasons for the proposed zone change and the intended result of the proposed zone change
- 4. Five (5) paper copies and one (1) PDF copy of a statement regarding consistency of the proposed zone change with the Plan of Conservation and Development and how the proposed zone change would enhance the general health, safety and welfare of the Town of Southington.
- A list of all property owners required to be notified in [Section 8.H.7](#) plus the names, addresses, tax map and lot numbers of all owners of property subject to the proposed amendment
- Any other information which in the Commission’s judgment will assist in evaluating the proposal

N.B. The Zoning Regulations may call for additional plan information or submittals depending on the nature of the activity proposed.

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11.A.5 Planned Development District Application Checklist

- 1. Regulation Change application (See checklist at [Section 11.A.3](#))
- 2. Zone Change application (See checklist at [Section 11.A.4](#))
- Five (5) paper copies and one (1) PDF copy of a Master Plan at an appropriate scale including:

Conceptual Site Plans - One or more sheets depicting the proposed schematic design of the site including:

- The identification and general location of proposed uses;
- Existing and proposed building footprints;
- Proposed public and private streets, sidewalks and/or pedestrian walkways, rights-of-way, and parking areas;
- A landscaping plan, including the location of proposed buffers;
- Information regarding the provision of water, sewer, drainage, and other utilities; and
- The location of public and/or private open space or conservation areas.

Schematic Architectural Drawings - One or more sheets illustrating the schematic design of the proposed buildings and structures, including:

- Schematic floor plans;
- Architectural elevations of all buildings, and/or
- Photographs of buildings similar to the proposed buildings.

Data Table - Information regarding the proposed development including:
Lot area and lot frontage;

- Building setbacks, yards, and/or building separations;
- Building coverage and impervious coverage;
- Proposed floor area by proposed use;
- Parking spaces.

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Planned Development District Application Checklist (continued)

Additional Documentation - Depending on the nature and/or intensity of the proposed Planned Development District, the following documentation may also be required by the Zoning Commission:

- A traffic study estimating the potential traffic generation and the capacity of streets within and neighboring the district to accommodate the projected traffic;
- A report regarding the adequacy of proposed utility services;
- A statement on how the proposed development complies with the Plan of Conservation and Development;
- Any other information which in the Commission’s judgment will assist in evaluating the proposal

N.B. The Zoning Regulations may call for additional plan information or submittals depending on the nature of the activity proposed.

11.B Tabulating Coverage / Floor Area / Setbacks

A. Building / Structure	Counts to Building Coverage	Counts to Floor Area	Minimum Setbacks Apply*
1. Main Building(s)			
a. The surface area covered by all buildings on the lot except those specifically excluded in this table, as measured to the outside surface of the exterior walls. For a garrison colonial or similar cantilevered building, building coverage will be measured to the outermost wall(s)	Yes	Yes if heated	Yes
b. The floor area of all floors of all buildings on the lot, as measured to the outside surface of the exterior walls, except those areas specified below	Included above	Only if heated, and not included above	Yes
c. The floor area of a garage	Included above	Only if heated, unless included above	Yes
2. Cellar / Basement			
a. The floor area of a cellar or basement	Included above	Only if heated	Yes
3. Attic Areas			
a. The floor area of an attic which is not used for human habitation	Included above	No	Yes
b. The floor area of an attic which is used for human habitation	Included above	Yes	Yes
4. Building Projections			
a. The following building projections provided no portion projects more than 24 inches from the wall of the building: (1) Roof eaves / overhangs. (2) Chimneys. (3) Balconies. (4) Bow or bay windows. (5) Rain gutters and leaders. (6) Awnings. (7) Columns, brackets, and pilasters. (8) Other minor architectural features.	No	No	No
b. If projects more than 24 inches from the wall of the building	Yes except for the outer 36"	No	Yes

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B. Accessory Buildings / Structures		Counts to Building Coverage	Counts to Floor Area	Minimum Setbacks Apply*
1. Accessory Buildings / Structures				
a.	Accessory building (such as a tool shed or chicken coop) of 200 SF or less in area as measured to the outside surface of the exterior walls <i>(See Section 2.3.B to see if reduced setbacks may apply)</i>	Yes	No	Yes
b.	Accessory buildings greater than 200 SF in area as measured to the outside surface of the exterior walls	Yes	Yes if heated	Yes
c.	Dog houses, playscapes, tree houses, and other minor structures not requiring a building permit	No	No	No
d.	Small accessory or ornamental features such as a bird baths, well casings, etc.	No	No	No
e.	Any dish antenna mounted off the ground on a base or riser on the ground	No	No	Yes
2. Special Structures				
a.	Above ground propane tanks up to 125 gallons	No	No	No
b.	Above ground propane tanks more than 125 gallons	No	No	Yes
c.	Emergency generators, exterior HVAC equipment, pool equipment <i>(See Section 2.3.B to see if reduced setbacks may apply)</i>	No	No	Yes
d.	Roof-mounted solar arrays	Included above	No	No
e.	Ground-mounted solar arrays		No	Yes
f.	Wind energy systems	No	No	See Sec. 8.1



	Counts to Building Coverage	Counts to Floor Area	Minimum Setbacks Apply*
C. Exterior Features			
1. Drives / Walks:			
a. Driveways	No	No	No except as above
b. Porte cocheres or covered driveways	Yes	No	Yes
c. Uncovered walkways	No	No	No except as above
d. Covered walkways and breezeways as measured to the outside surface of the exterior walls or columns	Yes	No	Yes
e. Parking areas 24" or more in height above the existing grade	No	No	Yes
2. Fences / Walls (Also See Section 6.3 And Section 5.7):			
a. Fences in front yard (4 feet high or less) <i>(also see Section 6.3)</i>	No	No	No
b. Fences in front yard (more than 4 high) <i>(also see Section 6.3)</i>	No	No	Yes
a. Fences in side/rear yard (7 feet high or less) <i>(also see Section 6.3)</i>	No	No	No
b. Fences in side/rear yard (more than 7 feet high) <i>(also see Section 6.3)</i>	No	No	Yes
c. Freestanding walls (4 feet or less in height) <i>(also see Section 6.3)</i>	No	No	No
d. Freestanding walls (more than 4 feet high) <i>(also see Section 6.3)</i>	No	No	Yes
2. Trellises / Pergolas:			
a. Trellis / pergola / arbor (24 square feet or less in area)	No	No	No
b. Trellis / pergola / arbor (more than 24 square feet in area)	No	No	Yes

	Counts to Building Coverage	Counts to Floor Area	Minimum Setbacks Apply*
3. Balconies / Decks / Patios:			
a. Decks if the deck surface on that side is less than 24" in height above the adjacent grade measured at the edge of the deck and there are no railings on that side	No	No	Yes
b. Decks if the deck surface on that side is 24" or more in height above the adjacent grade measured at the edge of the deck or there is a deck railing on that side	Yes	No	Yes
c. Open patios	No	No	No
d. Roofed patios	Yes	No	Yes
e. Terrace wall if the wall is 4 feet or less in height, and set below a 1:1 incline from the property line	No	No	No
f. Terrace wall if the wall is greater than 4 feet in height or set above a 1:1 incline from the property line	No	No	Yes
4. Porches / Gazebos:			
a. Open porch	Yes	No	Yes
b. Closed porch	Yes	Yes if heated	Yes
c. Gazebos (reduced setbacks may apply)	Yes	No	Yes
5. Steps / Stoops / Entries:			
a. Unroofed exterior steps, stairs, and landings which are 5' x 5' or smaller	No	No	No
b. Basement hatchway doors that are no greater than 3 feet above grade nor 6 feet in length	No	No	No
6. Recreation Facilities:			
a. Swimming pools (rear yard setback of at least 10 feet)	Yes	No	Yes
b. At grade tennis courts, basketball courts, sports courts, or similar recreation surfaces	No	No	No
c. Above grade recreation surfaces	Yes	No	Yes

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11.C Flood Plain Regulations

These regulations are based on the National Flood Insurance Program (NFIP) / Connecticut Department Of Energy & Environmental Protection model regulation for Inland/Riverine Community (AE and A Zones only) / Level “D” Community (10/ 2018)

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1. STATUTORY AUTHORIZATION AND PURPOSE

1.1. STATUTORY AUTHORIZATION

The Legislature of the State of Connecticut has in Title 7, Chapter 98, Section 7-148(c)(7)(A) and in Title 8, Chapter 124, Section 8-2 of the General Statutes delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Town of Southington, Connecticut, does ordain as follows:

1.2. FINDING OF FACT

The flood hazard areas of the Town of Southington are subject to periodic flood inundation which results in the loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

These flood losses are caused by the cumulative effect of obstructions in the floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazards to other lands which are inadequately elevated, Floodproofed, or otherwise unprotected from flood damage. Uncontrolled development and use of floodplains can adversely affect the community.

The Town of Southington voluntarily participates in the National Flood Insurance Program (NFIP). The NFIP is founded on a mutual agreement between the federal government and each participating community. Local, state and federal governments must share roles and responsibilities to meet the goals and objectives of the NFIP. The community’s role is of paramount importance. Property owners are able to receive federally-subsidized flood insurance only if the community enacts and enforces the minimum floodplain regulations required for participation in the NFIP.

1.3. STATEMENT OF PURPOSE

It is the purpose of this regulation to regulate floodplain development, promote public health, safety, and general welfare, and minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- 1.3.1 To protect human life and health, and prevent damage to property;
- 1.3.2 To minimize expenditure of public funds for costly flood control projects;
- 1.3.3 To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- 1.3.4 To minimize prolonged business interruptions and other economic disruptions;

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- 1.3.5 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;
- 1.3.6 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;
- 1.3.7 To insure that potential buyers are notified that property is in a flood hazard area;
- 1.3.8 To prevent increase in flood heights that could increase flood damage and result in conflicts between property owners;
- 1.3.9 To ensure that those who occupy the flood hazard areas assume responsibility for their actions; and
- 1.3.10 To discourage development in a floodplain if there is any practicable alternative to locate the activity, use or structure outside of the floodplain.

1.4. OBJECTIVES

In order to accomplish its purpose, this regulation includes objectives, methods and provisions that:

- 1.4.1 Restrict or prohibit uses which are dangerous to health, safety and property due to flood or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- 1.4.2 Require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;
- 1.4.3 Control the alteration of natural floodplains, stream channels, and natural protective barriers that are involved in the accommodation of flood waters;
- 1.4.4 Control filling, grading, dredging and other development which may increase erosion or flood damage; and
- 1.4.5 Prevent or regulate the construction of barriers or obstructions which will unnaturally divert flood waters or which may increase flood hazards to other lands.

2. DEFINITIONS

Unless specifically defined below, words and phrases used in this regulation shall have the same meaning as they have in common usage and to give this regulation its most reasonable application.

Area of Shallow Flooding - A designated AO, AH, AR/AO, AR/AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Base Flood – The flood having a one (1) percent chance of being equaled or exceeded in any given year, also referred to as the one hundred (100) year 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 of the crest of the base flood or 100-year flood. The height in relation to mean sea level expected to be reached by the waters of the base flood at pertinent points in the floodplains of coastal and riverine areas.

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

Building – see definition for “Structure”.

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

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

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

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

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

Finished Living Space – As related to fully enclosed areas below the base flood elevation (BFE), a space that is, but is not limited to, heated and/or cooled, contains finished floors, has sheetrock walls that may or may not be painted or wallpapered, and other amenities such as furniture, appliances, bathrooms, fireplaces and other items that are easily damaged by floodwaters and expensive to clean, repair or replace. Unfinished enclosed areas below the BFE should comply with FEMA Technical Bulletin 2, Flood-Damage Resistant Materials Requirements.

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

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

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

Floodway – The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1.0) foot. For the purposes of these regulations, the term “Regulatory Floodway” is synonymous in meaning with the term “Floodway”.

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 ship building and ship repair facilities. The term does not include seafood processing facilities, long-term storage, manufacturing, sales or service facilities.

Highest Adjacent Grade (HAG) – The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

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

Lowest Floor – The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area is not considered a building's lowest floor, provided that such an area meets the design requirements specified in Section 5.3.1.3 of this regulation.

Manufactured Home – A structure, transportable in one (1) or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term also includes park trailers, travel trailers, recreational vehicles and other similar vehicles or transportable structures placed on a site for one hundred and eighty (180) consecutive days or longer and intended to be improved property.

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

Market Value – As related to substantial improvement and substantial damage, the market value of the structure shall be determined by; the property's tax assessment, minus land value, prior to the start of the initial repair or improvement, or in the case of damage, the value of the structure prior to the damage occurring.

Mean Sea Level (MSL) – The North American Vertical Datum (NAVD) of 1988 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map (FIRM) are referenced.

New Construction – Structures for which the “start of construction” commenced on or after the effective date of the floodplain management regulations, and includes any subsequent improvements to such structures.

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

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

Special Flood Hazard Area (SFHA) – The land in the floodplain within a community subject to a one (1) percent or greater chance of flooding in any given year. SFHAs are determined utilizing the base flood elevations (BFE) provided on the flood profiles in the Flood Insurance Study (FIS) for a community. BFEs provided on Flood Insurance Rate Map (FIRM) are only approximate (rounded up or down) and should be verified with the BFEs published in the FIS for a specific location. SFHAs include, but are not necessarily limited to, the land shown as Zones A, A1-30, AE, AO, AH on a FIRM. The SFHA is also called the Area of Special Flood Hazard.

Start of Construction – For other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. 97-348), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, substantial improvement or other improvement was within one hundred and eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erections of temporary forms; not does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

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

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

Substantial Improvement – Any combination of repairs, reconstruction, rehabilitation, alterations, additions or other improvements to a structure, taking place during a ten (10) year period, in which the cumulative cost equals or exceeds fifty (50) percent of the market value of the structure before the “start of construction” of the improvement. 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”.

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

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

Water Surface Elevation – The height, in relation to the 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.

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3. GENERAL PROVISIONS

3.1. AREAS TO WHICH THIS REGULATION APPLIES

This regulation shall apply to all Special Flood Hazard Areas (SFHA) within the Town of Southington.

3.2. BASIS FOR ESTABLISHING THE SPECIAL FLOOD HAZARD AREAS (SFHA)

The Special Flood Hazard Areas (SFHA) identified by the Federal Emergency Management Agency (FEMA) in its most recent Flood Insurance Study (FIS) for Southington, Connecticut], most recent accompanying Flood Insurance Rate Maps (FIRM), and other supporting data applicable to the Town of Southington, and any subsequent revisions thereto, are adopted by reference and declared to be a part of this regulation. Since mapping is legally adopted by reference into this regulation it must take precedence when more restrictive until such time as a map amendment or map revision is obtained from FEMA.

The SFHA includes any area shown on the FIRM as Zones A, AE, AO, and AH, including areas designated as a floodway on a FIRM. SFHAs are determined utilizing the base flood elevations (BFE) provided on the flood profiles in the Flood Insurance Study (FIS) for a community. BFEs provided on Flood Insurance Rate Map (FIRM) are only approximate (rounded up or down) and should be verified with the BFEs published in the FIS for a specific location. Also included are areas of potential, demonstrable or historical flooding, including any area contiguous with but outside the SFHA identified by FEMA, and where the land surface elevation is lower than the base flood elevation (BFE) as shown in the FIS, and the area is not protected from flooding by a natural or man-made feature. The FIRM and FIS are on file in the Planning Department in the Town of Southington.

3.3. STRUCTURES ALREADY IN COMPLIANCE

A structure or development already in compliance with this regulation shall not be made non-compliant by any alteration, modification, repair, reconstruction or improvement and must also comply with other applicable local, state, and federal regulations. No structure or land shall hereafter be located, extended, converted, modified or structurally altered without full compliance with the terms of this regulation and other applicable regulations.

3.4. ABROGATION AND GREATER RESTRICTIONS

This regulation is not intended to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, where this regulation and another ordinance, regulation, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

3.5. INTERPRETATION

In the interpretation and application of this regulation, all provisions shall be: 1) considered as minimum requirements; 2) liberally construed in favor of the governing body, and; 3) deemed neither to limit nor repeal any other powers granted under State statutes.

3.6. WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this regulation is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering consideration and research. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This regulation does not imply or guarantee that land outside the Special Flood Hazard Area or uses permitted in such areas will be free from flooding and flood damages. This regulation shall not create liability on the part of the Town of Southington or by any officer or employee thereof for any flood damages that result from reliance on this regulation or any administrative decision lawfully made thereunder. The Town of Southington, its officers and employees shall assume no liability for another person’s reliance on any maps, data or information provided by the Town of Southington.

3.7. SEVERABILITY

If any section, subsection, paragraph, sentence, clause, or phrase of this regulation should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this regulation, which shall remain in full force and effect; and to this end the provisions of this regulation are hereby declared to be severable.

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4. ADMINISTRATION

4.1. DESIGNATION OF THE LOCAL ADMINISTRATOR

The Director of Planning and Community Development is hereby appointed to administer, implement, and enforce the provisions of this regulation.

4.2. CERTIFICATION

Where required under this regulation, a registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this regulation. Such certification must be provided to the Director of Planning and Community Development.

4.3. ESTABLISHMENT OF THE FLOODPLAIN PERMIT

A Floodplain Permit shall be required in conformance with the provisions of this regulation prior to the commencement of any development activities. Permits issued under this regulation shall expire if actual construction of a permitted structure does not commence within one hundred and eighty (180) days of the permit approval date.

4.4. PERMIT APPLICATION PROCEDURES

A Floodplain Permit is hereby established for all construction and other development to be undertaken in Special Flood Hazard Areas in this community. Prior to any development activities, application for a Floodplain Permit shall be made to the Director of Planning and Community Development on forms provided and may include, but not be limited to, plans in duplicate drawn to scale showing, at a minimum, the property lines and location of the parcel; the nature, location, dimensions, and elevations of the area in question; limit and extent of the 100-year floodplain and/or floodway boundary and base flood elevation(s); existing and proposed structures, fill, storage of materials, drainage facilities and the location of the foregoing. Specifically, the following information is required to be submitted to the Director of Planning and Community Development:

- 4.4.1 **Application Stage-** The applicant shall provide at least the following information, where applicable. Additional information may be required on the permit application form.
 - 4.4.1.1 Base flood elevation (BFE) for the site in question as determined in the FEMA Flood Insurance Study (FIS) or Flood Insurance Rate Map (FIRM). The FIS flood profiles provide more accurate BFE data than the FIRM. The extent of the 100-year floodplain and floodway must be depicted with a boundary line on any site plans and shown in relation to existing and proposed structures or development;
 - 4.4.1.2 Elevation in relation to mean sea level of the proposed lowest floor, including basement, of all new construction, substantial improvements or repairs to structures that have sustained substantial damage;

- 4.4.1.3 Elevation in relation to mean sea level to which any non-residential new construction, substantial improvements or repair to structures that have sustained substantial damage will be dry flood-proofed;
- 4.4.1.4 Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development. Computations by a registered professional engineer must be submitted that demonstrate that the altered or relocated segment will provide equal or greater conveyance than the original stream segment. The applicant must submit any maps, computations or other materials required by the Federal Emergency Management Agency (FEMA) in order to officially amend or revise the Flood Insurance Rate Map. The applicant must pay any fees or other costs assessed by FEMA for this purpose. The applicant must also provide assurances that the conveyance capacity of the altered or relocated stream segment will be maintained;
- 4.4.1.5 A statement and supporting documentation (all costs of project, market value of structure, etc.) verifying that the proposed alterations to an existing structure meets or does not meet the criteria of the substantial improvement and/or substantial damage definition. If a development meets the definition of substantial improvement and/or substantial damage, the structure must be brought into compliance with all floodplain regulations as if it was new construction;
- 4.4.1.6 Where applicable, the following certifications by a registered professional engineer or architect are required, and must be provided to the Director of Planning and Community Development. The design and methods of construction must be certified to be in accordance with accepted standards of practice and with the provisions of Section 5.3.
- (a) Non-residential flood-proofing must meet the provisions of Section 5.3.1.2;
 - (b) Fully enclosed areas below the base flood elevation (BFE) must meet the minimum design criteria in Section 5.3.1.3;
 - (c) No (0.00) increase in floodway water surface elevations are allowed. Any development in a floodway must meet the provisions of Section 5.3.4;
- 4.4.2 **Construction Stage** - Upon completion of the applicable portion of construction, the applicant shall provide verification to the Director of Planning and Community Development of the following as is applicable:
- 4.4.2.1. Lowest floor elevation shall be verified for:
- (a) A structure in Zones A, AE, A1-30, AO or AH is the top of the lowest floor (including basement);
 - (b) A non-residential structure which has been dry flood-proofed is the elevation to which the flood-proofing is effective (Note: For insurance purposes, a dry flood-proofed, non-residential structure is rated based on the elevation of its lowest floor unless it is floodproofed to one foot above the BFE.);

- 4.4.2.2 Deficiencies detected by the review of the above listed shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

4.5. DUTIES AND RESPONSIBILITIES OF THE LOCAL ADMINISTRATOR

Duties of the Director of Planning and Community Development, acting as the local floodplain administrator, shall include, but not be limited to:

- 4.5.1 Review all permit applications for completeness, particularly with the requirements of Section 4.4.1.
- 4.5.2 Review all permit applications to determine whether the proposed development and building sites will be reasonably safe from flooding.
- 4.5.3 Review all development permits to assure that the permit requirements of this regulation have been satisfied.
- 4.5.4 Review all permit applications to assure that all necessary federal or state permits have been received. Require that copies of such permits be provided and maintained on file with the permit application. Such permits include, but are not limited to, Coastal Area Management (CAM) Permit, Water Diversion Permit, Dam Safety Permit, and Army Corps of Engineers 401 and 404 Permits.
- 4.5.5 Notify the regional planning agency and affected municipality at least thirty-five (35) days prior to a public hearing if any change of regulation or use of a flood zone will affect an area within five hundred (500) feet of another municipality.
- 4.5.6 Notify the adjacent communities and the Department of Energy and Environmental Protection (DEEP), Inland Water Resources Division, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
- 4.5.7 Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.
- 4.5.8 Obtain, record and maintain the elevation (in relation to mean sea level) of the lowest floor (including basement) of all new construction, substantial improvements or repair to a structure that has sustained substantial damage.
- 4.5.9 Obtain, record and maintain the elevation (in relation to mean sea level) to which the new construction, substantial improvement or repair to a structure that has sustain substantial damage has been flood-proofed.

- 4.5.10 When flood-proofing is utilized for a particular structure, the Director of Planning and Community Development shall obtain certification from a registered professional engineer or architect, in accordance with Section 5.3.1.2.

- 4.5.11 Where interpretation is needed as to the exact location of boundaries of the area of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Director of Planning and Community Development shall make necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this regulation.

- 4.5.12 Require the applicant to provide base flood elevation data for all proposed development, including manufactured home parks and subdivisions.

- 4.5.13 When base flood elevation data or floodway data have not been provided in accordance with Section 3.2 and Section 4.4, the Director of Planning and Community Development shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source in order to administer the provisions of Section 5.0.

- 4.5.14 All records pertaining to the provisions of this regulation shall be obtained and maintained in the office of the Director of Planning and Community Development.

- 4.5.15 Upon completion of the permitted development and prior to issuance of a Certificate of Occupancy (CO), necessary as-built surveys (prepared by a Connecticut Licensed Professional as per Connecticut State Statutes) and engineering and architectural certifications shall be provided to the Director of Planning and Community Development demonstrating compliance with the approved plans and standards set forth in Section 4.4.

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5. PROVISIONS FOR FLOOD HAZARD REDUCTION

5.1. GENERAL STANDARDS

In all Special Flood Hazard Areas (SFHAs) the following provisions are required:

- 5.1.1 New construction, substantial improvements, and structures that have sustained substantial damage shall be constructed using methods and practices that minimize flood damage.
- 5.1.2 New construction, substantial improvements, and structures that have sustained substantial damage shall be constructed with materials and utility equipment that are flood-damage resistant and conform to the provisions of FEMA Technical Bulletin 2, Flood Damage-Resistant Material Requirements. This includes, but is not limited to, flooring, interior and exterior walls, wall coverings and other materials installed below the base flood elevation plus one (1.0) foot.
- 5.1.3 New construction, substantial improvements, and repairs to structures that have sustained substantial damage shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
- 5.1.4 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.
- 5.1.5 The bottom of all electrical, heating, plumbing, ventilation and air conditioning equipment, appliances, fixtures and components, HVAC duct work and duct systems, and any other utility service equipment, facilities, machinery, or connections servicing a structure shall be elevated one (1.0) foot above the base flood elevation (BFE). This includes, but is not limited to, furnaces, oil or propane tanks, air conditioners, heat pumps, hot water heaters, ventilation duct work, washer and dryer hook-ups, electrical junction boxes, and circuit breaker boxes. Systems, fixtures, equipment and components shall not be mounted on or penetrate through breakaway walls intended to fail under flood loads. Connections or other equipment that must be located below the BFE plus 1.0 foot elevation are permitted only when no other elevation alternative is available and provided they are designed and installed to prevent water from entering or accumulating within the components and to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during the occurrence of the base flood event. Electrical wiring systems that must be located below the BFE plus 1.0 foot shall conform to the standards for wet locations.
- 5.1.6 New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

- 5.1.7 New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharges from the system into flood waters.
- 5.1.8 On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
- 5.1.9 Underground tanks shall be anchored to prevent flotation, collapse and lateral movement under conditions of the base flood. Above-ground storage tanks which are located outside or inside of a structure must be elevated one (1.0) foot above the base flood elevation (BFE) or shall be securely anchored to prevent flotation, collapse or lateral movement under conditions of the base flood. Where elevated on platforms, the platforms shall be cantilevered from or knee braced to the building or shall be supported on elevated foundations that conform to the standards for the particular flood zone as described in Section 5.3. Anchored tanks must have the top of the fill pipe located at least one (1.0) foot above the BFE and have a screw fill cap that does not allow for the infiltration of flood water.
- 5.1.10 In any portion of a watercourse that is altered or relocated, the flood carrying capacity must be maintained. Notify adjacent communities and the Connecticut Department of Energy and Environmental Protection (CTDEEP), Inland Water Resources Division (IWRD) prior to any alteration or relocation of a watercourse.
- 5.1.11 If any portion of a structure lies within the Special Flood Hazard Area (SFHA), the entire structure is considered to be located within the SFHA and must meet the construction requirements of the flood zone. The structure includes any structurally attached additions, garages, decks, porches, sunrooms, patios or any other structure attached to the main structure.
- 5.1.12 If a structure lies within two or more flood zones, the construction standards of the most restrictive zone apply to the entire structure (i.e., VE zone is more restrictive than AE zone; structure must be built to the highest BFE). The structure includes any structurally attached additions, garages, decks, porches, patios, sunrooms, or any other structure attached to the main structure.
- 5.1.13 **Compensatory Storage** - The water holding capacity of the floodplain, except those areas which are tidally influenced, shall not be reduced. Any reduction caused by filling, new construction or substantial improvements involving an increase in footprint to the structure, shall be compensated for by deepening and/or widening of the floodplain. Storage shall be provided on-site, unless easements have been gained from adjacent property owners; it shall be provided within the same hydraulic reach and a volume not previously used for flood storage; it shall be hydraulically comparable and incrementally equal to the theoretical volume of flood water at each elevation, up to and including the 100-year flood elevation, which would be displaced by the proposed project. Such compensatory volume shall have an unrestricted hydraulic connection to the same waterway or water body. Compensatory storage can be provided off-site if approved by the municipality.

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5.1.14 **Equal Conveyance** - Within the floodplain, except those areas which are tidally influenced, as designated on the Flood Insurance Rate Map (FIRM) for the community, encroachments resulting from filling, new construction or substantial improvements involving an increase in footprint of the structure, are prohibited unless the applicant provides certification by a registered professional engineer demonstrating, with supporting hydrologic and hydraulic analyses performed in accordance with standard engineering practice, that such encroachments shall not result in any (0.00 feet) increase in flood levels (base flood elevation). Work within the floodplain and the land adjacent to the floodplain, including work to provide compensatory storage shall not be constructed in such a way so as to cause an increase in flood stage or flood velocity.

5.2. STANDARDS FOR WATERCOURSES WITHOUT ESTABLISHED BASE FLOOD ELEVATIONS (UN-NUMBERED A ZONE), ADOPTED FLOODWAYS AND/OR FLOOD MAPPING

5.2.1 The Director of Planning and Community Development shall require base flood elevation (BFE) data be provided with any application for new construction, substantial improvement, repair to structures which have sustained substantial damage or other development in Zone A without a FEMA-published BFE (un-numbered A Zone). A registered professional engineer must determine the BFE in accordance with accepted hydrologic and hydraulic engineering practices and document the technical methods used. Studies, analyses and computations shall be submitted in sufficient detail to allow thorough review and approval. The Director of Planning and Community Development shall obtain, review and reasonably utilize any BFE and floodway data available from a federal, state or other source, including data developed for subdivision proposals, as criteria for requiring that new construction, substantial improvements, repair to structures which have sustained substantial damage or other development in un-numbered A Zones on the community’s Flood Insurance Rate Map (FIRM) meet the standards in Section 4.4 and Section 5.3. If no BFE can be determined, the lowest floor, including basement, must be elevated to two (2) feet above the highest adjacent grade next to the structure.

5.2.2 When BFEs have been determined within Zones A1-30 and AE on the community’s FIRM but a regulatory floodway has not been designated, the Director of Planning and Community Development 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 (1.0) foot at any point within the community when all existing and anticipated development is considered cumulatively with the proposed development.

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- 5.2.3 The Director of Planning and Community Development 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 (1.0) foot at any point within the community.

- 5.2.4 The Director of Planning and Community Development shall obtain, review and reasonably utilize any BFE and floodway data available from a federal, state or other source, as criteria for requiring that new construction, substantial improvements, repair to structures which have sustained substantial damage or other development in any area of potential, demonstrable or historical flooding within the community meet the standards in Section 4.4 and Section 5.3.

- 5.2.5 Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in Zones A1-30, AE, AH, on the community’s FIRM which increases the water surface elevation of the base flood by more than one (1.0) foot, provided that the community first completes all of the provisions required by Section 65.12.

5.3. SPECIFIC STANDARDS

- 5.3.1 **Construction Standards in Special Flood Hazard Areas (SFHA), Zones A, A1-30, AE.**
 - 5.3.1.1 **Residential Construction** - All new construction, substantial improvements, and repair to structures that have sustained substantial damage which are residential structures shall have the bottom of the lowest floor, including basement, elevated one (1.0) foot above the base flood elevation (BFE). Electrical, plumbing, machinery or other utility equipment that service the structure must be elevated one (1.0) foot above the BFE.

- 5.3.1.2 **Non-Residential Construction** - All new construction, substantial improvements, and repair to structures that have sustained substantial damage which are commercial, industrial or non-residential structures shall:
- (a) Have the bottom of the lowest floor, including basement, elevated one (1.0) foot above the base flood elevation (BFE);
or
 - (b) In lieu of being elevated, non-residential structures may be dry flood-proofed to one (1.0) foot above the BFE provided that together with all attendant utilities and sanitary facilities the areas of the structure below the required elevation are watertight with walls substantially impermeable to the passage of water, and provided that such structures are composed of structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A registered professional engineer or architect shall review and/or develop structural design specifications and plans for the construction, and shall certify that the design and methods of construction are in accordance with acceptable standards of practice for meeting the provisions of this section. Such certification shall be provided to the Director of Planning and Community Development on the FEMA Floodproofing Certificate, Form 81-65.
 - (c) The bottom of all electrical, plumbing, machinery or other utility equipment that service the structure must be elevated one (1.0) foot above the BFE.
- 5.3.1.3 **Fully Enclosed Areas Below The Base Flood Elevation Of Elevated Buildings** - All new construction, substantial improvements, or repair to structures that have sustained substantial damage, whether residential or non-residential, that include fully enclosed areas formed by a foundation and other exterior walls shall have the lowest floor elevated to one (1.0) foot above the base flood elevation (BFE). The elevated building shall be designed to preclude finished living space below the lowest floor and be designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls (wet flood-proofing). 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 following minimum criteria listed in sections (a)-(h) below:
- (a) Provide a minimum of two (2) openings (hydraulic flood vents) having a total net area of not less than one square inch for every one square foot of enclosed area subject to flooding. The enclosed area is measured on the exterior of the enclosure walls. These hydraulic openings must be located on at least two different exterior walls of each enclosed area. If the structure has more than one enclosed area, openings must be installed in the exterior walls of each enclosed area so that flood waters can enter directly from the outside;

- (b) The bottom of all openings shall be no higher than one (1.0) foot above the higher of either the final interior grade or floor elevation, or the finished exterior grade adjacent to the outside of the foundation wall. At least one side of the structure’s fully enclosed area must be at or above grade. Fill placed around the foundation walls must be graded so that the elevation inside the enclosed area is equal to or higher than the adjacent outside elevation on at least one side of the building. The finished floor of the enclosed area shall be no lower than the bottom of the foundation openings. The foundation slab of a residential structure, including the slab or a crawlspace, must be set equal to the outside finished grade on at least one side of the building;
- (c) The openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic entry and exit of flood waters in both directions without any external influence or control such as human intervention, including the use of electrical and other non-automatic mechanical means. These coverings must not block or impede the automatic flow of floodwaters into and out of the enclosed area. Other coverings may be designed and certified by a registered professional engineer or approved by the Director of Planning and Community Development;
- (d) Openings shall not be less than three (3) inches in any direction in the plane of the wall;
- (e) The area cannot be used as finished living space. Use of the enclosed area shall be the minimum necessary and shall only be used for the parking of vehicles, building access or limited storage. Access to the enclosed area shall be the minimum necessary to allow for the parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator). The enclosed area shall not be used for human habitation;
- (f) All interior walls, floor, and ceiling materials located below one (1.0) foot above the BFE shall be unfinished and resistant to flood damage-resistant in accordance with FEMA Technical Bulletin 2, Flood Damage-Resistant Requirements.

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- (g) Electrical, plumbing, HVAC ductwork, machinery or other utility equipment and connections that service the structure (including, but not limited to, furnaces, oil or propane tanks, air conditioners, heat pumps, hot water heaters, ventilation, washers and dryer hook-ups, electrical junction boxes, circuit breaker boxes and food freezers) are prohibited in the fully enclosed area below the BFE plus one (1.0) foot. Utilities or service equipment located in this enclosed area, even if elevated one (1.0) foot above the BFE in the space, will subject the structure to increased flood insurance rates.
- (h) A residential building with a structurally attached garage having the floor slab below the BFE is considered an enclosed area below the BFE and must meet the standards of Sections 5.3.1.3 (a)-(g). A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry and exit of floodwaters in both directions. Flood openings or vents are required in the exterior walls of the garage or in the garage doors. Garage doors that must be manually opened do not meet the flood vent opening requirements in Section 5.3.1.3 (a)-(c). In addition to the automatic entry of floodwaters, the areas of the garage below BFE plus one (1.0) foot must be constructed with flood damage-resistant materials per the requirements of FEMA Technical Bulletin 2. Garages attached to non-residential structures must also meet the aforementioned requirements or be dry floodproofed as per the requirements of Section 5.3.1.2.

5.3.2 Manufactured (Mobile) Homes and Recreational Vehicles (RVs).

- 5.3.2.1 In all Special Flood Hazard Areas (SFHA), any manufactured (mobile) homes to be newly placed, undergoing a substantial improvement or repaired as a result of substantial damage, shall be elevated so that the bottom of the frame is located one (1.0) foot above the base flood elevation (BFE). The manufactured home must also meet all the construction standards per Section 5.3.1. The foundation and anchorage of manufactured homes to be located in floodways shall be designed and constructed in accordance with ASCE24. This includes SFHAs outside a manufactured home park or subdivision, in a new manufactured home park or subdivision, in an existing manufactured home park or subdivision, in an expansion to an existing manufactured home park or subdivision, or on a site in an existing park which a manufactured home has incurred substantial damage as a result of a flood.
- 5.3.2.2 All manufactured (mobile) homes within a SFHA shall be placed on a permanent foundation which itself is securely anchored and to which the structure is securely anchored so that it will resist flotation, lateral movement and hydrostatic pressures. Anchoring may include, but not be limited to, the use of over-the-top or frame ties to ground anchors.

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- 5.3.2.3 All manufactured (mobile) homes within a SFHA shall be installed using methods and practices which minimize flood damage. Adequate access and drainage should be provided. Elevation construction standards include piling foundations placed no more than ten (10) feet apart, and reinforcement is provided for piers more than six (6) feet above ground level.
 - 5.3.2.4 Recreational vehicles placed on sites within a SFHA shall either (i) be on the site for fewer than 180 consecutive days, and (ii) be fully licensed and ready for highway use, OR (iii) meet all the general standards of Section 5.1 and the elevation and anchoring requirement of Section 5.3.2.1, 5.3.2.2, and 5.3.2.3. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.
- 5.3.3 **Floodways-** Located within Special Flood Hazard Areas (SFHA) are areas designated as floodways on the community’s Flood Insurance Rate Maps (FIRM) or Flood Boundary and Floodway Maps (FBFM). Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and has erosion potential, no encroachments, including fill, new construction, substantial improvements, repairs to substantially damaged structures and other developments shall be permitted unless certification, with supporting technical data, by a registered professional engineer is provided demonstrating, through hydrologic and hydraulic analyses performed in accordance with standard engineering practice, that encroachments shall not result in any (0.00 feet) increase in flood levels during occurrence of the base flood discharge published by FEMA. Buildings and structures meeting the standard above and located in whole or in part in the floodway shall be designed and constructed in accordance with ASCE 24. Fences in the floodway must be aligned with the flow and be of an open design. A permit may be given which allows encroachments resulting in increases in base flood elevations provided the community first obtains a conditional floodway revision by meeting the requirements of C.F.R. 44, Chapter 1, Subsection 65.12.
- 5.3.4 **Standards for Development in Areas of Shallow Flooding (Zones AO and AH) -** Located within the Special Flood Hazard Areas (SFHA) are areas designated as shallow flooding areas (AO and AH Zones). These areas have flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. In AO and AH zones, the following provisions apply:
- 5.3.4.1 For residential structures, all new construction, substantial improvements and repair to structures that have sustained substantial damage shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as one (1.0) foot above the depth number specified on the Flood Insurance Rate Map (FIRM). If no depth number is specified, the lowest floor, including basement, shall be elevated at least three (3.0) feet above the highest adjacent grade.

- 5.3.4.2 For non-residential structures, all new construction, substantial improvements and repair to structures that have sustained substantial damage shall:
 - (a) Have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as one (1.0) foot above the depth number specified on the Flood Insurance Rate Map (FIRM). If no depth number is specified, the lowest floor, including basement, shall be elevated at least three (3.0) feet above the highest adjacent grade; or
 - (b) Together with attendant utility and sanitary facilities be completely flood- proofed to above the highest adjacent grade at least as high as one (1.0) foot above the depth number specified on the FIRM, or if no depth number is specified at least three (3.0) feet above the highest adjacent grade, so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Designs for complying with this requirement must be certified by either a registered professional engineer or architect.
- 5.3.4.3 On-site drainage for all proposed structures in AO and AH Zones located on slopes shall provide adequate drainage paths to guide flood waters around and away from such structures.
- 5.3.4.4 Fully enclosed areas below the lowest floor in AO and AH Zones must comply with the provisions of Section 5.3.1.3 for hydraulic flood vents.

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6. DESIGN STANDARDS FOR SUBDIVISION PROPOSALS

If a proposed subdivision, including the placement of a manufactured home park or subdivision, is located in a Special Flood Hazard Area (SFHA) the following requirements shall apply:

- 6.1. All subdivision proposals shall be consistent with the need to minimize flood damage;
- 6.2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
- 6.3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards; and the Director of Planning and Community Development shall require the applicant to provide BFE data for all subdivision proposals, including manufactured home parks and subdivisions, as per Section 4.5.12.
- 6.4. In all special flood hazard areas where base flood elevation (BFE) data is not available, the applicant shall provide a hydrologic and hydraulic engineering analysis performed by a registered professional engineer that generates BFEs for all subdivision proposals and other proposed development, including manufactured home parks and subdivisions.

7. VARIANCE PROCEDURES

7.1 ESTABLISHMENT OF VARIANCE PROCESS

- 7.1.1 The Zoning Board of Appeals, as established by the Town of Southington, shall hear and decide appeals and requests for variances from the requirements of this regulation.
- 7.1.2 The Zoning Board of Appeals shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the Director of Planning and Community Development in the enforcement or administration of this regulation.
- 7.1.3 Any person aggrieved by the decision of the Zoning Board of Appeals or any person owning land which abuts or is within a radius of one hundred (100) feet of the land in question may appeal within fifteen (15) days after such decision to the State as provided in Section 8-8 of the General Statutes of Connecticut.
- 7.1.4 The Director of Planning and Community Development shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency (FEMA) in its biennial report.

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7.2 SPECIFIC SITUATION VARIANCES

- 7.2.1 **Buildings on a Historic Register** - Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places, the State Inventory of Historic Places, or any locally-adopted historic district without regard to the procedures set forth in the remainder of this section and provided the proposed reconstruction, rehabilitation or restoration will not result in the structure losing its historical designation.
- 7.2.2 **Functionally Dependent Use or Facility** - Variances may be issued for new construction and substantial improvements and other development necessary for the conduct of a functionally dependent use or facility provided the structure or other development is protected by methods that minimize flood damage, creates no additional threat to public safety and meet all the requirements of Section 7.4.
- 7.2.3 **Floodway Prohibition** - Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

7.3 CONSIDERATIONS FOR GRANTING OF VARIANCES

In passing upon such applications, the Zoning Board of Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this regulation and the items listed below as 7.3.1 – 7.3.11. Upon consideration of these factors and the purposes of this regulation, the Zoning Board of Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this regulation.

- 7.3.1 The danger that materials may be swept onto other lands to the injury of others;
- 7.3.2 The danger to life and property due to flooding or erosion damage;
- 7.3.3 The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- 7.3.4 The importance of the services provided by the proposed facility to the community;
- 7.3.5 The necessity of the facility to waterfront location, in the case of a functionally dependent facility;
- 7.3.6 The availability of alternative locations not subject to flooding or erosion damage for the proposed use;
- 7.3.7 The compatibility of the proposed use with existing and anticipated development;

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- 7.3.8 The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- 7.3.9 The safety access to the property in times of flood for ordinary and emergency vehicles;
- 7.3.10 The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
- 7.3.11 The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

7.4 CONDITIONS FOR VARIANCES

7.4.1 Variances shall only be used upon a determination that the variance is the minimum necessary to afford relief considering the flood hazard; and in the instance of a historical building, a determination that the variance is the minimum necessary as not to destroy the historic character and design of the building and result in the loss of historic designation of the building. Variances pertain to a piece of property and are not personal in nature. A properly issued variance is granted for a parcel of property with physical characteristics so unusual that complying with the regulation would create an exceptional hardship to the applicant or the surrounding property owners. Those characteristics must be unique to that property and not be shared by adjacent parcels. For example, economic or financial hardship is not sufficient cause for a variance, nor are inconvenience, aesthetic considerations, physical handicaps, personal preferences or disapproval of one’s neighbors.

- 7.4.2 Variances shall only be used upon
- (i) a showing of good and sufficient cause,
 - (ii) a determination that failure to grant the variance would result in exceptional hardship, and;
 - (iii) a determination that the granting of a variance will not result in:
 - increased flood heights,
 - additional threats to public safety,
 - extraordinary public expense,
 - create nuisance,
 - damage the rights or property values of other persons in the area,
 - cause fraud on or victimization of the public, or
 - conflict with existing local laws, ordinances or regulations.

Only hardships that are based on unusual or unique physical characteristics of the property in question, characteristics that are not shared by adjacent parcels, shall qualify to meet subsection (ii) above. Claims of hardship based on the structure, on economic gain or loss, or on personal or self-created circumstances are not sufficient cause for the granting of a variance.

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- 7.4.3 No variance may be issued within a regulatory floodway that will result in any increase in the 100-year flood levels. A variance may be issued for new construction, substantial improvements and other development necessary for the conduct of a “functionally dependent use” provided that there is good and sufficient cause for providing relief; and the variance does not cause a rise in the 100-year flood level within a regulatory floodway. The structure and other development must be protected by methods that minimize flood damages.
- 7.4.4 7.4.4 Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation (BFE), and that the cost of flood insurance will be commensurate with the increased risk resulting from the lowest floor elevation up to amounts as high as \$25 for \$100 of insurance coverage.

8. ENFORCEMENT

- 8.1 Each Floodplain Permit shall authorize, as a condition of approval, the Director of Planning and Community Development or designated agents to make regular inspections of the subject property. The Director of Planning and Community Development or designated agents are also authorized to inspect any property in a Special Flood Hazard Area (SFHA) where it appears that violations of these regulations may be taking place.
- 8.2 If the Director of Planning and Community Development finds that any person is undertaking any construction, substantial improvement, filling, or any other activity or maintaining a condition which in violation of these regulations, the Director of Planning and Community Development shall:
 - 8.2.1 Issue a written order by certified mail, return receipt requested, to the subject property owner, ordering that the activity cease and ordering the property owner to either seek to obtain a Floodplain Permit prior to continuing with the activity or, if appropriate, ordering that all violations and/or obstructions be removed from the Special Flood Hazard Area (SFHA) immediately.
 - 8.2.2 Notify the Building Official and request that any Floodplain Permit(s) in force be revoked or suspended and that a stop work order be issued.
 - 8.2.3 The Director of Planning and Community Development may suspend or revoke a Floodplain Permit if it is found that the applicant has not complied with the terms, conditions or limitations set forth in the permit or has exceeded the scope of work as set forth in the application including application plans. Prior to revoking any permit, the Director of Planning and Community Development shall issue notice to the permittee, personally or by certified mail, return receipt requested, setting forth the facts or conduct which warrants the intended action.

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- 8.2.4 Failure to comply with any written order issued under this section shall be considered a violation of these regulations and is subject to the penalties described in Section 10.0.
- 8.2.5 In the event violations or obstructions are not promptly removed from the Special Flood Hazard Area (SFHA), the Director of Planning and Community Development may cause such removal and remediation work to be performed utilizing bond money held in escrow pursuant to Section 3.0 of this regulation, or may direct the Director Of Public Works or appropriate agent to cause such work to be done and to place a lien against the property.
- 8.2.6 Any person subjected to enforcement action pursuant to this regulation, may appeal any requirement, decision, or determination of the Director of Planning and Community Development to the Zoning Board of Appeals], in accordance with Section 6.0 of this regulation. Such person shall provide such information as necessary including appropriate certifications from a registered professional engineer or architect in order to substantiate the claim that the requirement, decision, or determination of the Director of Planning and Community Development was in error or unwarranted.

9. PENALTIES FOR VIOLATION

Any violation of the provisions of this regulation or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grant of variances or special exceptions, shall constitute a misdemeanor. Any person who violates this regulation or fails to comply with any of its requirements shall, upon conviction thereof, be fined a penalty of 250.00 per day or imprisoned for not more than ten (10) days for each day of violation or both, and in addition shall pay all costs and reasonable legal fees involved in the case. Nothing herein contained shall prevent the Town of Southington from taking such lawful action as is necessary to prevent or remedy any violation.

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