

**TOWN OF SOUTHBURY
ZONING REGULATIONS**

as adopted and
amended by the
Southington Planning and Zoning Commission

under the authority
of

Chapters 124 and 126
of the
Connecticut General Statutes, as amended

Effective Date: May 20, 1957
As amended through June 25, 2022

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SECTION ONE

GENERAL

1-01 PURPOSE

These regulations are adopted under the authority of Chapters 124 and 126 of the General Statutes of the State of Connecticut, Revision of 1958, as amended, for the purpose of promoting health, safety, morals, comfort, convenience, prosperity and welfare of the community; for the purpose of lessening congestion in the streets; of providing adequate light and air; of preventing the overcrowding of land and avoiding undue concentration of population; of facilitating adequate, safe and accessible transportation, as well as pedestrian circulation; of facilitating adequate water, sewerage, schools, parks and other public requirements; of conserving the value of buildings and encouraging the most appropriate use of land throughout the town with reasonable consideration for the character of the area and its peculiar suitability for particular uses. To this end the Town of Southington is divided into different districts of zones for the purpose of determining the appropriate use of land in accordance with the present and proposed uses.

1-02 ZONE DISTRICTS

R-80	Residential Zone
R-40	Residential Zone
R-20/25	Residential Zone
R-12	Residential Zone
RO	Residential-Office Zone
R-HD	Residential, High Density
HOD	Housing Opportunity District ¹
CB	Central Business Zone
B	Business Zone
BOZ	Business Overlay Zone
BL	Business Limited Zone
I-1	Industrial Zone
I-2	Industrial Zone
FP	Flood Plain District
AP	Aquifer Protection District

1-03 ZONING MAP

The boundaries of such districts or zones shall be shown on a map entitled "Zoning Map of the Town of Southington, Connecticut," with the effective date of May 20, 1957 and 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.

¹ new ZA #538, effective 9/22/07

1-04 ZONE BOUNDARIES

- 1-04.1 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.
- 1-04.2 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.
- 1-04.3 Where zone boundaries are indicated as approximately following lot lines, such lot lines of record at the time of adoption of these regulations shall be construed to be such boundaries.
- 1-04.4 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.

1-05 LOTS IN TWO OR MORE ZONE DISTRICTS

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.

1-06 CONFORMITY OF BUILDINGS AND LAND

No building or structure shall be erected, reconstructed, structurally altered, enlarged, or moved, nor shall any building, structure or land be designed or designated for any use other than the uses permitted in the zone in which such building, structure or land is located.

1-07 LOTS OF RECORD

- 1-07.1 The provisions of these Regulations shall not prohibit the erection of a single-family dwelling and customary accessory uses in any district in which single-family dwellings are permitted, on a lot which is smaller than required, provided such lot is separately recorded by deed in the Office of the Town Clerk prior to May 20, 1957; and provided further that 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. All structures erected on such lots must be designed and erected in conformance with the provisions of these Regulations and all applicable health and sanitation requirements. Variance of setback requirements shall be obtained only through action of the Zoning Board of Appeals.

1.07.2 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 Sec. 1-07.1, in any district in which single-family dwellings are not a permitted use.

1.07.3 The provisions of these regulations shall not permit the issuance of a building permit for new construction of a single-family dwelling 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 and constructed (i.e., paved) before the passage of these Regulations.

1-08 **REDUCTION OF LOT AREA**

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.

1-09 **PRINCIPAL BUILDING**

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 condominium 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.

1-10 **DISCRETIONARY PUBLIC HEARINGS**

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.

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 a newspaper having a substantial circulation in the Town of Southington, 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 such proposed regulation or boundary shall be filed in the Office of the Town Clerk for public inspection at least ten days before such hearing.

SECTION TWO

DEFINITIONS

For the purpose 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 Planning and Zoning Commission with reference to the Connecticut General Statutes. Words in the present tense include the future and words in the singular include the plural and vice versa. The word "shall" is always mandatory and "person" includes a partnership, firm, association, or corporation.

2-01 A

ACCESSORY USE OR BUILDING - A use or building customarily incidental and subordinate to the principal use or building which is located on the same lot as such principal use or building, or on a contiguous lot under the same ownership subject to the following conditions:

A. In Residential Zones, the following uses shall be considered accessory uses:¹

1. Private garages greater than 3 spaces (as defined below) shall require a Special Permit Use and in addition all garages, sheds and other accessory structures shall be located a minimum of 10 ft. from any property line when located in the rear yard otherwise complying with the appropriate front or side yard requirement. A garage space shall be defined as a 14 foot x 26 foot, or 364 square foot², dimensional footprint for purposes of calculation on number of spaces.³ Other than garages used to house motorized vehicles or barns used to shelter animals, accessory buildings shall follow the area schedule below. No more than one (1) accessory shed shall be erected on a lot. Maximum accessory shed or building size per zoning district shall be as follows:
 - R-80 = 350 square feet
 - R-40 = 300 square feet
 - R-20/25 = 260 square feet
 - R-12, RO and RHD = 200 square feet⁴
2. One commercial vehicle with a storage or carrying capacity not exceeding one ton which is owned and operated by the owner or occupant of each dwelling unit;
3. The renting of rooms and/or table board to not more than two paying guests;
4. Private stables for the keeping of horses or ponies for the exclusive use of the occupant of the principal building on lots having an area of 3 acres or more, and provided that not more than two horses or ponies are kept. Stables shall be located at least 100 feet from any street or property line;
5. No Recreational vehicle (RV), including boats, shall be parked or stored on any lot unless such lot contains a dwelling as a primary use and is in compliance with the following provision:

¹ revised, ZA #544, effective 3/22/08

² revised, ZA 3592, effective 5/20/17

³ revised, ZA #577, effective 3/7/14

⁴ revised, ZA #558, effective 12/25/10

- a. Shall be registered and shall not be used for permanent or temporary human habitation unless used as a mobile home under the conditions provided for in Section 11-08.¹
6. Swimming pools, in compliance with the provisions of the Town of Southington ordinance entitled, "Ordinance Requiring the Fencing of Swimming Pools", shall be located in the rear yard a minimum of 10 feet from any property line;
7. Fences as defined in Section 2-19 S, STRUCTURE of these Regulations;
8. For Farms, the following uses will be considered as accessory uses:
 - a. all buildings which are customarily a part of the use such as barns, shed, silos, stables, chicken houses, garages for motor vehicles and farm machinery;
 - b. warehouses, processing plants, refrigeration plants and other secondary uses frequently a part of the primary agricultural use.

B. In Business Zones the following uses shall be considered as accessory uses:

1. Garages for vehicles used by the tenant of the premises;
2. Off-street parking and loading spaces as required in Section 12.
3. Greenhouses
4. Outside Storage - Outside storage, including the storage of goods and/or merchandise, shall be allowed in the Business (B) Zone Only, subject to the provisions of Section 8, unless certain requirements are waived by the Commission, and the following standards. Such storage is limited to a maximum height of 8 feet and shall be screened from view from any other lot and from any street. Screening standards shall be determined by the Commission with consideration for location, total proposed area of storage, and the types of materials to be stored. The storage area shall be limited to the first floor area of the principal building, conform to the building setback requirements, and shall be limited to the rear yard. 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. 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 1-01 herein.

4.1² Outside storage – In an Industrial I-2 zone – The storage area shall be limited to (50%) of the first floor area of the principal building, when the lot is next to a residential area the storage area shall be fenced in.

¹ revised, ZA #582, effective 1.9.15

² New, ZA #610, effective 6.1.21

4.2¹ Outside storage – in an Industrial I-1 zone, that complies with Section 5-00.15, the storage area shall be limited to 40% of the first-floor area of the principal building and be subject to the provisions of Section 2-01.B.4 herein

5. Satellite receiving antennas subject to the following conditions:
 - a. All structures shall be located in the rear yard, when possible and shall comply with all building setback requirements for the applicable zoning district.
 - b. The erection of satellite receiving antennas shall be subject to the requirements contained within Section 9 of these regulations.

C. In Industrial Zones the following uses shall be considered as accessory uses:

1. Garages for commercial vehicles or vehicles necessary in connection with the principal use;
2. Off-street parking spaces as required in Section 12;
3. Restaurants, cafeterias, clinic or hospital facilities necessary in connection with the principal use, and used exclusively by the employees of the principal use;
4. Outside Storage - Outside storage subject to the provisions of Section 2-01.A.B4 herein;
5. Satellite receiving antennas in accordance with Section 2-01 A.B.5.

¹ New, ZA #615, effective 6.25.22

2-01.A

D. In Executive Park - Besides those accessory uses as defined in 2-01 A C.3, the following uses are considered accessory uses within the confines of the Executive Park:

- A. Banks
- B. Drugstores
- C. Florists
- D. Delicatessens and “fine food” shops
- E. Books, stationery, office supplies and notions shops
- F. Jewelry stores and gift shops
- G. Custom tailoring and clothing shops
- H. Travel agencies
- I. Luggage stores
- J. Tobacco, candy and related products stores
- K. Barber shops and beauty parlors
- L. Printing, publishing and reproduction establishments employing not more than five (5) persons
- M. Restaurants which are not of the “drive-in” type and which are contained within the Conference Center
- N. Other uses which, in the opinion of the Commission, are of the same general character 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.

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

ADULT ORIENTED BUSINESS – an Adult Oriented Business as defined in Section 11-17.¹

ALCOHOLIC BEVERAGE - The term alcoholic beverage shall include all spirituous and intoxicating liquors, all mixed liquor of which a part is spirituous and intoxicating, all distilled spirits, all Jamaica ginger, all wine, ale porter and all beer manufactured from hops and malt or from hops and barley.

ANTENNA - A device used to collect or transmit telecommunications or radio signals. Devices shall be limited to dish antennas (also known as microwave antennas), whip antennas (also known as omnidirectional antennas) and panel antennas.

APARTMENT, HIGH-RISE - A building containing multi-family dwellings, with a maximum of four stories in height.

2-02 B

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.

¹ new, ZA #553, effective 6/23/10

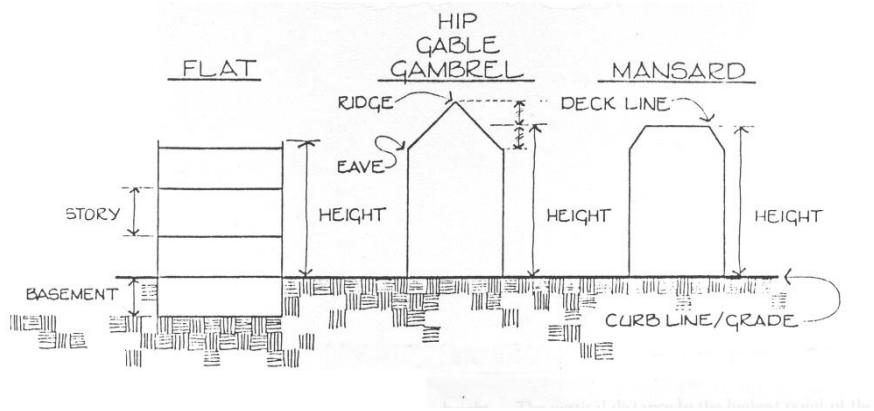
BED AND BREAKFAST FACILITY - An owner occupied private residence in which lodging and breakfast service only is provided for not more than eight transient paying guests.

BLASTING SERVICES BUSINESS - Any person, firm, partnership, association or corporation involved in the storage, sale, and/or distribution of explosives and/or blasting agents, as defined in Title 29, Chapter 541, Sec. 29-343 of the General Statutes. Said business shall not include the manufacture of same.

BOARDING HOUSES - A dwelling, part of which is occupied by the owner or tenant of the building as his principal permanent residence, in which room and/or board is offered or provided, for compensation, to three or more persons.

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 shall be considered as a building, excluding a public utility pole or flagpole.

BUILDING HEIGHT - The vertical distance from the finished grade at any point under construction to the highest point of flat or mansard roofs including the top of a parapet or to the mean level between the eaves and ridge for gable, hip, or gambrel roofs. A flat roof is one whose pitch has a rise of less than three inches in one foot of run.



BUILDING SETBACK LINE - A line within a lot defining the minimum required distance between the principal and any adjacent street or lot line.

2-03 C

CERTIFICATION - A signed, written approval by the Planning and Zoning Commission, or its designated agent that a soil erosion and sediment control plan complies with the applicable requirements of the regulations.

CHILD DAY CARE CENTERS

1. **CHILD DAY CARE CENTER** - A facility which offers or provides a program of supplementary care to more than twelve related or unrelated children outside their own homes on a regular basis for a part of the twenty-four hours in one or more days in the week.

2-03 C

2. **GROUP DAY CARE HOME** - A private family home which offers or provides a program of supplementary care to not less than seven nor more than twelve related or unrelated children on a regular basis for a part of the twenty-four hours in one or more days in the week.

CLUB - Means 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 his membership by payment of his 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.

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.

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

CONFERENCE CENTER - A privately operated multi-purpose facility contained within a single structure and designed to provide public space for meetings and seminars. Such operations shall include full service dining facilities located within the conference center which shall be designed to primarily service the patrons utilizing the conference center. A conference center shall also include provisions for overnight accommodations with not less than 200 guest rooms serving such purpose. 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. 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.

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

2-04 D

DEVELOPMENT - Any construction or grading activities to improved or unimproved real estate.

2-04 D

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.

DISPENSARY – See Section 11-23 for definition.¹

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

DWELLING OR RESIDENCE - A structure intended for human habitation and constructed in accordance with the State of Connecticut Health and Building Codes.

DWELLING, CONDOMINIUM - Privately owned multiple and detached single family dwellings within a condominium project.

DWELLING, MULTI-FAMILY - A building designed or intended to be occupied as a residence for three or more families living independently of each other.

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

DWELLING, TWO-FAMILY – A building on a single lot 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.

2-05 E

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 Section 8-113a(m) of the Connecticut General Statutes as may from time to time be revised or amended.

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

EXECUTIVE OFFICE - General business office of at least 1,250 sq.ft., 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 sq.ft. A proposed general business office or professional office suite of less than 1,250 sq.ft. 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 - Shall mean pre-planned integrated development consisting of

¹ new, ZA #565, effective 10/6/12

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 as defined by Section 5-01.2 & 2-01.A.D.

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

2-06 F

FAMILY - Any number of persons related by blood or marriage living in the same dwelling; or not more than four persons unrelated by blood or marriage living together as a single housekeeping unit.

FAMILY RECREATION/AMUSEMENT PARK - A theme park designed for patronage of the family as a group, with integrated rides, shows, exhibits, events and services in a wholesome, clean and secure environment having a land area not less than 50 acres.

FARM - A plot, tract or parcel of land at least three acres in size devoted primarily to farming.

FARMING - The use of a farm for the production of crops therefrom, including the raising of livestock or poultry.

FENCE - All fencing shall be maintained in good repair. The supporting structure shall be on the interior side, except wire fences enclosing livestock may have the supporting structure on the exterior side. Repairs made to fences shall be of the same material as the existing fence.

FLOOR AREA - The sum of the horizontal area of all floors of a building and its 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.

FOUNDATION, PERMANENT - A masonry or concrete foundation wall designed to be permanent and to support the entire building.

2-07 G

GARAGE, PRIVATE - A detached accessory building or a portion of a main building for the parking of automobiles belonging to the occupants of the premises and in which no occupation or business for profit is carried on. A detached¹ private 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. Also see Accessory Use or Building in Section 2 – Definitions.²

GARAGE, PUBLIC - A building other than a private garage used for maintenance, mechanical repairs, including body repairs and painting, or storage of motor vehicles.

¹ Revised, ZA #592, effective 5/20/17

² revised, ZA #577, effective 3/7/14

2-07 G

GASOLINE FILLING STATION - Any area of land, including structures thereon, that is used for the sale of gasoline or other motor vehicle fuel and oil and/or lubricating substances, including the sale of motor vehicle accessories and which may or may not include facilities for lubricating, or otherwise servicing passenger motor vehicles. "Passenger motor vehicle" means a motor vehicle which has a capacity of carrying not more than ten (10) passengers, and which is designed and used for the purpose of transporting persons with their necessary personal belongings. Such uses shall be operated primarily for the servicing of passenger automobiles.

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.

2-08 H

HOME OCCUPATION - Certain limited uses such as dressmaking, millinery, laundering, sewing, telephone answering services, and the sale of crafts and antiques which may, in the opinion of the Planning and Zoning Commission following Public Hearing, be properly carried on for compensation entirely within a dwelling by the occupant thereof. Home Occupations shall not include those activities which are customarily conducted as a principal use within a principal structure. The Planning and Zoning Commission shall permit those uses which:

- A. Are clearly incidental and subordinate to the use of the dwelling for residential purposes;
- B. Do not change the residential character of the dwelling in any visible manner;
- C. Do not create objectionable noise, odor, vibrations, or unsightly conditions;
- D. Do not create interference with radio and television reception in the vicinity;
- E. Do not create health or safety hazards;
- F. Do not generate pedestrian or automobile traffic other than that normally generated by a residence;
- G. Do not give rise to outside storage;
- H. Are not carried on or located within the garage portion of the main building or within a detached accessory building;
- I. Equipment used in such occupation shall be customarily incidental to residential occupancy;
- J. No finished consumer goods shall be acquired outside the dwelling unit for sale in connection with a Home Occupation within the dwelling unit;
- K. No classes or meetings shall be held for the purpose of giving lessons or instructions for more than two students or pupils at a time.
- L. Home occupation permits are non-transferable.

2-08 H.

HOTEL, INN - A building, designed or altered and used exclusively for temporary occupancy by transients which may include the serving of food, alcoholic beverage, and rooms for public assembly.

2-09 I

INSPECTION - The periodic review of sediment and erosion control measures shown on the certified plan.

2-11 K

KENNEL - Any premises on which four or more dogs six months old or older are kept, day and/or night, where permitted by zoning classification. For clarification purposes, all pet spay/neuter clinics, dog grooming/doggie daycare/dog therapy facilities are considered to be "kennels".¹

2-12 L

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.

LICENSED DISPENSARY – See Section 11-23 for definition²

LICENSED PRODUCER – See Section 11-23 for definition³

LOT - A plot or parcel of land occupied or capable of being occupied by one principal building and the accessory buildings or uses customarily incidental to it, including such open spaces as are required by these Regulations.

LOT, CORNER - A lot of which two adjacent sides face a street or streets so that the interior angle of the intersection is not more than 120 degrees, provided that the corner of any such intersection is not rounded by a curve having a centerline radius of greater than 150 feet. The "primary front yard" (as depicted in the illustration) of a corner lot is defined as that side of the lot which the front door is positioned.⁴ See the following for corner lot illustration.

LOT COVERAGE - The ground area enclosed by the walls of a building together with the areas of all covered porches and other roofed buildings.

LOT, WIDTH OF - 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.

LOT LINE - Any property line bounding a lot.

2-13 M

¹ Revised, ZA #592, efffectivue 5/20/17

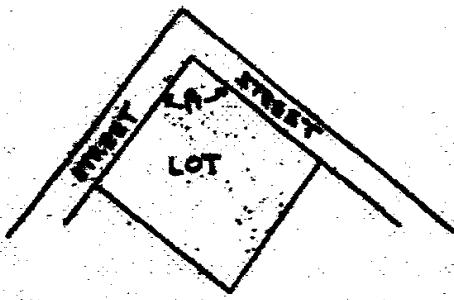
² new, ZA #565, effective 10/6/12

³ new, ZA #565, effective 10/6/12

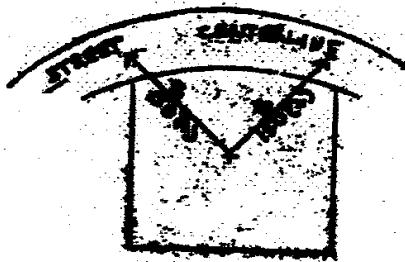
⁴ revised, ZA #559, effective 8/19/11

MOBILEHOME - A trailer coach or mobilehome, which is or can be used for sleeping, living or working quarters, and which is, has been, or can be mounted on wheels, and which may contain cooking, bathing and toilet facilities, and is capable of being connected to a water supply and sewage disposal system.

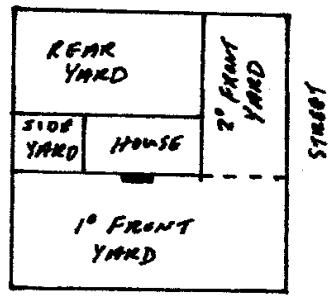
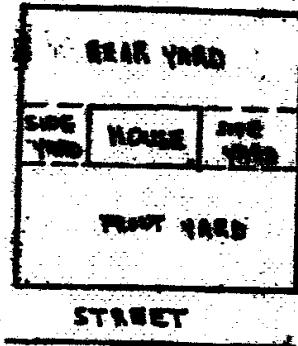
MOBILEHOME CAMP OR PARK - A lot, parcel or area which is subdivided into sites for the purpose of leasing, but not for the sale of, sites and/or mobilehomes and sites for the location of two or more mobilehomes to be occupied for living purposes.



If $\angle \text{B} \leq 120^\circ$ or less than lot is a corner lot, unless



Radius of $\angle \text{B}$ is 120° or more, in which case the lot is still considered conventional.



* Rev. ZA #559, effective 8/19/11

ILLUSTRATION
SECTION 2-12 L

2-13 M

MOBILEHOME SITE - A parcel of land on which one occupied mobilehome may be legally maintained.

MONOPOLE - A structure composed of a single spire used to support antennas.

MOTEL - A building or buildings designed and used for all weather occupancy, primarily for overnight accommodations for motor tourists and transients, with no fewer than twelve (12) non-housekeeping units enclosed within the walls of any one building.

2-14 N

NON-CONFORMING USE - A use of land, building, or premises which is not a use permitted by the provisions of these regulations for the zone in which such land, building or premises is situated, and which is legally in existence at the time of passage of these Regulations.

NON-CONFORMING BUILDING - A building which does not conform to all the applicable provisions of these Regulations, and which is legally in existence at the time of passage of these Regulations.

NON-CONFORMING LOT - A lot which does not meet the requirements of the applicable provisions of these Regulations for the zone in which it is presently located but which was legally in existence as a lot of record in accordance with Section 1-07 of these Regulations.

2-15 O

OPEN SPACE - An unoccupied space open to the sky on the same lot as the building.

2-16 P

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 Twelve.

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

PRINCIPAL USE OR BUILDING - The main use of the land or building(s) as distinguished from an incidental and subordinate accessory use of land or building(s) (see also Section 1-09).

2-16 P

PRODUCER – See Section 11-23 for definition¹

PROFESSIONAL OFFICE - An office of recognized professions such as 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, provided no human patient is hospitalized or housed overnight.

PLAN OF CONSERVATION AND DEVELOPMENT “POCD”- The adopted Comprehensive POCD, as amended, and all the land use studies and fact sheets leading to it.²

PUT INTO EFFECT - To substantially commence and implement the completion of plans approved under the provisions of these Regulations by showing actual accomplishment of concrete measures.

2-18 R

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

ROOMING HOUSE - See “Boarding House”

2-19 S

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 structure, either free standing or attached to a larger structure, designed exclusively for the keeping and/or storage of items accessory to the principal use. Sheds shall be constructed of wood, metal or vinyl, and shall not exceed a height of one and one-half story. Sheds are not to be used for human habitation, the operation of a business, the sheltering of motor vehicles, or for the housing of animals.⁴

SHOPPING CENTER, REGIONAL - An area originally planned and developed as a single unit, having a total ground floor building area of not less than 90,000 square feet, with immediate adjoining off-street parking facilities for not less than 300 automobiles.

SHOPPING CENTER, NEIGHBORHOOD - A complex of shopping facilities of less than 90,000 square feet catering to the shopping needs of the residents of the neighborhood.

SIGN – Any device, emblem, logo or insignia for visual communication which is used for the purpose of bringing the subject thereof to the attention of the public and/or which is situated so that it

¹ new, ZA #565, effective 10/6/12

² Revised ZA #592, effective 5/20/17

³ new, ZA #582, effective 1/9/15

⁴ new, ZA #558, effective 12/25/10

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. Design standards shall be substantially similar to the material example available in the Planning Department with preference given to chalkboard, dry-erase, or wood.²

SOIL - Any unconsolidated mineral or organic material of any origin.

SOIL EROSION & SEDIMENT CONTROL PLAN - A scheme that minimizes soil erosion and sedimentation resulting from development and includes, but is not limited to, a map and narrative.

SOLAR ARRAY – ACCESSORY RESIDENTIAL³ - A “solar array” shall mean a free-standing, ground-mounted system consisting of a linked series of photovoltaic modules, the primary purpose of which is to provide for the collection, inversion, storage, and distribution of solar energy for electricity generation, space heating, space cooling, or water heating on-site. However, excess energy output may be delivered to a power grid to offset the cost of energy on-site.

STORY - A story is 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 a gable, hip or gambrel roof and the floor below provided the floor is not more than two feet below the plate, or otherwise as defined by the Building Department via the State Building Code.⁴

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 - Anything constructed or erected which requires location on the ground or attachment to something having location on the ground, including foundations and signs. In any zone, walls and fences, except those less than four feet in height and located in a front yard or less than seven feet in height and located in a rear or side yard, shall be classified as structures, and with regard to their erection and maintenance, shall be subject to the same rules and regulations herein contained for other structures. In a rear lot, walls and fences less than

¹ revised, ZA #583, effective 1/9/15

² new, ZA #579, effective 8/2/14

³ New, ZA 607, effective 5/19/21

⁴ Revised, ZA #592, effective 5/20/17

seven feet in height and located in the front yard of the rear lot, shall be exempt from classification as a structure. In a residentially zoned corner lot, walls and fences may be erected on the secondary front yard with a setback distance of 1/2 the published front yard setback. All other structures must use and conform to standard published setbacks as outlined in the zoning regulations.¹

STRUCTURAL ALTERATION - Any change in or addition to the supporting members of a structure such as bearing walls, columns, beams or girders.

2-20 T

TOURIST HOME - A residence in which the owner offers overnight accommodations to not more than 5 transient persons for compensation.

TRAILER - See "Mobilehome".

TRUCK SERVICE CENTER - A privately operated business in which the primary activity involves the maintenance and servicing of trucks; including the sale of gasoline, oil, petroleum-related products and services utilized in the operations of commercial trucking. For purposes of this definition, a truck means a motor vehicle designed, used or maintained primarily for the transportation of property. 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. Truck service centers shall not include provisions for the sale of new or used vehicles, including but not limited to trucks, nor facilities for the overnight accommodation of people and/or overnight parking of trucks.

2-23 W

WIRELESS TELECOMMUNICATION FACILITIES - Antenna(s), telecommunications equipment, monopole(s) or lattice tower(s) and equipment shed(s) or cabinet(s) used together in conjunction with the provision of wireless communication services. Wireless telecommunication services shall be limited to cellular communications services, personal communications services, paging, radio and television broadcasting services.

2-25 Y

YARD, FRONT - An open space extending across the full width of the lot between the street line and the nearest point of the front wall of a principal building. Refer to illustration in Section 2-12.

YARD, REAR - An open space extending across the full width of the lot between the rear lot line and the nearest point of the rear wall of a principal building. Refer to illustration in Section 2-12.

YARD, SIDE - An open space extending from the front yard to the rear yard between the side lot line and the nearest point of the side wall of a principal building. Refer to illustration in Section 2-12.

¹ revised, ZA #559, effective 8/19/11

2-26 Z

ZONE - Any portion set aside on the Zoning Map having separate requirements established by these regulations.

SECTION THREE RESIDENTIAL ZONE REQUIREMENTS

3-00

3-01 RESIDENTIAL ZONE R-80 AND R-40

3-01.1 Permitted Uses

- A. Single family dwellings.
- B. Farming, together with accessory uses as provided in Section 2-01.A.11, including agriculture, orchards, forestry, truck and nursery gardening, dairy farming, livestock and poultry raising excluding the commercial raising of pigs and fur bearing animals, provided that no buildings erected subsequent to the adoption of these Regulations for the purpose of housing livestock or poultry shall be located less than 100 feet from any street or lot line.

3-01.2 Special Permit Uses

Special permit uses may be granted by the Planning and Zoning Commission after public hearing subject to the satisfaction of requirements and standards as set forth in Section 8.

- A. The following uses or additions thereto may be permitted by the Planning and Zoning Commission in any zone district where such uses are determined essential to public convenience or welfare:
 - 1. Governmental facilities and uses including Town, State and Federal;
 - 2. Public utility lines, stations and buildings. Telephone community service cabinets measuring no greater than 8'x3'x6' may be allowed without a special permit, providing site plan approval is granted.
- B. Home Occupations as provided in Section 2-08 H
- C. Family Recreation/Amusement Park subject to the following conditions:
 - 1. Public sewer and water service.
 - 2. 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.
 - 3. The Commission shall require estimates and projected impact on employment, public utilities, police and fire protection during the period of operation.

4. 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.
- D. Medical facilities for the care and treatment of mental and/or nervous disorders, including alcoholism and addiction to drugs.
- E. The purpose of a parent/grandparent apartment is 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. Specific provisions for the creation of a parent/grandparent apartment are listed in Section 11-22 of these regulations.¹
- F. The following special permit uses may be granted by the Planning and Zoning Commission, after public hearing and subject to the satisfaction of requirements and standards as set forth in Section 8-00.
 1. Permanent adult or child day-care services or nursery schools in which care is provided for 13 or more clients and subject to the following:
 - A. Compliance with State licensing requirements.
 - B. If located in a dwelling unit as an accessory use. No more than 20 clients shall be accommodated at one time. The maximum number of clients may be waived by a two-thirds vote by the Commission.
 - C. If located in a building in a business zone no more than 25 clients shall be accommodated at one time. The maximum number of clients may be waived by a two-thirds vote by the Commission.
 - D. Except in an R-80 zone where 80,000 square feet shall be required, any children's facility in any other zone shall be on a lot having a minimum area of 40,000 square feet.
 2. Private or public playfields that promote retention of open space including playgrounds, golf courses, ski areas, riding academies and similar recreational areas operated on either a profit or non-profit basis.
 3. Community theater buildings of a duly incorporated non-profit body; or private clubs, restricted to members only, and operated not for profit.
 4. Cemeteries.

¹ revised, ZA #539, effective 8/24/07

5. Camps: Provided 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 all structures on the property shall be located 100 or more feet from any street or lot line.
6. Churches, synagogues and other places of worship subject to the provisions in Sections 11-21, and 12 of these regulations also.¹
7. Hospitals, convalescent, nursing homes and managed residential communities operated by an assisted living services agency.
8. Private schools and colleges.
9. Commercial golf courses, ski areas, and riding academies which promote retention of open space.
10. Tourist homes and boarding and rooming houses restricted to the letting of rooms and furnishing of board in a dwelling unit may be permitted for no more than six persons, provided that central cooking facilities are shared and no accessory building shall be used for renting of rooms or furnishing of board. Tourist homes and boarding and rooming houses shall be restricted to the Residential R-12, Residential Office (RO) or Residential High Density (R-HD) zoning districts.
11. The Commission may authorize the establishment of a bed and breakfast facility subject to compliance with Section Eight (8) of these regulations and the provisions listed in Section 11-19.²
12. Private horse stables which promote the retention of open space and are exclusively for the benefit of the property owner and exists for the explicit purpose of providing a location for sick and aging horses, which cannot be used for riding and other similar purposes. Provided that the operation is for nonprofit, appropriate fencing is provided, that the stable or barn is of appropriate size to house the number of horses allowed. Not more than 8 horses or ponies shall be allowed under this regulation, that a letter from a Dr. of Veterinary Medicine is submitted indicating the conditions of the horses or ponies. This section applies to properties consisting of at least 2.8 +/- ac. exclusive of access.

3-01.3 Special Exception

3-01.31

The Zoning Board of Appeals may, after public hearing and subject to appropriate safeguards in harmony with the general purpose of these Regulations, grant a special exception for the following uses:

¹ revised, ZA #539, effective 8/24/07

² revised, ZA #539, effective 8/24/07

- A. Circuses, carnivals or similar types of entertainment of a temporary nature, for local, civic, fraternal or philanthropic purposes only.
- B. The keeping of a family flock of chickens (limit 12), subject to the following conditions:
 - 1. The use shall be confined to an enclosure having a total area of not more than 400 square feet.
 - 2. Any structure used for this purpose is to be located not less than 30 feet from any lot line, and 100 feet from any street line.
 - 3. No roosters.¹
- C. The sale of alcoholic beverages when part of a bona fide golf course, tennis, country or athletic club operation that is located on nine or more acres, provided that the said use is clearly incidental and subordinate to the principal use, and located within the principal building.
- D. Christmas trees or similar seasonal sales of a temporary nature by a civic, fraternal or philanthropic group.
- E. Adult day care facilities for six or fewer clients in private homes.
- F. Adult or child day care facilities for not less than seven nor more than twelve persons subject to the licensing requirements of the State, and providing said facility is in either an R-80 or R-40 zone.
- G. The sale of wine and beer at restaurants existing on or before October 1, 2012, provided that the said use is clearly incidental and subordinate to the principal use, and located within the principal building.²

3-02 RESIDENTIAL ZONE R-20/25

3-02.1 Permitted Uses:

- A. Any building or use permitted in R-80 and R-40 Residential zones, Section 3-01.1 hereof.

3-02.2 Special Permit Uses

The Planning and Zoning Commission may, by special permit, allow the following uses or additions thereto subject to the provisions of Section 8 hereof:

- A. Any building or use allowed by a special permit in R-80 and R-40 Residential Zones, Section 3-01.2 hereof.

¹ New, ZA #564, effective 7/7/12

² new, ZA #568, effective 12.8.12

B. Municipal housing for the Elderly, when sponsored by the Housing Authority of the Town of Southington and financed by local, state or federal funds subject to the following conditions and safeguards:

1. Each lot shall have a minimum area of 5 acres.
2. The minimum land area per dwelling unit shall be 5,000 square feet.
3. The lot shall be served by public sewerage and public water supply.
4. No building shall exceed one story in height.
5. The minimum distance between buildings shall be 35 feet.
6. No building shall contain more than 8 dwelling units.
7. Each property line shall be paralleled by a landscape screen at least 20 feet wide, planted to a mixture of evergreen and deciduous trees and shrubs which shall be maintained in proper order.

3-02.3 Special Exception

3-02.31 The Zoning Board of Appeals may, after public hearing and subject to appropriate safeguards in harmony with the general purpose of these Regulations, grant a special exception for the following uses:

- A. Any building or use allowed by special exception in R-80 and R-40 Residential Zones, Section 3-01.31 hereof.

3-02.32 The Zoning Board of Appeals may, after public hearing and conditional to compliance with the provisions of Section 9, grant a special exception for the following uses:

- A. Any building or use allowed by special exception in R-80 and R-40 Residential Zones, Section 3-01.31 hereof.

3-03 Limited Residential Zone R-12L

3-03.1 Permitted Uses

- A. Any building or use permitted in R-20/25 Residential Zones, Section 3-02.1 hereof; or
- B. Two-family dwellings, except that the minimum land area per dwelling shall be 12,000 square feet.

3-04 Residential Zone R-12

3-04.1 Permitted Uses

- A. Any building or use permitted in R-20/25 Residential Zones, Section 3-02.1 hereof.
- B. Two-family dwellings except that the minimum land area per dwelling unit shall be 12,000 square feet.

3-04.2 Special Permit Uses

The Planning and Zoning Commission may, by special permit, allow the following uses or additions thereto subject to the provisions of Section 8 hereof:

- A. Any building or use allowed by special permit in R-20/25 Residential Zones, Section 3-02.2.A.
- B. Multi-family dwellings, attached and detached single family dwellings subject to the following conditions and safeguards:
 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 per dwelling unit shall be 10,000 square feet, or in the case of elderly housing, 8,000¹ square feet.
 3. The lot shall be served by public sewerage and public water supply.
 4. No residential or accessory² building shall exceed three stories and 35 feet in height.
 5. The minimum distance between buildings shall be 45 feet for multi-family buildings. Duplex and detached single family dwellings may be a minimum of 25 feet apart in a condominium project.³
 6. 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.
 7. Applicants proposing to develop elderly housing shall consider incorporating a community center or meeting room for the use and enjoyment of residents. This

¹revised, ZA #539, effective 8/24/07

² revised, ZA #539, effective 8/24/07

³ Revised, ZA #600, effective 7/5/19

building must provide or have access to parking equal to one quarter of the number of units on site. The applicant may ask the commission to waive this requirement if visitor parking is nearby.¹

8. 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.²
9. Plans shall provide on the same plot of land a play space, enclosed by a fence or other physical barrier,³ for the children of such dwellings which shall contain not less than four hundred (400) square feet for each family housed, except in the case of elderly housing where said space shall be provided for active or passive adult recreation.

The Commission, in its sole discretion and subject to a two-thirds affirmative vote, may waive or reduce recreational requirements for elderly housing as set forth hereinabove if it finds one or more of the following:

- a) That the proposed use is designed exclusively for elderly housing;
- b) That all or a majority of the proposed units shall be designed to have no more than one bedroom per unit;
- c) That the lot is located within a reasonable and safe distance to a public park, public school, or other facility with a reasonable area of land dedicated to recreational usage;
- d) That the applicant has proposed a community center or meeting room for the use of the residents. However, provision of a community center may not completely eliminate the requirement to provide open space areas for passive recreation and enjoyment of the residents.⁴

10. Each property line shall be paralleled by a landscaped screen at least 35⁵ feet wide, planted to a mixture of evergreen and deciduous trees and shrubs, which shall be maintained in proper order.
11. Each application for multi-family dwellings, in addition to the application requirement of Section 8-03, shall be accompanied by the appropriate fee payable to the Town of Southington.⁶

¹ new, ZA #539, effective 8/24/07

² new, ZA #539, effective 8/24/07

³ revised, ZA #539, effective 8/24/07

⁴ new, ZA #539, effective 8/24/07

⁵ revised, ZA #539, effective 8/24/07

⁶ revised, ZA #539, effective 8/24/07

12. Control of Issue of Certificates of Occupancy: The issue of Certificates of Occupancy shall be limited to 75% of the dwelling units contained in the project until:

- a) All common and/or public improvements, landscaping or erosion and sedimentation control measures covered by bond 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.
- b) 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 his designee.
- c) All recreational facilities shown on the approved final plan have been installed.
- d) The final course of pavement has been installed.¹

C. Planned Unit Development in accordance with the provisions of Section 10.

3-04.3 Special Exception

3-04.31 The Zoning Board of Appeals may, after public hearing and subject to the appropriate safeguards in harmony with the general purpose of these regulations, grant a special exception for the following uses:

- A. Any building or use allowed by special exception in R-20/25 Residential Zones, Section 3-02.31 hereof.
- B. Conversion of an existing dwelling to a two-family use subject to the following conditions:
 1. The minimum required lot area shall be 18,000 square feet.
 2. Each dwelling unit shall have a minimum living area of 600 sq.ft. for a 2-room unit, plus an additional 150 sq.ft. for each additional room;
 3. Exterior stairs shall be enclosed.

3-04.32 The Zoning Board of Appeals may, after public hearing and conditional to compliance with the provisions of Section 9, grant a special exception for the following uses:

¹ new, ZA #539, effective 8/24/07

- A. Any building or use allowed by special exception in R-20/25 Residential Zones, Section 3-02.32 hereof.

3-05 RESIDENTIAL-OFFICE ZONE (RO)

3-05.1 Permitted Uses

- A. Any building or use permitted in R-12 Residential Zones, Section 3-04.1 hereof.
- B. The use of buildings existing as of October 22, 1971 for professional office or for the mixed use of both residential and professional offices including financial institutions, insurance agencies, undertaking establishments and beauty and cosmetic salons subject to the provisions of Section 9, provided:
 - 1. That any addition or alterations to the exterior of the building shall not lessen the residential character of the building;
 - 2. Any additions shall not exceed 25% of the base floor area of the existing building, unless for good cause, is waived by the commission;
 - 3. Parking shall be restricted to the rear of the building, unless for good cause is waived by the Commission;
 - 4. The Zoning Board of Appeals shall not have the power to issue parking variances in RO zones.

3-05.2 Special Permit Use

The Planning and Zoning Commission may by special permit allow the following uses or additions thereto subject to the provisions to Section 8 hereof:

- A. Any building or use allowed by special permit in R-12 Residential Zones, Section 3-04.2 hereof
- B. The use of buildings existing as of October 22, 1971 for commercial uses which are permitted in a Central Business Zone in accordance with the provisions of Section 4-01.1 excluding banks, clubs and lodges, food shops, hotels, laundries, restaurants and eating establishments, self-service laundries and movie houses and which, in the opinion of the Commission, are not detrimental to the surrounding area and/or adjacent properties, subject to the provisions of Sections 8 and 9 provided:
 - 1. All plans comply with the requirements of Section 3-05.2.B.1-4 of the regulations.
 - 2. Any area used for retail sales or service shall be confined to the first floor of the building.

3. The Commission makes a determination that the location, nature, intensity of operations of the commercial use are in character and harmony with the surrounding areas and adjacent properties,

3-05.3 Special Exception

3-05.31 The Zoning Board of Appeals may, after public hearing and subject to appropriate safeguards in harmony with the general purpose of these Regulations, grant a special exception for the following uses:

- A. Any building or use allowed by special exception in R-12 Residential Zones, Section 3-04.31 hereof.

3-05.32 The Zoning Board of Appeals may, after public hearing and conditional to compliance with the provisions of Section 9, grant a special exception for the following uses:

- A. Any building or use allowed by special exception in R-12 Residential Zones, Section 3-04.32 hereof.

3-06 RESIDENTIAL, HIGH-DENSITY (R-HD)

3-06.1 Zone Location

Each R-HD zone shall directly adjoin or be directly across a public street from a Central Business Zone or Residential Office Zone and must be within a zoning district designated as R-12 on the current zoning map. In addition, no R-HD zone shall extend more than 2,000 feet radially from the intersection of Main Street and Academy Street or South Main Street and West Main Street. Notwithstanding the above, if any portion of a parcel of land is located within said radius, the entire parcel may be considered for Residential, High Density designation by the Planning and Zoning Commission.

3-06.2 Permitted Uses

- A. Any building or use permitted in R-12 Residential Zone, Section 3-04.1 hereof.
- B. Up to three-family dwellings except that the minimum land area per dwelling unit shall be 8,000 sq.ft.

3-06.3 Special Permit Uses

The Planning and Zoning Commission may by special permit allow the following uses or additions thereto subject to the following uses or additions thereto subject to the provisions of Section 8 hereof:

- A. Any building or use allowed by special permit in the R-12 Residential Zone, Section 3-04.2.A.

B. Multi-family dwellings including apartments may be allowed as a special permit use by the Commission in the R-HD zone, subject to the provisions of Section 8 and the following conditions and safeguards:

1. Each lot shall have a minimum area of 60,000 square feet, exclusive of site access.
2. The minimum land area per dwelling unit shall be 3,000 square feet.
3. The lot shall be served by public sewer and water.
4. The minimum distance between buildings shall be 25 feet. A landscaped buffer of 20 feet shall be provided as practicable around the perimeter of the site. The Commission may waive or lessen this requirement with a 2/3 vote due to unique site characteristics.¹
5. Each application for multi-family dwellings, in addition to the application requirement of Section 8-03, shall be accompanied the appropriate fee payable to the Town of Southington.²

3-06.4 Effective Date

This Section shall be effective for all zone change requests filed on or before December 1, 1994. On and after January 1, 1995, no requests for change of zone for Residential High Density shall be granted.

3-07 OPEN SPACE PRESERVATION SUBDIVISION

3-07.1 General

In accordance with the procedures, standards and conditions hereinafter specified, the Southington Planning and Zoning 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 3-07.2³ 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.

3-07.2 Purpose

¹ new, ZA #539, effective 8/24/07

² revised, ZA #539, effective 8/24/07

³ Revised, ZA #547, effective 5/3/08

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.

3-07.3 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:
 1. 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 Sec. 3-07.2¹ than a conventional subdivision.

¹ revised, ZA #547, effective 5/3/08

2. Eight¹ 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 Sec. 3-07.2.² The conventional subdivision plan shall not be used to determine the maximum number of lots.
3. 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 3-07.3.B³ 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 Sec. 3-07.2⁴ and the plan conforms to the Design Standards and Conditions of Sec. 3-07.4⁵ 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 Sec. 3-07.2⁶ 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 Section 8-3d of the Connecticut General Statutes, as amended. Recording of the Special Permit shall be the responsibility of the applicant.

3-07.4 Standards and Conditions

All Open Space Preservation Subdivisions shall conform to the following minimum standards and conditions, unless otherwise noted:

¹ revised, ZA #539, effective 8/24/07

² revised, ZA #547, effective 5/3/08

³ revised, ZA #547, effective 5/3/08

⁴ revised, ZA #547, effective 5/3/08

⁵ revised, ZA #547, effective 5/3/08

⁶ revised, ZA #547, effective 5/3/08

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

1. In the opinion of the Commission, the purposes set forth in Sec. 3-07.2² 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.

¹ revised, ZA #539, effective 8/24/07

² revised, ZA #547, effective 5/3/08

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 Seven 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;¹
3. Floodplain area as defined per Sec. 6-01.01 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 (sq. ft.)

<u>R-80</u>	<u>R-40</u>	<u>R-20/25</u>
43,560	22,500	14,000

- 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.

¹ revised, ZA #539, effective 8/24/07

3. Lot Coverage - The aggregate coverage on any lot by buildings and other structure shall not exceed 20%.
4. Lot Width - Each lot shall have a minimum lot width, measured at the front building setback line, as follows:

<u>R-80</u>	<u>R-40</u>	<u>R-20/25</u>
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 Sec. 3-07.2¹ are met:

<u>R-80</u>	<u>R-40</u>	<u>R-20/25</u>
110'	100'	80'

5. Interior (rear) lots

Each interior rear lot created shall have a minimum area, as specified in Section 11-14, of two (2) times the requirement stipulated in Sec. 3-07.4 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.

¹ revised, ZA #547, effective 5/3/08

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.
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

R-80 On-site water and septic provided a favorable report is submitted from a licensed Professional Engineer on percolation rates for each lot.

R-40 Public water or sewers shall be required as a minimum. Both shall be required, whether available or not as defined by Article 17 of the State Building Code, upon recommendation of the local or State Health Department and/or the Town Engineer. For any percolation rate in excess of 20 minutes, the on-site septic system shall be of special design certified by a Licensed Professional Engineer. For any subdivision proposing on-site wells, evidence deemed satisfactory to the Commission shall be submitted by a licensed well driller or other qualified individual to insure proper well yield and potability prior to subdivision approval.

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.

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 Sec. 3-07.2¹ 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:

¹ revised ZA #547, effective 5/3/08

- 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 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.

3-08 HOUSING OPPORTUNITY DISTRICT (“HOD”)¹

3-08.1 General

¹ New, ZA #538, effective 9/22/07

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.

3-08.2 Purpose – The HOD is made part of the Comprehensive Plan of Zoning for the following purposes:

- A. 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.
- B. To assist the Town of Southington in complying with the State Zoning Enabling Act, Connecticut General Statutes § 8-2, as amended by Public Act 91-392, by adopting zoning regulations that promote housing choice and economic diversity, including housing for low and moderate income households.
- C. 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.

3-08.3 Petition – 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 14-03. After a zone change is approved, approval of a site plan application is required.¹

3-08.4 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 therefrom.

3-08.5 Permitted Uses

- A. Multi-family dwelling units for rental use or for sale, subject to the following requirements:
 1. Each multi-family dwelling shall be served by public sewer and water.
 2. No building shall contain more than 6 dwelling units.
 3. The minimum distance between multi-family buildings shall be 45 feet. Duplex and detached single-family dwellings may be a minimum of 30 feet apart in a common interest act community.²

¹ revised, ZA #543, effective 6/6/09

² revised, ZA #543, effective 6/6/09

4. The minimum setback from the road shall be 25 feet.¹
5. The minimum side yard setback shall be 40 feet.
6. The minimum rear yard setback shall be 40 feet.
7. The minimum distance between the rear of the units shall be 45 feet. The minimum distance between the sides of units shall be 45 feet. Duplex and single-family dwellings may be a minimum of 30 feet apart in a condominium project.
8. Decks and patios shall not be in the building setback.
9. No residential or accessory building shall exceed three stories or 35 feet in height.

B. A lease or sales office, recreational facilities and garages for the private use of the residents and their guests;

C. 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.

D. Active and passive recreational uses, including, 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 dwellings², 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 waive or 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.

E. Signs, as provided in Section 13;

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

3-08.6

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.

¹ revised, ZA #543, effective 6/6/09

² revised, ZA #543, effective 6/6/09

3-08.7 Affordability Requirement – 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 Connecticut General Statutes § 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 Southington or the statewide median income, whichever is less, as determined by the United States Department of Housing and Urban Development. Such restrictions shall remain in effect for at least forty (40) years after the initial occupation of the proposed development. Those units to which deed restrictions will apply shall be designated with the submission of the final site plan.

3-08.8 Procedure – In addition to the materials required to be submitted under Section 9 as part of a site plan application, the applicant shall submit an “Affordability Plan” that complies with the requirements of Connecticut General Statutes § 8-30g.

3-08.9 Adequate Parking and Access: 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.

3-08.10 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. All landscaping shall be appropriately maintained. Applicants shall avoid clearing existing vegetation where possible, but may propose additional plantings where necessary to improve screening. Such landscaping is not required in areas where utilities are proposed or where wetlands or watercourses are located.¹

3-08.11 Mechanicals and outside generators that serve the entire community² 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.

3-08.12 If a community center is proposed, the community center shall have one parking space for every 200 s.f. of gross area of the community center in accordance with Section 12-01.1 of the Zoning Regulations.³

3-08.13 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

¹ revised, ZA #543, effective 6/6/09

² revised, ZA #543, effective 6/6/09

³ revised, ZA #543, effective 6/6/09

glare.

3-08.14 Design Standards for Transportation Network: 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.

3-08.15 Adequate Public Utilities: 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.

3-08.16 A Phase I Environmental Report must be submitted to verify there are no environmental concerns and no potential environmental equity concerns.

3-08.17 Adequate Streets for Use: 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.¹ The Commission may deny any proposed development which causes the level of service (LOS) on a roadway or roadway to fall below LOS D². Alternately, offsite roadway improvements or signalization may be required to ensure the adequacy of the local roadway system and public safety. 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. 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 but not limited to restricted turning movements and shared access.

3-08.18 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.

3-08.19 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.

3-08.20 Environmental Protection and Conservation: That the proposed plans shall provide for the reasonable conservation of natural features,³ 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.

¹ revised, ZA #543, effective 6/6/09

² revised, ZA #543, effective 6/6/09

³ revised, ZA #543, effective 6/6/09

3-08.21¹

Control of Issue of Certificates of Occupancy: The issue of Certificates of Occupancy shall be limited to 75% of the dwelling units contained in the project until:

- a. All common and/or public improvements, landscaping or erosion and sedimentation control measures covered by bond 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.
- b. 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 his designee.
- c. All recreational facilities shown on the approved final plan have been installed.
- d. The final course of pavement has been installed.

¹New, ZA #543, effective 1/5/08

3-09 AGE-RESTRICTED CLUSTER HOUSING ZONE¹

3-09.1 General

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. 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. Potential applicants for ARCHZ project approval are strongly encouraged to meet with Town staff for guidance prior to making a formal application.

3-09.2 Purpose

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

3-09.3 Permitted Uses

Property zoned ARCHZ shall only be used for single-family detached residential housing units and 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.

- A. Any individual property containing 30 acres or more, served by public water and private septic, may be suitable for a mix of single family and attached duplex units not to 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

Further, each housing unit shall be occupied by:

- A. At least one individual who is age 55 years or older.
- B. May have a spouse or other occupant who must be age 18 or older.
- C. An occupant pursuant to Subsection A.2 above who has survived the individual in Subsection A.1 above and who has an ownership interest in the dwelling.
- D. Any occupant pursuant to Subsection A.2 above who has an ownership interest in the dwelling and where the individual in Subsection A.1 above has entered into a long-term continuing care facility.

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.

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.

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.

In accordance with Connecticut General Statutes § 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 certificate of occupancy or certificate of zoning compliance.

3-09.4 Workforce Housing Provision

A. Definitions:

- a. Eligible Household – A household whose annual income is at or below eighty percent (80%) of the area median income 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.

B. Requirements:

- a. Not less than 10% of all the dwelling units 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.
- b. Workforce Housing Units shall only be sold or rented to Eligible Households.
- c. Each Workforce Housing Unit shall be subject to an Incentive Housing Restriction.
- d. All Incentive Housing Restrictions must include, at a minimum, the following:
 1. A description of the Workforce Housing Development.
 2. An identification of the Workforce Housing Units.
 3. A requirement that only an Eligible Household may reside in a Workforce Housing Unit.
 4. The formula pursuant to which the maximum sale price of a unit will be calculated.
- e. 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.

- f. No Workforce Housing Unit shall transfer unless the Zoning Enforcement Officer has issued a Certificate of Zoning Compliance finding that the provisions of this section have been satisfied.
- g. 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.

3-09.5 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.

3-09.6 Site Requirements

Land meeting the following minimum criteria may be permitted at the Commission's sole discretion to be zoned ARCHZ. Such designation may be made at the request of an applicant or upon the Commission's own initiative.

- A. Minimum 5 acres of contiguous land.
- 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 3-09.3.A.¹

¹ Revised ZA #604, effective 7.2.20

3-09.7

Bulk Requirements

Density, Height, Yard and Living Area Requirements shall be as follows:

Density, Height, Yard & Living Area Requirements	
Minimum Project Area	5 acres
Maximum Units per Acre ⁽¹⁾	5
Maximum Building Height	32 feet
Maximum Impervious Coverage	50%
Minimum Frontage of Entire Project	75 feet
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	25 feet
⁽¹⁾ For purposes of calculating net density, 50% of areas defined as inland wetlands, water bodies, watercourses, one-hundred-year floodplain, and areas over thirty-percent slope shall not be included.	

3-09.8

Multiple Parcels

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.

3-09.9

Building Separation

All buildings shall be at measured at the exterior foundation. 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.

3-09.10

Design Requirements

The term "architecture" shall refer to the design of all buildings. The term "hardscape" shall include, but not necessarily be limited to, project signage, walkways, benches, fences, retaining and other walls, decorative elements and similar project features.

The applicant shall provide sufficient detail to demonstrate to the Commission's satisfaction that all project architecture and hardscape elements 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.

3-09.11 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.

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.

3-09.12 Community Facilities

If to be provided, all community facilities shall reflect the same level of quality and consistency in design as other approved project elements.

3-09.13 Site Development/Design Requirements

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.

3-09.14 Green Space

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 character goals by maintaining rural character, 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.

- A. A minimum of 20% of the project shall be dedicated to green space and protected as such in perpetuity through conservation easements.
- B. 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:
 - a. Protects unique natural features, habitat or natural resources;
 - b. Complements other adjacent or proximal natural areas;
 - c. Protects unique historic and/or archaeological features;
 - d. Provides natural screening/buffers from adjacent streets;
 - e. Protects important views and vistas to and/or from the property; or
 - f. Protects landscape elements important to community character, such as stone walls, mature trees, rock outcrops, and other like features.

3-09.15 Landscape and Buffers

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.

- A. 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.
- B. Project Entry. Each project shall include a well-designed entry feature, including but not limited to a project identification sign (monument sign) in compliance with Section 13 - 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.
- C. 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.

D. 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 character 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.

E. Streetscape (Interior)

- a. 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 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. 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.

F. 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.

G. 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.

- A. 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.
- 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. Height. The maximum height of freestanding pole-mounted lights shall be 12 feet.
- E. 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.

3-09.17 Parking and Access Drives

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.

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.

3-09.18 Community Facilities

Each project may provide some form of community facility for the purposes of community association meetings, recreation, or for similar purposes. If proposed, the facility shall be designed and located as an amenity within the project and 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.

3-09.19 Stormwater

Stormwater treatment and management shall reflect the current best management practices promulgated by the CT DEEP. Each project shall be required to meet the draft Phase II NPDES stormwater requirements. 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.

- A. 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.
- B. All such systems shall be privately owned and maintained, and such requirement shall be included in the project declaration.

3-09.20 Refuse

Refuse collection shall be under private contract between the association and a licensed hauler. Refuse collection areas shall be located on the site plan, including any common areas for that purpose. 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.

3-09.21 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. 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.
- B. 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.

3-09.22 Specific Requirements for Zone Change and Conceptual Site Plan Approval

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:
 - a. Proposed roads;
 - b. Building locations;
 - c. Parking locations;
 - d. Common areas;
 - e. Landscaped areas;
 - f. Community facilities;
 - g. Utilities;
 - h. Proposed Green Space;
 - i. Any additional information that the Commission may deem pertinent in order to evaluate the rezoning request.
- 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.

3-09.23

Specific Requirements for Site Plan and Special Permit Approval

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 a grading and erosion control plans.
- F. Details for all hardscape features.
- G. Traffic Statement of Trip Generation or a Traffic Study if Peak Volumes exceed 75 trips.

3-10 Village Residential (VR)¹

3-10.1 Zone Location

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. In addition, the VR zone shall be located entirely within a one-half mile radius of the intersection of Main Street and Columbus Avenue.

3-10.2 Intent and Purpose

- A. Permit the development of multi-family residential use to support the continued revitalization of downtown Southington.
- B. 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.
- C. Promote housing choice and economic diversity, including housing for moderate and low-income households, within the Town of Southington.
- D. Efficiently utilize existing infrastructure and promote neighborhood planning.

3-10.3 Permitted Uses

- A. Any building or use permitted in the R-12 Residential Zone, Section 3-04.1, subject to the requirements of Section 3-10.
- B. Multi-family residential dwellings subject to the requirements of Section 3-10.

3-10.4 Area and Bulk Requirements

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

A. Minimum Parcel Size:	1.5 acres
B. Minimum Building Rear Yard Setback:	10'
C. Minimum Building Side Yard Setback:	10'
D. Minimum separation between buildings:	20'
E. Maximum Building Height:	2 ½ stories or 35'
F. Maximum Building Coverage:	25%
G. Minimum lot area for each unit:	2,000 sq. ft.

¹ New, ZA #603, effective 6.7.21

3-10.5 Other Site Requirements

- A. All dwelling units shall be one-bedroom or two-bedroom units.
- B. The lot shall be served by public sewerage and public water supply.
- C. No residential or accessory building shall exceed three stories or 35 feet in height, whichever is greater.
- D. 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 Section 8-30g. Street trees are not required.
- E. Notwithstanding any other requirement of these Regulations, parking shall be designed to provide safe circulation, and satisfy the following minimum requirements:
 - One-Bedroom Units: 1 $\frac{3}{4}$ spaces per unit
 - Two-Bedroom Units: 2 spaces per unit
- F. Notwithstanding any other requirement in these Regulations, a stormwater quality and quantity management system shall be designed consistent with Section 8-30g, as amended.
- G. A traffic study is not required. However, the Commission may request a traffic study. Traffic associated with the proposal shall be consistent with Section 8-30g, as amended.
- H. Internal sidewalks shall not be required.
- I. Notwithstanding any other requirement of these Regulations, exterior elevations and floor plans may be provided.
- J. Notwithstanding any other requirement of these Regulations, appropriate lighting, and sediment and erosion control measures, shall be provided consistent with Section 8-30g, as amended

3-10.6 Requirements for Affordable Housing in Village Residential Zones

- A. 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 Section 8-30g of the Connecticut General Statutes, as amended.
- B. Affordable housing units shall be of a construction quality that is comparable to market-rate dwellings within the development.

- C. Affordable housing units shall be dispersed throughout the development and built on a pro rata basis as construction proceeds.
- D. 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 Section 8-30g of the Connecticut General Statutes, 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 Section 8-30g of the Connecticut General Statutes, as amended.
- E. 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 Section 8-12.

3-10.7 Application Procedures

- A. Application for rezoning submitted in accordance with these Regulations.
- B. Application for Site Plan approval in accordance with the requirements of these Regulations, consistent with this Section 3-10.

SECTION FOUR

BUSINESS ZONE REQUIREMENTS

4-00

GENERAL¹ - The requirements set forth in this section shall apply to all business zones.

- a. **Uses** - The principal uses in business zones are commercial, devoted mainly to retail trading and service although some business zones allow other uses. All uses are set forth in each business zone category and may be established and conducted by virtue of being either a permitted use or special permit use as designated.

No principal or accessory use shall be detrimental to the public welfare by reason of noise, vibration, smoke, dust, fumes or odor.

- b. **Compliance with Zoning** - No business enterprise shall be commenced or changed in character, and no building or structure shall be built or altered or land used for any purpose 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.
- c. **Building Permits** – No building permit shall be issued until the zoning enforcement officer has approved the permit for zoning compliance.
- d. **Provision of Public Improvements** –

- When a site is developed for business use the developer shall construct sidewalk and curb to town standards along all sides of the developed site which abut a public highway, unless such requirements are waived or deferred by the Commission.
- 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.

- e. **Noise Abatement** - All machinery and devices such as 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.
- f. **Screening of dumpsters, outside mechanicals, mailbox kiosks, etc**

- All dumpsters shall be screened by a lightproof fence and top of dumpster shall be no higher than top of fence. Generators, utility cabinets and other street hardware or mechanicals shall be screened as practicable by landscaping and/or fencing to the satisfaction of the Commission.

¹ New, ZA #540, effective 9/8/07

4-00.1 Automobile Parking – Automobile parking shall be provided in accordance with the the requirements set forth in Section 12 of these regulations. The developer shall obtain approval of site drainage plans prior to construction of parking lot.¹

4-00.2 No building shall be erected without access to the rear of the building for fire protection, servicing, loading and unloading, and the necessary drives serving these areas.

4-00.3 Developed Business premises shall be separated from adjoining residential zones by a landscaped screen not less than 20 feet wide, planted to a mixture of evergreen and deciduous trees and shrubs, unless waived by the Commission. The landscaped border shall provide a year-round effect through which the developed site is obscured from view from abutting residential property. 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. If a landscaped berm, masonry wall or combination thereof at least four feet high is installed to provide the visual screen then the requirement for planting evergreen species may be waived by the Commission.

Along all parking areas and drives this border shall be designed to screen these facilities from view and to prevent automobile headlights from causing a nuisance to adjoining residents. The landscaped border for parking area and drive screening shall not be counted towards the landscape area in Section 12-02.5.

Fencing shall be required 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. 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 after an application for a different material is submitted. 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.

All trees and fences shall be maintained at a height of not more than three feet within the sight distance triangle of all street and driveway intersections, as defined by the Town of Southington Engineering Department.²

4-00.4 If the adjoining lot contains a residence, a light-proof fence constructed of wood shall be installed in addition to the trees to prevent automobile headlights from causing a nuisance to the adjoining residents. The Commission may, for good cause shown³, approve the use of materials other than wood after an application for a different material is submitted.⁴

4-00.5 Yard and Building Lighting - All flood lighting and all other types of lighting which are 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. Full cutoff fixtures with recessed lenses only shall be required unless the applicant specifically requests an alternate lighting fixture.⁵

¹ Revised, ZA #540, effective 9/8/07

² Revised, ZA #540, effective 9/8/07

³ Revised, ZA #544, effective 3/22/08

⁴ New, ZA #540, effective 9/8/07

⁵ New, ZA #540, effective 9/8/07

4-00.6 Access to Premises - Access to the premises shall be 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, and no ingress or egress through residentially zoned land shall be used. Shared driveways are the preferred option where opportunities exist and the Commission will ask the developer to identify any opportunities to do same.¹

4-00.7 Existing residential wood-frame structures, which can meet the standards of the State Fire and Building Codes, may be converted to conforming commercial uses, following site plan approval in accordance with the provisions of Section 9. All such conversions must conform to the applicable handicapped regulations.

4-00.8 “Existing” means structures in existence as of the effective date of this amendment, March 30, 1982.

4-00.9 New commercial structures shall not be attached to, or located on the same lot as, a residential wood-frame structure.²

4-00.10 The mixed use of an existing residential structure for both residential and business purposes may be allowed in framed or non-framed structures, designed to be not more than two stories in height, with the commercial use limited to the ground floor, following site plan approval in accordance with the provisions of Section 9.

4-00.11 The outside displaying of commercial products and/or materials may be allowed in the Commercial and Industrial Zones with the approval of the Planning and Zoning Commission and subject to the following:

- A. In the opinion of the Commission, the outside display nature, size and location along with consideration of the subject site shall be in harmony with the surrounding area and not be detrimental by reasons of vehicular traffic, pedestrian access, dust, noise, odor, fumes or glare.
- B. Only sites for which a site plan has been approved by the Commission may qualify for consideration.
- C. The area designated for such use shall not reduce the number of parking spaces or aisles beyond what is required by the regulations.
- D. The hours of operation shall be normal business hours.
- E. There shall be no distractions to traffic, i.e., loud noises, flashing lights or moving objects of a carnival-like nature.
- F. There shall be no additional signage, other than what is allowed by the regulations.
- G. The Commission may limit the number of items for display to limit congestion and overcrowding.

¹ New, ZA #540, effective 9/8/07

² Revised, ZA #586, effective 8.8.15

- H. There shall be no items on outside display located more than twenty (20) feet from the building and no less than forty (40) feet off the road.
- I. The Commission may require other limitations based on the unique aspects of the subject site.

4-01 CENTRAL BUSINESS ZONE (CB)

4-01.1 Permitted Uses

4-01.11 The following uses shall be considered permitted uses in Central Business Zones (CB), subject to the provisions of Section 9:

- A. Retail Stores
- B. Agencies for real estate and insurance
- C. Art and antique shops
- D. Banks
- E. Barber and beauty shops
- F. Book, stationary and notions shops
- G. Clothing and shoe stores, shoe repair shops
- H. Clubs and lodges
- I. Custom tailoring, dressmaking, millinery
- J. Department and furniture stores
- K. Drugstores
- L. Florists
- M. Food shops (retail), including food, meat and fish markets, bakeries, delicatessens and groceries
- N. Funeral parlors
- O. Hardware, electrical appliance or music stores
- P. Hotels
- Q. Interior decorating shops, painting and wallpaper stores
- R. Jewelry stores, gift shops, jewelry and watch repairing, opticians

- S. Laundries, cleaning and dyeing agencies (no work done on premises)
- T. Parking areas
- U. Pet shops
- V. Restaurants and eating establishments not selling alcoholic beverages
- W. Self-service launderettes
- X. Movie houses
- Y. Business and professional offices
- Z. Other uses which, in the opinion of the Commission, are of the same general character as those listed as permitted uses and which will not, in the opinion of the Commission, be detrimental to the zone

AA. Accessory uses as provided in Section 2-01 A

4-01.12 The following uses shall be considered permitted uses in Central Business Zones (CB), subject to the provisions of Section 9:

- A. Art galleries
- B. Bus passenger stations, taxi service, railroad stations
- C. Business and professional offices
- D. Community center buildings
- E. Museums
- F. Parking structures
- G. Theaters
- H. Other uses which, in the opinion of the Commission, are of the same general character as those listed as permitted uses and which will not, in the opinion of the Commission, be detrimental to the zone.

I. Accessory uses as provided in Section 2-01 A

4-01.2 Special Permit Uses

- A. Any building or use allowed by a special permit in Residential-Office Zones (RO), Section 3-04.2 hereof.
- B. Business colleges and secretarial schools.

C. High-rise structures, including apartments, and a mixed use of both commercial and residential may be allowed as a Special Permit Use by the Commission in Central Business Zones (CB) only, subject to the provisions of Section 8 and the following conditions and safeguards:

1. Each lot shall have a minimum area of 30,000 sq. ft., exclusive of site access
2. The minimum land area per dwelling unit shall be 3,000 sq. ft., or, in the case of housing designed exclusively for the elderly, 1,500 sq. ft.
3. The lot shall be served by public sewer and water
4. The minimum distance between dwellings shall be 35 feet.
5. Each application for multi-family dwellings, in addition to the application requirement of Section 8-03, shall be accompanied by the appropriate fee payable to the Town of Southington.¹

D. 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. 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 multi-family uses as defined and allowed in these regulations, and other uses acceptable to the Commission subject to the following:

1. All buildings to be converted shall have been in existence prior to May 20, 1957.
2. All proposed uses shall be of lesser objectionable character than those presently allowed in that zone or as formerly used in said structure.
3. That the Commission specifically find that the list of proposed mixed uses are in harmony with each other.
4. 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 12, provided that no additions to the structure are proposed and that there is no other available land for parking on such site.
5. That the uses in any building constructed after May 20, 1957, shall be those allowed in that zone.

¹ Revised, ZA #540, effective 9/8/07

6. That in all other aspects the requirements of Section 8 and 9 shall be met.
- E. Any development of a site 4 acres in size or larger, or with 60 or more parking spaces.¹
- F. Dispensary/Licensed Dispensary in accordance with Sections 8, 9 and 11-23.²

4-01.3 Special Exception

4-01.31 The Zoning Board of Appeals may, after public hearing and subject to appropriate safeguards in harmony with the general purpose of these Regulations, grant a special exception for the following uses:

- A. Carnivals, circuses or similar types of entertainment of a temporary nature, for local civic, fraternal or philanthropic purposes only.
- B. Temporary location of vending cart on private property. Requires consent of property owner and all other applicable permits (i.e. Health). Requires annual approval.³
- C. Conversion of an existing dwelling to a two-family subject to the following conditions:
 1. There shall be no minimum floor area
 2. The minimum required lot area shall be 16,000 square feet
 3. Exterior stairs shall be enclosed
 4. Lot serviced by public water and sewer
- D. Christmas tree or similar seasonal sales of a temporary nature by a civic, fraternal, or philanthropic group only.
- E. Outdoor flea markets, craft and antique shows and other activities of a similar nature operated for profit are subject to the following conditions:
 1. Such proposed activities shall only be allowed in the CB and B zones.
 2. Advisory recommendations shall be solicited from the Town Planner, Engineer and Chief of Police with regard to insuring that the site chosen shall be adequate in size, layout and cleanliness to accommodate the proposed activity and that the site will not be hazardous to associated pedestrian or vehicular traffic.

¹ New, ZA #540, effective 9/8/07

² New, ZA #565, effective 10/6/12

³ New, ZA #561, effective 10/8/11

3. Proposed activities shall take place on weekends and holidays only between April 15 and November 15.
4. The Board shall establish the appropriate time period for each permit issued.
5. The Board shall have the power to revoke any approval granted under this section if it determines the applicant is not in compliance with either the terms of this section or the application is not in the interest of public safety.

4-01.32 The Zoning Board of Appeals may, after public hearing and conditional to compliance with the provisions of Section 9, grant a special exception for the following uses:

- A. Restaurants and taverns including entertainment and sale of alcoholic beverages in accordance with the provisions of Section 11-04
- B. Package stores in accordance with the provisions of Section 11-04
- C. The sale or exchange of beer, ale or lager for consumption off the premises when part of a bona fide grocery or drug store business in accordance with the provisions of Section 11-04
- D. Conversion of an existing dwelling to a multi-family use subject to the following conditions:
 1. Each dwelling unit shall have a minimum living area of 600 sq. ft. for a 2-room unit, plus an additional 150 sq. ft. for each additional unit.
 2. The minimum land area per dwelling unit shall be 8,000 sq. ft.
 3. Exterior stairs shall be enclosed.
 4. The lot shall be serviced by public water and sewer.
- E. The use of any premises for the sale or display of new or used motor vehicles, whether within or without any building or other structure, in accordance with the provisions of Section 11-03 hereof.

4-02 BUSINESS LIMITED (BL) ZONE

4-02.1 Permitted Uses

4-02.11 The following uses shall be considered permitted uses in the Business Limited (BL) Zone, subject to compliance with Section 9:

- A. Any building or use permitted in the Central Business (CB) Zone, Section 4-01.1; excluding retail buildings with a gross floor area in excess of 20,000 square feet, department stores, movie houses, theaters, sexually oriented businesses and eating and drinking establishments providing drive-through window or counter take-out service.

4-02.2 Special Permit Uses

- A. Any building or use allowed by Special Permit in the Residential Office (RO) Zone, Section 3-05.2 hereof.

4-03 BUSINESS ZONE (B)

4-03.1 Permitted Uses

4-03.11 The following uses shall be considered permitted uses in Business Zones B, subject to the provisions of Section 9:

- A. Any building or use permitted in Section 4-01.11
- B. Bowling alleys, billiard parlors, dance halls, assembly halls, drive-in theaters
- C. Drive-in restaurants and ice cream bars
- D. Laundries, dry cleaning and dyeing establishments employing not more than 5 persons
- E. Motels
- F. Plumbing shops (retail sales and service only)
- G. Printing, publishing and reproduction establishments employing not more than 5 persons
- H. Shopping centers
- I. Other uses which, in the opinion of the Commission, are of the same general character as those listed as permitted uses and which will not, in the opinion of the Commission, be detrimental to the zone
- J. Accessory uses as provided in Section 2-01 A.

4-03.2 Special Permit Uses

The Planning and Zoning Commission may, by special permit, allow the following uses or additions thereto subject to the provisions of Section 8 hereof:

- A. Any building or use allowed by special permit, Section 3-04.2 A and C hereof.
- B. Bus, Truck and Car Washes. The Commission shall require a traffic study as required in Section 9-03.17 of these Regulations as well as a statement of water use. Private water supplies for washing shall be encouraged
- C. 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. 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 multi-family uses as defined and allowed in these regulations, and other uses acceptable to the Commission subject to the following:

1. All buildings to be converted shall have been in existence prior to May 20, 1957.
2. All proposed uses shall be of lesser objectionable character than those presently allowed in that zone or as formerly used in said structure.
3. That the Commission specifically find that the list of proposed mixed uses are in harmony with each other.
4. 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 12, provided that no additions to the structure are proposed and that there is no other available land for parking on such site.
5. That the uses in any building constructed after May 20, 1957, shall be those allowed in that zone.
6. That in all other aspects the requirements of Section 8 and 9 shall be met.

I. D. Offices for the practice of veterinary medicine and/or animal hospitals and kennels, providing said kennel is located in a soundproof building and has any outdoor dog facilities more than 500 feet away from a residential zone or use.¹

E. Dispensary/Licensed Dispensary in accordance with Sections 8, 9 and 11-23.²

4-03.3 Special Exception

4-03.31 The Zoning Board of Appeals may, after public hearing and subject to appropriate safeguards in harmony with the general purpose of these Regulations, grant a special exception for the following uses:

A. Any building or use allowed by special exception in Central Business Zones (CB), Section 4-01.31 hereof.

4-03.32 The Zoning Board of Appeals may, after public hearing and conditional to compliance with the provisions of Section 9, grant a special exception for the following uses:

A. Any building or use allowed by special exception in Central Business (CB), Section 4-01.32 hereof.

¹ Revised, ZA #592, effective 5/20/17

² New, ZA #565, effective 10/6/12

B. The use of any premise for the sale or display of new or used motor vehicles, whether within or without any building or other structure, for the business of public garages and gasoline filling stations in accordance with the provisions of Section 11-03 hereof.

4-04 Business Overlay Zone (BOZ)

4-04.1 Business Overlay Zone Requirements

4-04.11 The Business Overlay Zone (BOZ) is enacted as an overlay zoning district and is intended to authorize the establishment of alternative uses in addition to those allowed in the underlying zoning district. The Business Overlay Zone is not intended to prohibit the use of land as prescribed in the underlying zoning district.

4-04.12¹ The establishment of alternative uses, as outlined in Section 4-04, shall be subject to the requirements specified in this section. When discrepancies exist, the more stringent requirement shall apply.

- A. A minimum lot area of 30,000 square feet of land area shall be required for the establishment of a commercial use or activity.
- B. Buildings used for commercial purposes shall contain a gross floor area of not more than 20,000 square feet.
- C. 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.
- D. The proposal shall conform to the provisions outlined in Section 4-00 except that outdoor storage and/or display shall be prohibited.

4-04.2 Permitted Uses

The following alternative uses shall be considered permitted uses in the Business Overlay Zone, subject to compliance with Sections 4-04 and 9-00 of the Zoning Regulations:

- A. Any building or use permitted in Section 4-02.11.

4-04.3 Special Permit Uses

- A. Any building or use allowed by Special Permit in Section 4-02.2.

¹ ZA #593, effective 10.7.17

4-04.4¹

Special Exception Uses

The Zoning Board of Appeals may, after public hearing and subject to compliance with the provisions of Section 9, grant a special exception for the following uses:

- A. Public garages in accordance with the provisions of Section 11-03.

4-05

West Street Business Zone (WSB)²

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.

4-05.1

General Concepts

- A. 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.
- B. 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.
- C. 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.
- D. 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.

4-05.2

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.

¹New, ZA #573, effective 10.7.17

² new, ZA #571, effective 8.3.13

4-05.3

Permitted Uses

- A. 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 character 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.
- B. Multi-family residential uses shall be permitted subject to specific requirements of Section 4-05.13.
- C. Drive-thru operations are permitted for financial institutions.

4-05.4

Consolidated Parcels

A. 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.

B. Procedure

1. A consolidated parcel shall be developed with an integrated plan of buildings, parking, loading/unloading, and open space.
2. 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.

C. Access

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 4-05.9A. 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.

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.

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.

D. 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.

4-05.5

Yard and Bulk Requirements

- A. 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.
- B. 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.
- C. Minimum front yard setback is 75'.
- D. Minimum lot depth is 400'.
- E. Minimum side yard setback is 25'.
- F. Minimum rear yard setback is 10'.
- G. Side or rear yards may be ignored along common boundaries of consolidated lots.
- H. 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.
- I. Commission may grant a waiver to the yard setback requirements for sculpture or other decorative items such as fountains.
- J. Maximum lot coverage is 40%. The Commission may grant a 10% bonus for consolidated parcels in accordance with Section 4-05.4D.

- K. 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.
- L. Building size per use (gross floor area) shall be limited to a maximum of 40k s.f.

4-05.6

Site Appearance

- A. 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.
- B. 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.
- C. 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.
- D. 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.
- E. 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.
- F. 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.

4-05.7

Site Appearance of Retail Establishments

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.

- A. 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.
- B. 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.

C. Façade colors should be low reflectance earth tone colors. High intensity or fluorescent colors are not allowed.

D. The predominant exterior building materials should be as follows:

1. Brick
2. Wood
3. Non-sedimentary Native Stone
4. Textured masonry
5. Glass

The use of smooth-faced concrete block and panels, pre-fabricated steel panels, and fiberglass or metal (excluding metal roofs) are prohibited.

E. The use of neon tubing or similar lighting for trim or accent areas is not allowed.

F. 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.

G. Elevation plans shall be submitted with the development application to assist the Commission in determining compliance with this section.

4-05.8

Access and Parking

A. Access Management

The implementation of Access Management should focus on the following:

1. Limiting the number of driveways
2. Choosing driveway locations that reduce conflicts
3. Design driveways to reduce conflicts
4. Encourage shared access between lots
5. Consolidate access for contiguous lots
6. Frontage roads
7. Provision of parking structures that incorporate commercial and/or residential uses on visible faces of the structure

B. Parking Regulations/Requirements:

Parking within the WSB Zone shall adhere to Section 12 of the Zoning Regulations with the following exceptions:

1. 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.
2. 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.
3. Parking spaces may be provided in a lot or within shared, or private garages.

4. Residential parking spaces must be segregated from commercial parking spaces.

C. 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.

D. Landscape Requirements in Parking Areas

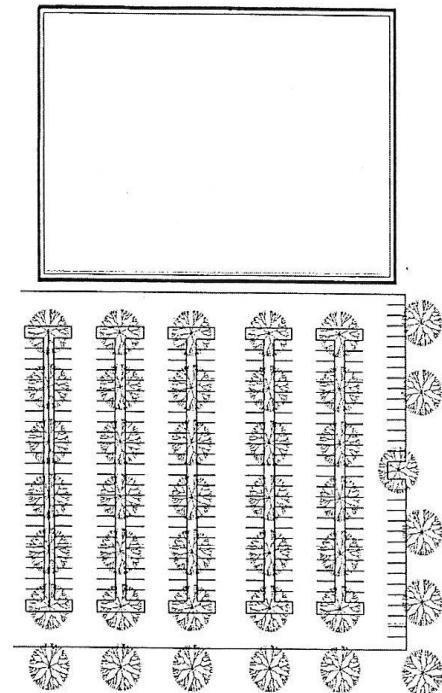
Parking lots located between a building and West Street shall provide at least 15% landscaped area. The landscaping should include islands between parking bays, planted peninsulas at the ends of bays, and planted areas along the perimeter of parking areas (at least 8' in width). In addition, all front 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.

E. Parking Layout

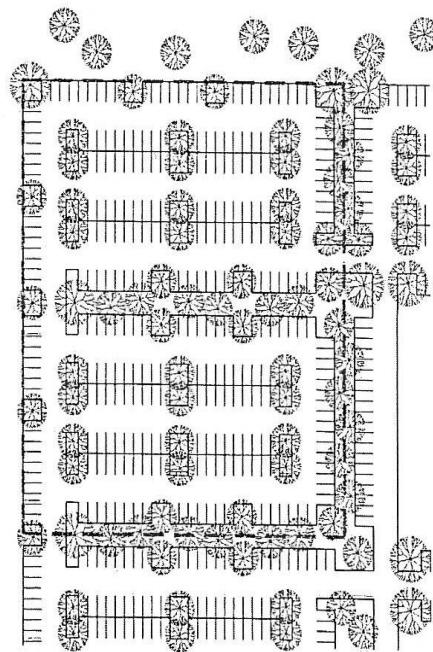
Parking areas may be divided into individual bays (a bay being an aisle with a row of parking spaces on each side of the aisle). Each bay must be separated from other bays by a landscaped island at least 8' in width the entire length of the bay. Terminal islands shall separate the bays from any driveways or access ways. See Diagram 1.

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



All parking lots should strive to incorporate LID components such as bio-swales and rain gardens to infiltrate surface water. The applicant is encouraged to provide interconnection between such features to maximize efficiency. (see Section 4-05.12).

4-05.9 Pedestrian Circulation

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.

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.

4-05.10 Signage- Street and Buildings

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 13 shall apply.

4-05.11 Low Impact Development Components

All WSB developments 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. LID BMP's shall include, 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

4-05.12

Utilities

- A. All utilities shall be underground.
- B. 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.
- C. 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.

4-05.13 Specific Requirements for Multifamily Residential Uses

A. Site Design Requirements

1. Objective: 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.
2. 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 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.
- e. The applicant shall submit a plan for ensuring conformity with Section 4-05.13.A.2.c 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.
- f. 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.
- g. 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.

B. Application Procedure

Within the West Street Business Zone, development involving multifamily residential use shall require Site Plan and Special Permit Approval in accordance with Sections 8 and 9 of these regulations.

4-06

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

¹ ZA #587, new, effective 6.6.14

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.

4-06.1

General Concepts

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.

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.

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.

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.

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.

4-06.2

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 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 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.

- A. Residential and non-residential mixed use buildings.
- B. Retail stores, retail service or personal service shops. No Drive-through operations.
- C. Business offices, professional and medical offices, and financial institutions. No Drive-through operations.
- D. Full service restaurants (entertainment and sale of alcoholic beverages in accordance with Section 11-04). No Drive-through operations.
- E. Hotels, banquet and catering facilities, and conference centers.

- F. 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.
- G. Age-restricted or age-targeted residential.
- H. Other uses which, in the opinion of the Commission, are of the same general character as those listed as permitted uses and which will not, in the opinion of the Commission, be detrimental to the zone.

4-06.3 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.

4-06.4 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 (lot coverage bonus for greater than 4 existing lots – See Section 7A) and all dedicated parcels shall be construed to be one lot when computing building coverage, yard requirements, and permitted uses, provided:

- A. 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.
- B. 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.

4-06.5 Site Plan Design

- A. 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.

¹ Revised, ZA #614, effective 4.20.22

- B. All new development shall utilize standard access management strategies that minimize or eliminate curb cuts along State highways and provide shared access between properties.
- C. 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).
- D. 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.
- E. 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.
- F. The use of features such as benches, niches, plantings, and pavers, shall be used along interior pedestrian ways.
- G. 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.
- H. Utilities servicing the site shall be provided for under ground.
- I. 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.
- J. 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.

Residential Site Design Requirements

- A. 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
- B. 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.
- C. Multi-family residential uses shall be permitted and may consist of studio, one and two bedrooms per unit.
- D. Commercial buildings may contain residential units above the ground level floor.
- E. ² 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.
 - 1. As used in this section 4.06.6e, “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.
- F. ³ 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.

Architectural

Desirable architectural features, visual examples and associated design standards may be found in the Southington Planning Department, in addition to the following general guidelines:

¹ Revised, ZA #614, effective 4.20.22

² New, ZA #614, effective 4.20.22

³ New, ZA #614, effective 4.20.22

- A. Predominant exterior building materials shall be high quality materials. These include, but are not limited to:
 - 1. Brick;
 - 2. Wood;
 - 3. Fieldstone;
 - 4. Other native stone;
 - 5. Glass
 - 6. Window Lattice
 - 7. 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.
- B. Predominant exterior building materials shall not include the following:
 - 1. Smooth-faced concrete block;
 - 2. Tilt-up concrete panels;
 - 3. Pre-fabricated steel panels; or,
 - 4. Fiberglass or metal.
- C. 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.
- D. Facades greater than 100 feet in length shall incorporate articulations like wall plane projections or recesses.
- E. Ground-floor facades that face public streets and interior walkways shall have colonnades, display windows, entry areas, awnings, or other architectural features.
- F. Façade colors shall be low reflectance, subtle, neutral, or earth tone colors. The use of high intensity colors or fluorescent colors is prohibited.
- G. Variations in roof lines, such as cupolas and peaked roofs, should be used to add visual interest to buildings.
- H. 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.
- I. Color elevation plans shall be submitted with the development application to assist the Commission in determining compliance with this section.

4-06.8

Landscaping

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

- A. 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.
- B. 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.
- C. 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.

4-06.9

Lighting

- A. 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.

4-06.10

Parking/Loading

- A. Off-street Parking and loading: 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.
- B. The provisions of Section 12, 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.
- C. 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.

- D. The view of large parking areas from public streets shall be minimized through the use of perimeter landscaping and berms.
- E. 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.
- F. 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.

4-06.11 Signage

All attached, detached and directional signage shall be in accordance with Section 13 – Signs.

4-06.12 Stormwater Management

In addition to compliance with Zero Increase in Runoff (ZIRO) as approved by the Southington Engineering Department, the site shall implement low impact development (LID) and best management practices (BMP) 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 in association with the Connecticut Stormwater Quality Manual, as amended. LID BMP's may include, but not be limited to:

- I. Hydrologic design elements (infiltration, retention and detention, bio-filters/swales).
- J. Permeable pavement elements and disconnected impervious surfaces.
- K. Roadway, parking lot, driveway and circulation design elements.
- L. Structural design elements (rain water harvesting and foundation plantings).
- M. Landscaping design elements (soil amendments, street trees, selection of native plant species).
- N. Implementation of alternative energy sources (solar, gas or wind turbine).
- O. Rain gardens for storm water infiltration.
- P. Green roofs.

SECTION FIVE

INDUSTRIAL ZONE REQUIREMENTS¹

5-00 An industrial zoned district is an area for commercial operations and uses of a type which are not generally suitable or appropriate in retail sales areas. The uses allowed in this zone 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.

In an Industrial zone, no building or land shall be used and no building shall be erected or altered except in accordance with the permitted uses or special permit or special exception uses set forth in this section.

5-00.1 Automobile Parking

Automobile parking shall be provided in accordance with Section 12 of these regulations.

5-00.2 Preservation of Landscape – Site Preparation

The development of the site 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. 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. Where necessary, measures shall be implemented to minimize soil erosion and to prevent the pollution of streams.

All plans of subdivision for industrial purposes shall be in accordance with this section.

5-00.3 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 it complies with Sec. 5-00.13.² 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.

¹ Revised effective 5/23/07

² Revised effective 6/1/21

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.

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 Town Planner. The Town Planner may refer any request or requirement regarding fencing to the Planning and Zoning Commission for action.

- b) The Planning and Zoning Commission may waive all or any requirements in 5-00.3 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.

5-00.4 All plots and buildings shall conform with the following performance standards:

- A. No offensive odors or noxious, toxic or corrosive fumes or gas shall be emitted into the air;
- B. Noise Abatement: No noise which is objectionable due to volume, intermittence, beat, frequency or shrillness shall be transmitted beyond the property from which it originates. All machinery and devices such as ventilation fans, drying fans, air compressors, air-conditioning units, etc. shall be shielded and insulated in such a manner which shall deaden noise and deflect sound waves away from abutting properties; and
- C. Yard and Building Lighting: All types of lighting which are 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. Full cutoff fixtures with recessed lenses shall be required.

5-00.5 Compliance with Zoning

No industrial enterprise shall be commenced or changed in character, and no building or structure shall be built or altered or land used for any purpose until the owner, proprietor, developer or builder has obtained verification from the zoning enforcement officer or town planner that the use or structure is lawful.

Building Permits

No building permit shall be issued until the zoning enforcement officer has approved the permit for zoning compliance.

5-00.6

Provision of Public Improvements

When a site is developed for industrial use the developer shall construct sidewalks and curb to town standards along all sides of the developed site which abut a public highway, unless such requirements are waived by a 2/3 affirmative vote of the Planning and Zoning Commission.

5-00.7

In the event that drainage of the premises requires the provision of off-site drainage improvements the developer shall install and pay for such improvements as required by the Town Engineer.

5-00.8

Access to Premises

Access to premises shall be from existing public streets which abut the premises or from streets which have been developed in accordance with the Subdivision Regulations to serve the industrial area, and no ingress or egress through residentially zoned land shall be used.

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 turnout of emergency vehicles.

5-00.9

The outside displaying of commercial products and/or materials may be allowed in the Commercial and Industrial Zones with the approval of the Planning and Zoning Commission and subject to the following:

- A. In the opinion of the Commission, the outside display nature, size and location along with consideration of the subject site shall be in harmony with the surrounding area and not be detrimental by reasons of vehicular traffic, pedestrian access, dust, noise, odor, fumes or glare.
- B. Only sites for which a site plan has been approved by the Commission may qualify for consideration.
- C. The area designated for such use shall not reduce the number of parking spaces or aisles beyond what is required by the regulations.
- D. The hours of operation shall be normal business hours.

- E. There shall be no distractions to traffic, i.e., loud noises, flashing lights or moving objects of a carnival-like nature.
- F. There shall be no additional signage, other than what is allowed by the regulations.
- G. The Commission may limit the number of items for display to limit the congestion and overcrowding.
- H. There shall be no items on outside display located more than twenty (20) feet from the building and no less than forty (40) feet off the road. 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.
- I. The Commission may require other limitations based on the unique aspects of the subject site.

5-00.10

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. Such operations shall be conducted in accordance with the following provisions:

- A. Use of industrial property for the purposes described above shall be subject to the submittal and approval of a site plan in accordance with Section 9 of these regulations.
- B. The area allocated for retail sales or display shall be ancillary in nature and shall not occupy more than 20% of the gross floor area of an industrial building or 2,500 square feet; whichever is less.
- C. The retailing of products and goods which are accessory to an industrial business shall be conducted within the principal building.
- D. On-site parking shall be calculated and provided in accordance with retail parking standards as outlined in Section 12-01.1 of these regulations.

5-00.11 Area, Height & Bulk of Principal Buildings and Structures

Zone District	MINIMUM LOT SIZE		MINIMUM YARDS (Feet)				Maximum (%)	Maximum Height	
	Lot Area (s.f)	Lot Width (ft)	Front	Side	Side (Total)	Rear		Lot Coverage	Stories***
I-1	40,000 (E)	200 (E)	40	20 (E)		30 (E)	35 50 (G) ¹	3#	55
I-1	Executive Park							6	65
I-2 ²	80,000 (E)	200 (E)	30 (E)	30 (E)	50 (min. of 30 on one side) (E)	30 (E)	50	3##	65
I-2	Executive Park							6	65

(E) If both public water and sewer are available see Section 5-00.13

(G) If both public sewer and public water are available, see Section 5-00.15³

- # 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.

5-00.12 (reserved)

5-00.13 If both water and sewer utilities are available to an I-1 & I-2⁴ zoned parcel, and will be incorporated into the development of the property, the applicable schedule of area, height and bulk is as follows:

Minimum Lot Area (s.f.) = 20,000
 Minimum Lot Width (feet) = 100
 Minimum Side Yard (feet) = 15
 Minimum Rear Yard (feet) = 20

5-00.14 New commercial structures shall not be attached to, or located on the same lot as, a residential wood-frame structure.⁵

5-00.15⁶ If both public sewer and public water are available to an I-1 zoned parcel and the I-1 zoned parcel is bordered by either an I-1 zoned, I-2 zoned or WSB zoned property on all sides, the applicable schedule of maximum % lot coverage shall be 50.

¹ New, ZAS #615, effective 6.25.22

² Revised, ZA #610, effective 6.1.21

³ New, ZA #615, effective 6.25.22

⁴ Revised, ZA #610, effective 6.1.21

⁵ New, ZA #586, effective 8.8.15

⁶ New, ZA #615, effective 6.25.22

5-01 INDUSTRIAL ZONE I-1

5-01.1 The following uses shall be considered permitted uses in Industrial Zones I-1, subject to the provisions of Section 9:

- 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.
- B. Farm or construction equipment sales and services
- C. Greenhouses and nurseries
- D. Research laboratories
- E. Warehouses for finished goods as will carry out the purpose and intent of these regulations as expressed in Section 1-01, herein
- F. Other uses which, in the opinion of the Commission, are of the same general character as those listed as permitted uses and which will not, in the opinion of the Commission, be detrimental to the zone.
- G. Accessory uses in accordance with the provisions of Section 2-01.A
- H. Health clubs and gyms
- I. Scientific research, manufacture of bio-medical products
- J. Communication industry
- K. Manufacturing and/or assembly of electronic, computer or robotic goods
- L. Business and professional offices
- N. Hotels which may include an ancillary restaurant and a separate restaurant building on the site provided said restaurant building does not exceed 3000 square feet provided the property has 200 feet of frontage on a state highway and the property is located within 1500' of an interstate highway interchange.¹

5-01.2 Special Permit Uses

Uses or additions thereto set forth in 5-01.2 shall require approval from the Planning and Zoning Commission after a public hearing subject to the provisions of Section 8 hereof:

- A. Any building or use allowed by special permit, Section 3-01.2 A.
- B. Conference Center

¹ revised, ZA #570, effective 2.2.13

1. Such facilities shall meet the provisions outlined in Section 2-03 C of these Regulations.
2. A conference center shall be located within 3,000 feet of access to an interstate highway.
3. A conference center shall be located on a parcel of not less than (6) six acres and shall have 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.

C. Professional Offices

1. Allowable businesses shall be limited to those businesses defined in Section 2-16 P of these regulations.

D. Executive Park, as defined in Section 2-05 E, subject to the following conditions and safeguards:

1. Application for Special Permit: An application shall be made for a

Special Permit Use, per Section 8, 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. 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). The granting of the Special Permit Use shall not constitute Site Plan approval (Section 9) with respect to any of the buildings proposed to be constructed within the Executive Park unless the SPU approval shall so specify. The PZC shall retain continuing Site Plan approval powers with respect to the Executive Park until all construction phases are completed. Site Plan approval requirements, as set forth in Section 9 of the Southington Zoning Regulations, are applicable.

2. The site for an Executive Park must be a minimum of 40 contiguous acres.
3. Park shall have 500 feet frontage on a state or interstate highway or improved Town road.

5-01.2.D.

4. A 50 foot landscaped buffer must be provided and maintained, around the entire perimeter of the park.
5. Rear lots and outside storage is specifically prohibited within the Executive Park.
6. Bulk and lot requirements within the Executive Park shall be as follows:

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

5-01.2.D.

7. 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.
8. 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.

9. 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 2-03-C 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.
10. Accessory Uses, per Section 2-01.A D, within the Executive Park shall be governed by the following provisions:
 - a. The aggregate of all space, including the space in the Conference Center, devoted to accessory uses shall not exceed 1,000 sq.ft. for each whole acre of land within an Executive Park.
 - b. 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.
 - c. 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.
11. Off-street parking and loading facilities, as defined by Section 12, 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.

12. 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.

E. Dinner Theaters as defined in Section 2-04 D and Movie Houses providing that the Commission finds the proposed use is in harmony with the surrounding area and 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, and subject to the following conditions and safeguards.

1. Application for Special Permit: An application shall be made for a Special Permit Use, per Section 8, and accompanied by a conceptual development plan including an A-2 survey, topography and location of all the proposed structures of the entire complex and the vehicular and pedestrian circulation.
2. The site for a Dinner Theater or Movie House must contain a minimum of 10 acres of land and be within 1600 feet radially from the center of an interchange between an interstate, appropriate state highways or public town roads.
3. The site shall be serviced by public water and sewer facilities.
4. 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.
5. The use shall be subject to the same conditions and standards applicable to other sections of the regulations herein.
6. The intent of the allowance of said uses within an industrial zone is based upon the Commission's recognition that there is limited space available in a business zone of the size and conditions specified herein and serviced by public water and sewer facilities; that traffic generated from the proposed use is similar to industrial uses permitted and/or industrial park uses; and that to allow such type of use is beneficial for the entertainment needs of the general public.

F. 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. 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 multi-family uses as defined and allowed in these regulations, and other uses acceptable to the Commission subject to the following:

1. All buildings to be converted shall have been in existence prior to May 20, 1957.
2. All proposed uses shall be of lesser objectionable character than those presently allowed in that zone or as formerly used in said structure.
3. That the Commission specifically find that the list of proposed mixed uses are in harmony with each other.
4. 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 12, provided that no additions to the structure are proposed and that there is no other available land for parking on such site.
5. That the uses in any building constructed after May 20, 1957, shall be those allowed in that zone.
6. That in all other aspects the requirements of Section 8 and 9 shall be met.

G. All development involving an area 4 acres or larger in size, and/or requiring in excess of sixty (60) parking spaces.

H. Outdoor storage. Plans must clearly show the extent of the outdoor storage proposed, as well as screening with a lightproof fence. Said storage may not encroach into the landscaped buffer. Applicant must demonstrate that the proposed storage will not have a negative impact on abutting uses.

I. Offices for the practice of veterinary medicine and/or animal hospitals and kennels, providing said kennel use is located in a soundproof building and has any outdoor dog facilities more than 500 feet away from a residential zone or use¹.

J. Medical marijuana production facilities in accordance with the provisions of Sections 8, 9 and 11-23.²

5-01.3 Special Exception

¹ Revised, ZA #592, effective 5.20.17

² New, ZA #565, effective 10.6.12

The Zoning Board of Appeals may after public hearing and subject to appropriate safeguards in harmony with the general purposes of these regulations, and conditional to compliance with the provisions of Section 9, grant a special exception for the following uses:

- A. Public garages in accordance with the provisions of Sections 11-03 and 2-01.A C.

5-02 INDUSTRIAL ZONE I-2

5-02.1 Permitted Uses

The following uses shall be considered permitted uses in Industrial Zones I-2, subject to the provisions of Section 9:

- A. Any building or use permitted in Section 5-01.1
- B. Building materials, sales and storage yards and buildings.
- C. Storage of construction materials, including pipe
- D. Storage and repair of construction equipment
- E. Storage of well drilling equipment
- F. Trucking terminals
- G. Other uses which, in the opinion of the Commission, are of the same general character as those listed as permitted uses and which will not, in the opinion of the Commission, be detrimental to the zone.
- H. Accessory uses in accordance with the provisions of Section 2-01 A
- I. Industrial Park¹

Purpose – to allow the creation of a master planned industrial park on land zoned I-2 intended 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 $\frac{1}{2}$ 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 $\frac{1}{2}$ acre and 2 acres in size shall abut the interstate highway.

¹ new, ZA #549, effective 6/6/09

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:

1. 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.
2. All lots to be created must have access and frontage on a town right of way and must have public water and sewer.
3. 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.
4. All lots (between .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.
5. Natural areas in the industrial park shall not be fenced in to allow wildlife to use these areas for habitat and corridors.
6. 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.
7. Individual site plans may require oil/water separators or impervious surfaces for the storage of certain types of materials.
8. 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.

5-02.2

Special Permit Use

Uses or additions thereto set forth in 5-01.2 shall require approval from the Planning and Zoning Commission after a public hearing subject to the provisions of Section 8 hereof:

- A. Any building or use allowed by special permit, Section 3-01.2 A.
- B. Any building or use allowed by special permit, Section 5-01.2 D. herein
- C. Blasting Services Business, as defined in Section 2-02 B. 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 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 Marshall 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 Section 5-02.2 C. herein.
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:
 - 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 Marshall 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.

D. 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. 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 multi-family uses as defined and allowed in these regulations, and other uses acceptable to the Commission subject to the following:

1. All buildings to be converted shall have been in existence prior to May 20, 1957.
2. All proposed uses shall be of lesser objectionable character than those presently allowed in that zone or as formerly used in said structure.
3. That the Commission specifically find that the list of proposed mixed uses are in harmony with each other.
4. 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 12, provided that no additions to the structure are proposed and that there is no other available land for parking on such site.
5. That the uses in any building constructed after May 20, 1957, shall be those allowed in that zone.
6. That in all other aspects the requirements of Section 8 and 9 shall be met.

E. The following uses are those industrial operations which normally produce noise, glare, air pollution, fire hazards or safety hazards; such uses may only be permitted upon the granting of a special permit by the Planning and Zoning Commission, subject to such standards or conditions as are imposed by said Board and conditional to compliance with the provisions of Section 9:

1. Plants generating power, disposing of sewage and/or garbage
2. The production, processing and storage of coal, coal tar, petroleum and asphalt products including, 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
3. The processing or washing of earth materials including batching plants

4. The use of hammer mills, ball mills, rolling mills, or drop forges in any industrial process
5. Accessory uses in accordance with the provisions of Section 2-01 A

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.

G. Truck service centers as defined in Section 2-20 T subject to the following conditions and safeguards:

1. 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 but not limited to a theater, auditorium, gymnasium, etc.;
 - d. Any other truck service center.
2. 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.
3. 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.
4. 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.
5. 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.
6. Fueling operations, weigh stations, and truck parking areas, shall be located a minimum of 300 feet from any front lot line.

7. 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.
8. The applicant shall provide the Commission with a comprehensive security plan which shall include 24 hour per day monitoring of the premises.
9. A truck service center shall be located on a parcel of not less than twenty-five (25) acres.
10. The establishment of any truck service center shall be subject to the special permit use and site plan review requirements provided in Sections 8 and 9 of these regulations.
11. Any truck service center involving the sale of gasoline shall be subject to the provisions of Section 11-03 of these regulations.

H. All development involving an area 4 acres or larger in size, and/or requiring in excess of sixty (60) parking spaces.

I. Medical marijuana production facilities in accordance with the provisions of Sections 8, 9 and 11-23.¹

J. Any drive-thru and expansion to an existing nonconforming gas station/convenience store within 1,500 feet of an interstate highway interchange ramp terminus.²

5-02.3

Special Exception

The Zoning Board of Appeals may after public hearing and subject to appropriate safeguards in harmony with the general purposes of these regulations, and conditional to compliance with the provisions of Section 9, grant a special exception for the following uses:

A. Public garages in accordance with the provisions of Section 11-03 and 2-01 A-C. except that no sale, dispensing or distribution of gasoline and petroleum products intended for motor vehicle use and no sale or display for sale of any type of motor vehicle shall be permitted.

¹ New, ZA #565, effective 10/6/12

² New, ZA #602, effective 12/4/19

5-03 INDUSTRIAL ZONE I-3¹

5-03.1 Purpose: To allow the creation of small lots for outside storage of equipment, construction materials and other items as the principal use without the requirement for a structure.

5-03.2 Process: The Commission may rezone land to I-3 through a supermajority vote of the entire Commission, providing the applicant provides a conceptual development plan that demonstrates the suitability of the site for intensive heavy industrial use and outside storage with very little screening, utilities or structures associated with it, meeting the criteria in 5-03.3. This zone may be considered more appropriate on property that is heavily impacted by other environmental or locational influences, and as such is less desirable as a location for other uses.

5-03.3 The Commission may, by supermajority vote of the entire Commission, approve an Industrial Park or development on land or a parcel currently zoned I-3 subject to Special Permit Use and Site Plan applications are submitted that demonstrates the site meets the specific criteria, as follows:

1. Parcel or parcels comprising the proposed industrial park shall have access from a public right of way and may not be accessed over land used or zoned for residential or business purposes.
2. All lots to be created must have existing or proposed topography such that neighboring uses will not be able to see the proposed use.
3. Access and frontage on a town right of way and must have public water for fire protection.
4. Plan for industrial park or parcel must meet the stormwater management requirements.
5. Individual site plans may require oil/water separators or impervious surfaces for the storage of certain types of materials.
6. 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.
7. Any proposed assemblage of two or more acres of land zoned I-3 must also meet I-2 regulations and have a principal structure.

¹ New, ZA #555, effective 10/9/10

8. A dedicated fuel storage area shall be called out on individual lots within the industrial park. Fuel containers shall be stored in a manner consistent with dumpster enclosure requirements including a locking gate and poured concrete pad with a 3-sided 4" containment edge.

5-03.4

Uses

All proposed development in this zone is required to make application for a Special Permit Use and Site Plan approval in accordance with Sections 8 & 9 of the Zoning Regulations.

SECTION SIX FLOODPLAIN ZONING

6-01 STATUTORY AUTHORIZATION, FINDING OF FACT, PURPOSE AND OBJECTIVES

6-01.1 STATUTORY AUTHORIZATION

The Legislature of the State of Connecticut has in Section 7-148(c) (7) of the General Statutes delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Planning and Zoning Commission of Southington, Connecticut, does ordain as follows:

6-01.2 FINDINGS OF FACT

- A. The flood hazard areas of Southington are subject to periodic inundation which results in 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.
- B. These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, flood-proofed, or otherwise unprotected from flood damages, and an increase in impervious areas of watersheds.

6-01.3 STATEMENT OF PURPOSE

It is the purpose of this regulation to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- A. Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- B. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- C. Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;
- D. Control filling, grading, dredging and other development which may increase erosion or flood damage, and;
- E. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

6-01.4

OBJECTIVES

- A. To protect human life and health;
- B. To minimize expenditure of public money for costly flood control projects;
- C. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. To minimize prolonged business interruptions;
- E. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
- F. To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas, and;
- G. To insure that potential home buyers are notified that property is in a flood area.

6-02. DEFINITIONS (Applicable to Section 6 of these regulations)

6-02.1. Unless specifically defined below, words or phrases used in these regulations shall be interpreted so as to give them the meaning they have in common usage and to give this regulations its most reasonable application.

- A. “Addition (to an existing building)” means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter load-bearing walls is new construction.
- B. “Appeal” means a request for a review of the Town Planner’s interpretation of any provision of this ordinance or a request for a variance.
- C. “Area of shallow flooding” means a designated AO or VO Zone on a community’s Flood Insurance Rate Map with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.
- D. “Area of special flood hazard” is the land in the floodplain within a community subject to one percent or greater chance of flooding in any given year.
- E. “Base flood” means the flood having a one percent chance of being equaled or exceeded in any given year.

- F. **“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.¹
- G. **“Basement”** means that portion of a building having its floor subgrade (below ground level) on all sides.
- H. **“Building”** means any structure built for support, shelter, or enclosure for any occupancy or storage.
- I. **“Cost”** – As related to substantial improvements, the cost of any reconstruction, rehabilitation, addition, alteration, repair or other improvement of a structure shall be established by a detailed written contractor’s estimate. The estimate shall include, but not be limited to: the cost of materials (interior finishing components, structural components, utility and service equipment); sales tax on materials; building equipment and fixtures, including heating and air conditioning and utility meters; labor, built-in 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 specification; 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.²
- J. **“Development”** means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or permanent storage of materials or equipment.
- K. **“Elevated building”** means a non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers), shear walls, or breakaway walls.
- L. **Existing Manufactured Home Park or Subdivision** – A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured home are to be affixed (including, as a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.³

¹ New, ZA #545, effective 5/3/08

² New, ZA #545, effective 5/3/08

³ New, ZA #545, effective 5/3/08

M. 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).¹

N. Federal Emergency Management Agency (FEMA) -- The federal agency that administers the National Flood Insurance Program (NFIP).²

O. “Flood” or “flooding” means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland water;
2. The unusual and rapid accumulation or runoff of surface waters from any source.

P. “Flood Insurance Rate Map (FIRM)” means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

Q. “Flood Insurance Study” is the official report by the Federal Emergency Management Agency which contains examinations, evaluation and determination of flood hazards and corresponding flood profiles and water surface elevations. The report contains flood profiles, as well as the flood Boundary Floodway Map and the water surface elevation of the base flood.

R. “Floodway” means 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 foot.

S. “Floor” means the top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

T. “Functionally Dependent Facility” means a facility which cannot be used for its intended purpose unless it is located in close proximity to water such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

¹ New, ZA #545, effective 5/3/08

² New, ZA #545, effective 5/3/08

- U. **Highest Adjacent Grade** means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.
- V. **Lowest Floor** means 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. Such areas must be designed in accordance with Section 6-05.3.B of these Regulations.
- W. **Manufactured Home** means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes recreational vehicles, park trailers, travel trailers, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.
- X. **Manufactured Home Park or Subdivision** a parcel, or contiguous parcels, of land divided into two or more manufactured home lots for rent or sale.
- Y. **Market Value** – Market value of the structure shall be determined by an independent appraisal by a professional appraiser.¹
- Z. **Mean Sea Level** means, for purposes of the National Flood Insurance Program, 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.²
- AA. **National Geodetic Vertical Datum (NGVD)** as corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.
- BB. **New Construction** means structures for which the “start of construction” commenced on or after May 3, 2008, which is the effective date of this ordinance (not revision date).³
- CC. **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 regulations adopted by the Community.⁴
- DD. **Recreational Vehicle** means a vehicle which is:

¹ New, ZA #545, effective 5/3/08

² Revised, ZA #545, effective 5/3/08

³ Revised, ZA #545, effective 5/3/08

⁴ New, ZA #545, effective 5/3/08

- (a) Built on a single chassis;
- (b) 400 square feet or less when measured at the largest horizontal projection;
- (c) Designed to be self-propelled or permanently towable by a light duty truck; and
- (d) Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel or seasonal use.

EE. **“Start of Construction”** (For other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. 97-348), including substantial improvement means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footing, piers or foundations or the erection of the temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

FF. **“Structure”** means a walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructures.

GG. **“Substantial Damage”** means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

HH. **“Substantial Improvement”** means any combination of repairs, reconstruction, alteration, or improvements to a structure, taking place during the life of a structure, in which the cumulative cost equals or exceeds fifty percent of the market value of the structure. The market value of the structure should be: (1) the appraised value of the structure prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring. For the purposes of this definition, “Substantial Improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or

not that alteration affects the external dimensions of the structure. The term does not, however, include any project for improvement of the structure required to comply with existing health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions.

- II. **“Variance”** is a grant of relief from the requirements of this ordinance which permits construction in a manner otherwise prohibited by this ordinance where specific enforcement would result in unnecessary hardship.
- JJ. **“Violation”** – Failure of a structure or other development to be fully compliant with the community’s floodplain management 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.¹
- KK. **“Water Surface Elevation”** means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

6-03. GENERAL PROVISIONS

6-03.1 LANDS TO WHICH THIS REGULATION APPLIES

This regulation shall apply to all areas of special flood hazard within the jurisdiction of Southington.

6-03.2 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study (FIS) for Hartford County, Connecticut, dated May 16, 2017, and accompanying Flood Insurance Rate Maps (FIRM), dated May 16, 2017 (Panels – 09003C0469G, 09003C0488G, 09003C0582G, 09003C0584G, 09003C0592G, 09003C0601G, 09003C0603G, 09003C0611G), and September 26, 2008 (Panels – 09003C0465F, 09003C0468F, 09003C0489F, 09003C0581F, 09003C0583F, 09003C0591F, 09003C0602F, 09003C0604F), 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 until such time as a map amendment or map revision is obtained from FEMA. The area of special flood hazard includes any area shown on the FIRM as Zones A and AE including areas designated as a floodway on the FIRM. Areas of special flood hazard 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 a Flood Insurance Rate Map (FIRM) are approximate (rounded up or down) and should be verified with the BFEs published in the FIS for a specific location. The FIS and FIRM are on file with the Town clerk.²

¹ new, ZA #545, effective 5/3/08

² Revised, ZA #591, effective 4/19/17

6-03.3 **ESTABLISHMENT OF THE FLOODPLAIN MANAGEMENT**

A Development Permit shall be required in conformance with the provisions of this regulation prior to the commencement of any development activities.

6-03.4 **COMPLIANCE**

No structure or land shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this regulation and other applicable regulations.

6-03.5 **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 conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

6-03.6 **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.

6-03.7 **WARNING AND DISCLAIMER OF LIABILITY**

The degree of flood protection required by this regulation is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. 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 that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This regulation shall not create liability on the part 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.

6-03.8 **ADDITIONAL PROVISIONS**

- a. Compensatory Storage - The water holding capacity of the floodplain, except those areas that 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.¹

¹ New, ZA #545, effective 5/3/08

- b. 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 as to cause an increase in flood stage or flood velocity.¹
- c. Aboveground Oil Tanks - Above-ground storage tanks (oil, propane, etc.) which are located outside or inside of the structure must either be elevated above the base flood elevation (BFE) on a concrete pad, or be securely anchored with tie-down straps to prevent flotation or lateral movement, have the top of the fill pipe extended above the BFE, and have a screw fill cap that does not allow for the infiltration of flood water.²
- d. No Structure Entirely or Partially Over Water - New construction, substantial improvements and repair to structures that have sustained substantial damage cannot be constructed or located entirely or partially over water.³
- e. Structures in Two Flood Zones - If a structure lies within two or more flood zones, the construction standards of the most restrictive zone apply to the entire structure (i.e. V zone is more restrictive than A zone; structure must be built to the highest BFE). The structure includes any attached additions, garages, decks, sunrooms, or any other structure attached to the main structure. Decks or porches that extend into a more restrictive flood zone will require the entire structure to meet the standards of the more restrictive zone.⁴

6-04 **ADMINISTRATION**

6-04.1 **DESIGNATION OF THE REGULATION ADMINISTRATOR**

The Town Planner is hereby appointed to administer and implement the provisions of this regulation.

6-04.2 **PERMIT PROCEDURES**

Application for a Floodplain Filling Permit shall be made to the Town Planner on forms furnished by him or her prior to any development activities, and may include, but not be limited to, six (6) copies of the following plans drawn to scale showing the nature, location, dimensions, and elevations of the area in question, existing or proposed structures, fill, storage of materials, drainage facilities and the

¹ new, ZA #545, effective 5/3/08

² new, ZA #545, effective 5/3/08

³ new, ZA #545, effective 5/3/08

⁴ new, ZA #545, effective 5/3/08

locations of the foregoing. Specifically, the following information is required:¹

A. Application Stage

1. Elevation in relation to mean sea level of the proposed lowest floor (including basement) of all structures, Section 6-05.3 A.1.;
2. Elevation in relation to mean sea level to which any non-residential structure will be flood-proofed, Section 6-05.3 A.1. (b);
3. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development;
4. A statement as to whether or not the proposed alterations to an existing structure meets the criteria of the substantial improvement definition Section 6-02.1 AA.;
5. A statement as to whether there will be dry access to the structure during the 100 year storm event.

Where applicable, the following certifications by a registered engineer or architect are required, and must be provided to the Town Planner. The design and methods of construction must be certified to be in accordance with accepted standards of practice, and with the provisions of Article 5, Section B.

6. Non-Residential Flood Proofing - Must meet the provisions of Section 6-05.3 A 1.(a) and (b).
7. Enclosed Areas Below the Base Flood Elevation - If the minimum design criteria in Section 6-05.3 B.1 through 6-05.3 B.1.3. is not used, then the design and construction methods must be certified as explained in Section 6-05.3 B.
8. No increase in Floodway or Floodway Fringe Heights may be allowed. No alterations are permitted within the floodway.
9. Structural Anchoring - must meet the provisions of Section 6-05.

B. Construction Stage

Upon completion of the applicable portion of construction, the applicant shall provide verification to the Town Planner of the following as is applicable:

1. Lowest floor elevation - The elevation to be verified for:
 - (a) A structure in any A zone is the top of the lowest floor (including basement) Section 6-05.3 A.1.;

¹ revised, effective 5/8/07

(b) A structure which has been floodproofed is the elevation to which the floodproofing is effective Section 6-05.3 A.1.(a).

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 Cease and Desist Order for the project.

6-04.3 **DUTIES AND RESPONSIBILITIES OF THE TOWN PLANNER**

Duties of the Town Planner shall include, but not be limited to:

- A. Review all permit applications to determine whether proposed building sites will be reasonably safe from flooding.
- B. Review all development permits to assure that the permit requirements of this regulation have been satisfied.
- C. Advise permittee that additional Federal or State permits may be required, and if specific Federal or State permit requirements are known, require that copies of such permits be provided and maintained on file with the development permit. Possibly including but not limited to: DEP, Water Diversion, DEP Dam Safety, and/or Corps of Engineers 404.
- D. Notify the Regional Planning Agency and the affected municipality at least 35 days prior to the public hearing if any change of regulation or use of a flood zone will affect an area within 500 feet of another municipality.
- E. Notify adjacent communities and the Department of Environmental Protection, Water Resources Unit prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
- F. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.
- G. Record the elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, in accordance with Section 6-05.3 A.1.
- H. Record the elevation (in relation to mean sea level) to which the new or substantially improved structures have been flood-proofed, in accordance with Section 6-05.3 A.1(a).
- I. When flood-proofing is utilized for a particular structure, the Town Planner shall obtain certification from a registered professional engineer or architect, in accordance with Section 6-05.3 A.1.(a).

- J. Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Town Engineer shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article.
- K. When base flood elevation data or floodway data have not been provided in accordance with Article 3, Section B, then the Town Engineer 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 6-05.
- L. All records pertaining to the provisions of this ordinance shall be maintained in the office of the Town Planner.
- M. The Town Planner shall refer all requests for development within an area of special flood hazard to the Conservation Commission, in order to obtain their recommendation to the Planning and Zoning Commission.
- N. The Planning and Zoning Commission shall give final approval to all requests for development within an area of special flood hazard; providing, that a two-thirds (2/3) vote is required to override a negative recommendation of the Conservation Commission.

5.0 PROVISIONS FOR FLOOD HAZARD REDUCTION¹

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.

¹ Revised, effective 5.19.21

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.
- 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 Town Planner 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 Town

Planner 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 Town Planner 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.
- 5.2.3 The Town Planner 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 Town Planner 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 [title of local administrator] 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 Town Planner;

- (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.
- (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.
- 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.

6-06 STANDARDS FOR SUBDIVISION PROPOSALS

In all special flood hazard areas the following requirements shall apply:

- 6-06.1 All subdivision proposals shall be consistent with the need to minimize flood damage;
- 6-06.2 All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
- 6-06.3 All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards, and;
- 6-06.4 In Zone A, Base flood elevation data shall be provided for all subdivision proposals and other proposed development.

6-07 VARIANCES PROCEDURES

- 6-07.1 The Zoning Board of Appeals shall hear and decide appeals and requests for variances from the requirements of this regulation.
- 6-07.2 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 Town Planner in the enforcement or administration of this regulation.
- 6-07.3 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 feet (100) of the land in question may appeal within 15 days after legal notice of such decision to the State Superior Court of Hartford/New Britain, as provided in Section 8-8 of the General Statutes, as amended.

6-07.4

BUILDINGS ON AN HISTORIC REGISTER

Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places without regard to the procedures set forth in the remainder of this section, except for Section 6-07.7 A. through 6-07.7 D., and provided the proposed reconstruction, rehabilitation, or restoration will not result in the structure losing its historical character.

No renovations or alterations may be made to an historical structure without due consideration and effort to incorporate design concepts which, while preserving the historical character of the building, will also serve to reduce the potential for future flood damage and threat to human life and property.

6-07.5

FLOODWAY PROHIBITION

Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

6-07.6

CONSIDERATIONS FOR GRANTING OF VARIANCES

- A. In passing upon such application, the Zoning Board of Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:
 1. The danger that materials may be swept onto other lands to the injury of others;
 2. The danger to life and property due to flooding or erosion damage;
 3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 4. The importance of the services provided by the proposed facility to the community;
 5. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use
 6. The compatibility of the proposed use with existing and anticipated development;
 7. The relationship of the proposed use to the Comprehensive Plan and Floodplain Management Program for that area;
 8. The safety of access to the property in times of flood for ordinary and emergency vehicles;
 9. 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;

10. 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.
- B. Upon consideration of the factors listed above, 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.

6-07.7 CONDITIONS FOR VARIANCES

- A. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; 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.
- B. Variances shall only be issued 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, cause fraud on or victimization of the public, or conflict with existing town regulations.
- C. Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the structure is to be built and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation up to amounts as high as \$25 for \$100 of insurance coverage.
- D. The Town Planner shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

6-08 PENALTIES FOR VIOLATIONS

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 grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$250.00 per day if proven done willfully and \$100.00 per day if not, or imprisoned for not more than 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 other lawful action as is necessary to prevent or remedy any violation.

6-09 SEVERABILITY

If any section, provision, or portion of this Regulation is adjudged unconstitutional or invalid by a court for any reason whatsoever, the remainder of the Regulation shall not be affected, which shall remain in full force and effect; and to this end the provisions of this Regulation are hereby declared to be severable.

6-10 EFFECTIVE DATE OF REGULATIONS¹

Adopted May 19, 1981

Effective June 3, 1981

Revised to May 8, 2007

Revised to May 3, 2008

Revised to April 19, 2017

Revised to May 19, 2021

¹ New, ZA #545, effective 5/3/08

SECTION SEVEN

RIDGELINE ZONING

7-01 PURPOSE

The following ridgeline zoning provisions are enacted to protect the unique and distinctive geological and ecological character 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 Section 8-2 of the Connecticut General Statutes.

7-02 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 7-04 of these Regulations.

7-03 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.

7-04 DEFINITIONS

For purposes of these regulations, the following terms shall be defined as follows:

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

CLEAR CUTTING - means 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 - means the construction, reconstruction, alteration, or expansion of a building.

EMERGENCY WORK - means any work necessary to protect life and property.

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

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

RIDGELINE - means 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 - means 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 Section 8-2 of the Connecticut General Statutes.

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

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

7-05 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 7-04 of these regulations.

7-06 PERMITTED USES

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.

7-07 SPECIAL PERMIT USES

In accordance with Section Nine (9) 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 12-18 of these regulations; and
- (D) Public or private camps.

In addition to the special permit requirements set forth in Section 9 of the Zoning Regulations, the Commission shall require and consider the following information in determining the suitability of a proposed activity:

- A. **VISUAL IMPACT:** 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. 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. Furthermore, the commission shall not approve buildings or structures comprising materials which by their color, reflectiveness, finish, size or orientation disrupt the natural character of the ridgeline setback area.
- B. **ENVIRONMENTAL AND ECOLOGICAL IMPACT:** 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. 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). 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. The Commission may restrict the size of areas used for agricultural purposes and may require the alteration to the shape, location or character of such areas in order to minimize disturbance of wildlife and wildlife habitat. The Commission may require the reforestation or landscaping of areas disturbed by development activity.
- C. **ARCHAEOLOGICAL AND HISTORIC IMPACT:** 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. 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.

- D. 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.
- E. 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.

7-08 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 7-04 of these regulations, and
- (D) Any use or activity which is either prohibited or not listed in the underlying zoning district.

SECTION SEVEN-A
SCHEDULE OF AREA, HEIGHT & BULK OF LOTS, BUILDINGS & STRUCTURES

7A-00 No lot shall be used and no building or structure shall be erected except in conformance with the following schedule:

Zone District	MINIMUM LOT SIZE		MINIMUM YARDS (Feet)				Maximum (%)	Maximum Height	
	Lot Area (s.f)	Lot Width (ft)	Front	Side	Side (Total)	Rear		Lot Coverage	Stories***
R-80	80,000	200 (F)	60	30		50	15	2 1/2	35
R-40	40,000	150 (F)	50	25		40	20	2 1/2	35
R-20/25	22,500	D (F)	40	20		25	20	2 1/2	35
R-12	12,000	80 (F)	40	15		20	25	2 1/2	35
R-12	MULTIFAMILY	- (F)	-	-	-	-	-	-	40****
RO	12,000	80 (F)	40	10		20	30	2 1/2	35
R-HD	8,000	65 (F)	25	10		20	50	3	40
HOD ¹	1,306,800		40	40		40		3	35
CB	8,000	50	10	A		C	75	4	55
B	20,000	100	40	B		C	25	3	40
BL	Density and dimensional requirements as specified in the "B" zoning district.								
BOZ	Refer to underlying zoning requirements and section 4-04 requirements								
I-1	40,000 (E)	200 (E)	40	20 (E)		30 (E)	35 50 (G) ²	3#	55
I-1	Executive Park							6	65
I-2 ³	80,000 (E)	200 (E)	30 (E)	30 (E)	50 (min. of 30 on one side) (E)	30 (E)	50	3##	65
I-2	Executive Park							6	65
WSB ⁴	Refer to Section 4-05 for yard and building requirements for WSB zone								
MUT ⁵	40,000	-	40 along existing public streets. Zero internal	10 along existing public streets. Zero internal except 25 between residential-only structures	-	10 along existing public streets. Zero internal	-	4 (3 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)	55 (35 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)
VR ⁶	1.5 acres	-	-	10'		10'	50%	3	35'

¹ New, ZA #538, effective 9/22/07

² New, ZA #615, effective 6/25/22

³ Revised, ZA #610, effective 6/1/21

⁴ Revised, ZA #571, effective 8/3/13

⁵ Revised, ZA #614, effective 4/20/22

⁶ New, ZA #603, effective 6/7/21

- (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
- (E) If both public water and sewer are available see Section 5-00.13¹
- (F) Subdivision applications must also meet requirements in Section 3-18 of Subdivision Regulations.²
- (G) If both public sewer and public water are available see Section 5-00.15³

*⁴

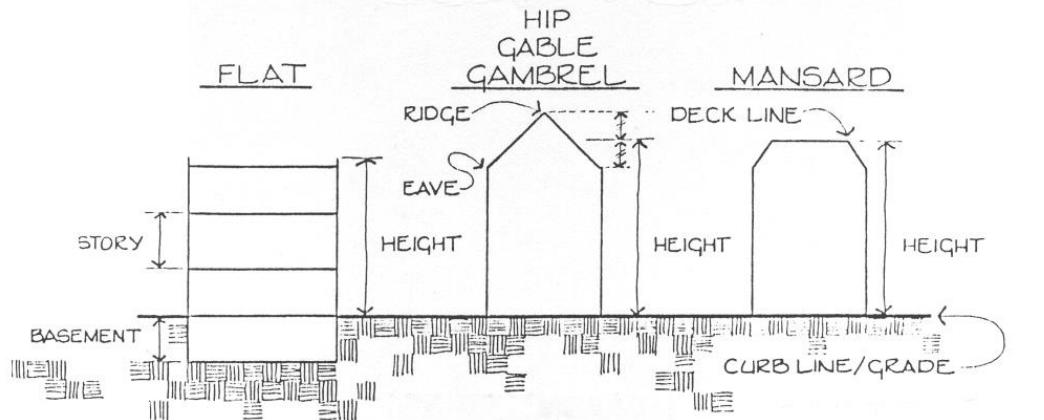
** Also See Section 11-13

*** See the illustration on the next page for examples of building heights as measured in stories and feet.

**** Allowable height from Section 3-04.2.B.4 is 35 feet.

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.



¹ Revised, ZA #536, effective 5/23/07

² Revised, ZA #536, effective 5/23/07

³ New, ZA #615, effective 6/25/22

⁴ Revised, ZA #601, effective 8/1/19

8-00 SPECIAL PERMIT USE

8-01 AUTHORIZATION AND APPROVAL

In all cases where these regulations require approval by Special Permit use, no permit shall be issued by the Building Inspector except upon authorization of and in conformity with the site plans approved by the Commission.

8-02 GENERAL CONSIDERATIONS & REVIEW CRITERIA

All such uses are declared to possess such special characteristics that each shall be considered as an individual case. In approving a special permit use, approving it with conditions or approving it subject to modification, the Commission shall take into consideration the public, health, safety and general welfare, property values and the comfort and convenience of the public in general. The Commission also shall make a finding the proposed use and proposed buildings and structures conform to following considerations and any additional requirements for specific uses in these Regulations. The Commission may attach reasonable conditions of approval to special permit use applications, to include necessary off site improvements, to insure compliance with the review criteria of this section.¹

- 8.02.1 Consistent with Purposes: The nature of the proposed use and its location will not have any detrimental effects upon the public health, safety, welfare, or property values. The proposed use and its location are consistent with the orderly development of the Town and conform to the requirements of and not in conflict with the purposes of these Regulations.²
- 8.02.2 The proposed use and proposed buildings and structures are in harmony and character with the surrounding properties and area and do not hinder or discourage the development and use of adjacent properties.
- 8.02.3 Suitable Structures for Use: The kind, size, location and height of structure and the nature and extent of landscaping on the lot shall be appropriate for the use and will not hinder or discourage the appropriate use of adjoining property or diminish the value thereof.³
- 8.02.4 Adequate Emergency Access:⁴ The nature and location of any proposed buildings and structures shall not impede access to the site and/or access for emergency response vehicles including but not limited to ambulances and fire apparatus.
- 8.02.5 Adequate Streets for Use: 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, and the proposed use shall not impede the implementation of recommendations of the Plan of Conservation and Development. The Commission may deny any proposed development which causes the level of service (LOS) on a roadway or roadway to fall below LOS C. Alternately, off-site roadway improvements or signalization may be required to ensure the adequacy of

¹ Revised, ZA #537, effective 9/8/07

² Revised, ZA #537, effective 9/8/07

³ Revised, ZA #537, effective 9/8/07

⁴ Revised, ZA #537, effective 9/8/07

the local roadway system and public safety.¹ 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. All access points shall accommodate two lanes of² 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 but not limited to restricted turning movements and shared access.

8.02.6 The lot, on which the proposed use is located and the proposed buildings, structures and parking are situated, is of sufficient size and adequate dimension to permit the normal operation of the use in a manner which is not detrimental to the surrounding area and/or adjacent properties and is consistent with the zoning district.

8.02.7 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.

8.02.8 Any proposed public improvements shall apply to the applicable Town, State or Federal Regulations, Requirements, Standards or Guidelines. The Commission may require as a condition of approval a performance bond to assure the completion of any public improvements.

8.02.9 Neighborhood Compatibility: That the design elements of the proposed development are attractive and suitable in relation to the site characteristics and style of other buildings in the immediate area, and that the proposed use will not alter the essential characteristics of the area or adversely affect property values in the neighborhood. In determining neighborhood compatibility, the Commission shall refer to the Design Review Guidelines contained in Section 8-04.³

8.02.10 The proposed use and proposed buildings and structures are consistent with the policies, goals and objectives of the Town's Plan of Conservation and Development.

8.02.11 FOR⁴ ANY USE LOCATED IN OR ADJACENT TO A RESIDENTIAL ZONE THE COMMISSION SHALL FIND that the location and size of the nature and intensity of the operations of such use, the site layout and design of the proposed buildings and structures associated with the proposed use, vehicular access to and from the site and any proposed exterior illumination is:

- a. compatible and consistent with the development and use of the neighborhood and adjacent properties,

¹ Revised, ZA #537, effective 9/8/07

² Revised, ZA #537, effective 9/8/07

³ Revised, ZA #537, effective 9/8/07

⁴ Revised, ZA #537, effective 9/8/07

- b. does not create a conflict with or impede the normal traffic on local roads or within the neighborhood,
- c. and does not hinder or discourage the orderly and appropriate development and/or use of adjacent property and buildings.

8.02.12 The proposed use, proposed buildings and structures and other site features are designed and maintained in such a manner as not to impose and unacceptable risk to aquifers and public water supplies.

8.02.13 Environmental Protection and Conservation: The proposed plans shall provide for the reasonable conservation of natural features to include the preservation of specimen trees, 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.

To ensure that the proposed plans provide for the reasonable conservation of natural features or environmentally sensitive areas, the applicant may propose, or the Commission may require as a condition to approval of the plan, a Conservation Easement as a way to conserve the natural features or environmentally sensitive area in question. The Conservation Easement may be established to:

- (1) preserve, protect, and/or provide for recreation areas, farm land, tree cover, greenbelts, wildlife habitat and corridors, unusual terrain, land forms, or any other natural features, as well as scenic or historic resources;
- (2) supplement existing open space and/or recreational areas, as well as any other existing condition in (a) above;
- (3) promote the development of land in a way that is sensitive to the environment;
- (4) promote the development of land in a way that is compatible with surrounding areas;
- (5) preserve and protect inland wetlands, watercourses, and aquifers and to avoid the potential for flooding, erosion, and water pollution;
- (6) control the extent to which steep slopes and problem soils are utilized for roadways, sewage disposal systems and other aspects of development;¹

8-02.14 Adequate Public Utilities: The water supply, the sewage disposal, and the 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.²

¹ New, ZA #537, effective 9/8/07

² New, ZA #537, effective 9/8/07

8-02.15 Adequate Parking and Access: The parking and loading facilities shall be deemed to be adequate and properly located, and the entrance and exit driveways must be designed to achieve reasonable safety.¹

8-03 PROCEDURE

Each application for a Special Permit Use shall be accompanied by a concurrent site plan application as detailed in Section 9, building elevations, and a plan prepared by a licensed landscape architect, land surveyor or civil engineer, which depicts the location of buildings, parking areas, drainage features, landscaping and lighting and a map showing all property lines within a 500 foot radius of the proposed change. The radius shall be measured from the perimeter of the site, as shown on the most current Tax Assessor's map, and shall include a list of said property owners and their current mailing addresses as exists on the most current Tax Assessor's records, and the appropriate fee. Site plans are not required for Home Occupation Applications. Each application for a home occupation shall be accompanied by the appropriate fee.²

- 8-03.1 Per Section 8-7d of the Connecticut General Statutes, as amended, a public hearing must commence within 65 days after application and shall be completed within 30 days after said hearing commences. All decisions or applications shall be rendered within 65 days of the completion of the hearing. The applicant may consent to one or more extensions of any period specified above, provided the total extension for any such period shall not exceed the original period.
- 8-03.2 Any use for which a special permit may be granted shall be deemed to be a permitted use in the zone in which such use is located provided that such approval shall affect only the lot or building for which such approval shall have been granted.
- 8-03.3 Any approved Special Permit Use which is not put into effect 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.
- 8-03.4 The applicant shall notify all property owners of a Special Permit Use in the manner prescribed in Section 14-03.5 herein for a change of zone, except that the applicant shall notify abutting property owners only, for Home Occupation application.³

8-04 DESIGN REVIEW GUIDELINES⁴

These Design Review Guidelines have been adopted by the Planning and Zoning Commission to provide assistance and guidance to applicants as well as the Commission when reviewing applications for special permit use applications. The special permit use review criteria in the zoning regulations include criteria for neighborhood compatibility. Neighborhood compatibility involves both the site and building layout and design. These guidelines may be referred to by the Commission when reviewing special permit use applications and the associated site plans.

¹ New, ZA #537, effective 9/8/07

² Revised, ZA #537, effective 9/8/07

³ Revised, ZA #592, effective 5/20/17

⁴ New, ZA #537, effective 9/8/07

General Standards

Considerations as to neighborhood compatibility, design, architectural treatment and aesthetic character 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.

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 standards may serve as general criteria to guide the consideration of any applications:

- (a) the impact on the property value of existing structures in the adjoining area;
- (b) the effect on the health, safety, and general welfare of the community;
- (c) the impact on the historic significance of the site and the affected structure;
- (d) when the proposed use involves the conversion of a structure built for residential use, the adaptability of the structure to a non-residential use;
- (e) the compatibility of a proposed architectural design with the architectural designs of existing adjacent buildings and the architectural character of the neighborhood as a whole;
- (f) 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 character of the neighborhood as a whole;
- (g) the compatibility of the landscaping and layout of structures on the parcel with the landscaping and layout of adjacent parcels;
- (h) the extent, nature, arrangement and landscaping of parking facilities and vehicular and pedestrian circulation;
- (i) the impact on significant natural features of the site including trees, steep slopes and wetlands;
- (j) types, styles and colors of building materials, exterior facades, placement of windows and special architectural features;
- (k) screening of and/or blending of mechanical equipment, utility hardware and miscellaneous appurtenances into the overall design.

Specific Design Considerations

In determining whether an application conforms to the general standards, the Commission may consider the following:

A) 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:

1. 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.
2. 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.
3. 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.
4. 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.
5. 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.
6. 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.
7. Proportion of Openings 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.

B) 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.

C) 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.

D) Building Materials

1. 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.
2. 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.

E) 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:

1. 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, or landscaping features.
2. 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.

F) Site Treatment and Existing Site Features

1. Where natural or existing topographic patterns contribute to the beauty and utility of a development they should be preserved.
2. Suitable existing vegetation, where present, should be incorporated into the design of the site.

G) Parking and Pedestrian Access

1. There should be continuity from the public street to the building(s) entry. At least one continuous sidewalk, with landscaping and lighting at pedestrian scale, should be provided.
2. 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 oriented from the public sidewalk.

3. Whenever possible, parking lots along the full length of a commercial street or commercial district where pedestrian traffic exists or is encouraged should be avoided or minimized.
4. 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 safe during night parking.
5. Pedestrian systems designed for the movement of people between buildings and from buildings to parking should be lighted to provide safety and security.

H) Landscaping and Screening

1. 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.
2. 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.
3. 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.
4. Screening of utilities, loading docks, dumpsters and other unsightly places may be accomplished by use of walls, fencing, landscaping or a combination of these. Screening should be effective year-round.
5. 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.
6. 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.

I) Signs

1. Every sign should have scale and proportion in its design and in its visual relationship to buildings and surroundings.
2. 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 character and use.
3. The colors, materials, and lighting of every sign should be restrained and harmonious with the building and site to which it principally relates.

4. 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.

J) Lighting, Miscellaneous Structures and Street Hardware

1. 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.
2. 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.

K) Maintenance - Planning and Design Factors

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.

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.

SECTION NINE

SITE PLAN REVIEW

9-00

9-01 AUTHORIZATION AND APPROVAL OF PLANS

No building permits shall be issued in any zone for any use other than for single-family dwellings in an approved subdivision or an approved building lot, unless site development plans, prepared in accordance with Section 9-03 herein, have been approved by the Planning and Zoning Commission or by following the zoning permit process.¹

For any property where there is an existing building, and/or site plan has already been approved by the Commission and the proposed use requires any exterior structural alterations or additional parking per Section Twelve, a site plan shall be submitted to the Planning and Zoning Commission for review and approval, with the following exceptions: Additions less than 100 sq. ft. in size for space that is not for public occupancy on sites that have existing site plans require the zoning permit process; and, zoning permits shall be used for changes in use on an existing site where no shovel in ground work is taking place and no additional parking is required.²

However, the Commission, in its sole discretion, may waive some of the requirements of Section 9-03 herein based upon the proposed use and/or addition in relation to existing conditions of the subject premises and neighboring properties. The Commission may not waive the requirements of sidewalks in any zone, except in accordance with the criteria set forth in Section 9-03.9.C.

9-02 CONSIDERATIONS FOR APPROVAL

In the review of site plans, the Commission shall give specific consideration to the design of the following:

- 9-02.1 Traffic Access - That all proposed traffic access ways are: adequate but not excessive in number; adequate in width, grade, alignment and visibility; not located too near street corners or other places of public assembly; and other similar safety considerations.
- 9-02.2 Circulation and Parking - That adequate off-street parking and loading spaces are provided to prevent parking in public streets of vehicles of any persons connected with or visiting the use; that adequate, safe and accessible pedestrian circulation be provided within the site and connected with off-site sidewalks; and that the interior vehicular and pedestrian circulation systems are adequate to provide safe accessibility to all required off-street parking.
- 9-02.3 Landscaping and Screening - That all playground, parking, service areas and rooftop mechanical equipment are properly and reasonably screened at all seasons of the year from the view of adjacent lots and streets and that all general landscaping of the site is in character with that generally prevailing in the neighborhood. Preservation

¹ revised, ZA #566, effective 9/22/12

² revised, ZA #566, effective 9/22/12

of existing trees over 4" in diameter to the maximum extent possible shall be encouraged. Street trees are required along all public ways, not less than two per every 50 feet of frontage, or portion thereof.¹

9-02.4. Illumination - That lighting from the installation of outdoor flood or spot lighting and illuminated signs are of a reasonable intensity of illumination for the purpose served and will be properly shielded so that such lighting will not adversely affect any abutting property or public street. Full cutoff light fixtures with recessed lenses only shall be required in an effort to reduce light pollution and unnecessary glare.²

9-02.5 Character and Appearance - That the character and appearance of the proposed use, building, and/or outdoor signs will be in general harmony with the character and appearance of the surrounding neighborhood and that of the Town of Southington and will not adversely affect the general welfare of the inhabitants of the town.

9-02.6 Siting of Buildings - That buildings be arranged in a manner which allows for proper and safe visibility from public roadways and in a manner which promotes the safe and efficient movement of vehicular and pedestrian traffic to and throughout the property.

9-03 MINIMUM APPLICATION AND PLAN REQUIREMENTS

Applications and supporting documentation and mapping shall be submitted in digital form and shall be accompanied by the appropriate fee, a narrative description of the project, statements of anticipated utility impacts and drainage calculations/traffic reports, a description of all proposed uses, as well as three (3) copies of a Site Plan 1" = 20' or 1"=40' on 2'x3' sheets, showing 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, plans and elevations of all proposed signs, lighting, floor plans, and all proposed structures or alterations to existing structures.³

A Class A-2 survey shall be required for all site plans, unless specifically waived by the Commission.

A copy of survey and final design data shall be submitted on computer disk in a digital format. Such data shall be provided in "DXF" format and submitted in accordance with the Town Engineering Department requirements.

Site plans shall indicate the following:⁴

9-03.1 Location and height of all existing and proposed structures including signs, walls, and fences, including safety fences for storm run-off detention basins or ponds and as required in the Subdivision Regulations of the Town of Southington.⁵

9-03.2 Location of all uses not requiring a structure.

¹ revised, ZA #540, effective 9/8/07

² revised, ZA #540, effective 9/8/07

³ Revised, ZA #592, effective 5/20/17

⁴ revised, ZA #540, effective 9/8/07

⁵ revised, ZA #540, effective 9/8/07

9-03.3 Location of driveways, loading and parking areas showing the number of spaces as required by the provisions of these regulations.

9-03.4 Existing and proposed storm drainage, including runoff computations before and after development, unless waived by the Commission, sanitary sewer and water supply facilities and easements, including the location of all facilities as proposed in Southington's long-range Plan of Development.

9-03.5 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.

9-03.6 Proposed interior traffic circulation system, adequately designed to provide safe accessibility to all required off street parking as well as providing police and fire protection to all structures, equipment and materials.

9-03.7 In the case of uses requiring approval of any Department of the State or Town, the approval of said Department.

9-03.8 A key map, Scale 1"=1000', showing the zoning and street pattern within 500 feet of the site.

9-03.9 Proper provisions for safe and accessible pedestrian circulation, including sidewalks, handicapped ramps in accord with the design standards of the State Building Code, as amended and/or easements where required by the Commission.

A. Street right-of-way sidewalks located within about one foot of a site plan boundary line are required in all zoning districts except in Industrial Zones, I-1 and I-2, where street sidewalks are optional.

B. Sidewalks internal to the site are required wherever pedestrian safety may be at risk.

C. The Commission may grant a waiver of the site plan street right-of-way sidewalk requirement by a two-thirds (2/3) vote. Such a waiver may be granted if one or more of the following criteria is determined by the Commission to exist:

1. Where proposed road reconstruction or alignment would make immediate installation impractical; the Commission must specifically set forth the basis for its findings that the road project will be completed within twelve months if located within a school access area, or in twenty four months if located outside such an area.

2. Where unusual physical or topographical conditions make immediate installation impractical.

3. Where there are pre-existing obstructions that cannot be readily relocated or should not be altered, such as grades, fills, watercourses, natural topographic features or manmade obstructions; or

4. Where the area or site has been recognized as having historical, archaeological, and/or architectural significance by the Town, the State, or the United States and the waiver will help maintain such historical, archaeological, and/or architectural significance.
5. 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. 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.

9-03.10 Limits of areas to be permanently paved and provided with lip curbing, and parking and planting islands.

9-03.11 Exterior architectural elevations showing proposed structures and/or changes to existing structures, clearly labeling all exterior building materials.

9-03.12 Cross-sections detailing the construction of proposed sidewalks, driveways, parking areas, and storm drainage structures.

9-03.13 Existing and proposed topography at 2 ft contour intervals.

9-03.14 Total lot area of the subject lot, lot coverage proposed and allowed per Section 7A-00 and total areas of inland wetlands and/or floodplains and areas to be filled.

9-03.15 A planting schedule which includes the number and types of species (tabular form) and their location.

9-03.16 Erosion and Sedimentation Control Plan subject to the following:

- A. An erosion and sedimentation control plan covering all proposed excavation, filling and grade work unless waived by the Commission, prepared by a Professional Engineer, landscape architect or other qualified person. Such plan shall include a map which shows proper measures to control accelerated erosion and reduce sedimentation as set forth in the Connecticut Guidelines for Soil Erosion and Sediment Control (2002)¹, as amended. Said plan shall also include a written description of the sequence of operations, including start-up and completion dates, grading and construction activities, installation and/or application of soil erosion and sedimentation control measures, and final stabilization of the project site.
- B. The Commission shall either certify that the soil erosion and sediment control plan, as filed, complies with the requirements and objectives of this regulation or deny

¹ revised, ZA #540, effective 9/8/07

certification when the development proposal does not comply with these regulations.

Nothing in these regulations shall be construed as extending the time limits for the approval of any application under Chapters 124, 124A or 126 of the General Statutes.

- C. The estimated costs of measures, as determined by the Town Engineer, required to control soil erosion and sedimentation as well as a lump sum figure for possible clean-up efforts for failure to comply, as specified in the plan, that are a condition of certification of any modified site plan, shall be covered in the form of a certified check payable to the Town of Southington, or savings passbook endorsed to the Town. Said surety shall be separate from and in addition to the bonding requirements for all other public improvements pursuant to Section 9-06 herein.
- D. Site development shall not begin nor shall any building permit be issued until the soil erosion and sedimentation control plan is certified and those control measures and facilities in the plan scheduled for installation prior to site development are installed and functional.
- E. Inspections shall be made by the Commission or its designated agent during development to ensure compliance with the certified plan and that control measures and facilities are properly performed, installed, and maintained. Failure of the applicant or person assigned to install and/or maintain any and all improvements and/or any necessary clean-up for failure to install and/or maintain said improvements shall be cause for the Commission to call the surety for said improvements within one (1) week after notification by certified mail of the need for such erosion and sedimentation control. The applicant, property owner, or assignee shall give the Town the right to enter onto the property to perform the necessary work.

9-03.17 Certain proposed site plans require a traffic study and shall satisfy specific levels of service.

Site plans 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 additional 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. In addition to the requirement in 3 below, no site plan will be approved unless a Level of Service C or better can be obtained for through traffic.

3. In addition to the requirement in 2 above, no site plan will be approved if it will result in a reduction in Level of Service, as defined by the Institute of Transportation Engineers or a comparable organization deemed appropriate by the Commission.

9-03.18 Such other information as may be required by the Commission.

9-04 CONDITION OF APPROVAL

Any person, firm or corporation having obtained approval of a site plan application under this section shall complete all work and comply with all conditions of approval of said site plan approval within two years after said approval, provided, that site plans approved after October 1, 1984, shall complete all work within five years after said approval.

9-05 SAFEGUARDS

In authorizing any use, the Commission may attach reasonable conditions and safeguards as a precondition to its approval.

9-06 BONDS

Before work on a project with site plan approval begins¹, the applicant shall secure a zoning permit, have a preconstruction meeting with staff² and file a bond in the form³ of a line of credit or a certified check payable to the Town of Southington with the Commission, in a form satisfactory to the Town Attorney and in conformity with the provisions of these regulations, in an amount recommended by the Town Engineer as sufficient to guarantee completion of all public improvements within an existing street and right-of-way, including but not limited to utility extensions and associated resurfacing, drainage improvements, curbing, and sidewalks, and in addition thereto 10%⁴ thereof for contingency. Such bond or certified check shall not be released by the Commission until written certification from the Town Engineer has been received that all of the requirements of these regulations have been fully satisfied.⁵

9-07 CERTIFICATE OF SITE PLAN COMPLIANCE

In all cases where these regulations require approval of site plans, no land shall be used and no building or other structure shall be occupied or used, nor shall a Certificate of Occupancy be issued by the Building Official until a Certificate of Site Plan Compliance has been issued by the Town Engineer stating that all of the provisions of these regulations, any special conditions imposed by the Zoning Board of Appeals or the Planning and Zoning Commission, and all site improvements as approved by the Commission have been completed.

9-07.1 The Planning and Zoning Commission may waive the requirements of this section in the case of exceptional winter weather or other extenuating condition when in its opinion the strict application of this section would cause exceptional hardship but

¹ revised, ZA #562, effective 11/19/11

² revised, ZA #562, effective 11/19/11

³ revised ZA #552, effective 3/20/10

⁴ revised ZA #562, effective 11/19/11

⁵ revised, ZA #535, effective 5/8/07

would not be injurious to the neighborhood or otherwise detrimental to the public welfare. In such cases, the applicant shall post a bond in lieu of site plan compliance in the form of a¹ certified check, payable to the Town of Southington, to cover the balance of all remaining site work as determined by the Town Engineer and in addition thereto, 10%² thereof for contingency. Upon filing of such security and execution of an agreement between the applicant and the Town stipulating the items remaining to be completed, the cost of said items plus a 10%³ contingency, and the date by which said items must be completed, and such other terms and conditions as deemed appropriate by the Commission, a Temporary⁴ Certificate of Occupancy shall be issued.

9-07.2 Security shall not be released until the Town certifies completion of all public and site improvements as appears on the site development plans approved by the Commission per Section 9-03 herein.

9-08 APPROVAL FROM OTHER DEPARTMENTS

Approval of any use or activity required from any other state or local department, excluding the Building Department, shall be obtained and provided before any action is taken by the Commission.

9-09 SITE PLANS IN B ZONES

In order to eliminate curb cuts and resultant traffic conflicts, the following requirements shall apply.

All site plans in B zones shall meet the following additional requirements:

9-09.1 Access easements shall be provided to neighboring properties zoned for business usage, including those properties located within the Business Overlay Zone. Such easements shall be provided on each side of the parcel and shall be 20 feet wide and 60 feet deep as necessary.⁵

A. 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.

i. 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.

B. If a neighboring property has not previously provided an access easement, then a temporary driveway may be utilized, providing that temporary driveway shall be closed off when the common driveway required in 9-09 1.a is constructed.

i. A temporary driveway may be maintained at the discretion of the

¹ revised, ZA #562, effective 11/19/11

² revised, ZA #562, effective 11/19/11

³ revised, ZA #562, effective 11/19/11

⁴ revised, ZA #562, effective 11/19/11

⁵ revised, ZA #586, effective 8/8/15

Commission if it is at least 200 feet centerline to centerline to the shared access.

- C. Curb cuts on corner lots shall be on the less busy street, at least 150 feet from the intersection, wherever practical.
- D. Curb cuts shall generally be limited to 30 feet wide, with a 25 foot radius.

9-10 SITE PLANS IN THE BUSINESS OVERLAY ZONE (BOZ)

This section is enacted with reasonable consideration of the unique character of the Business Overlay Zone and is intended to supplement existing site plan regulations. Uses requiring site plan approval shall conform to these provisions and all other provisions outlined in Section 9-00. When discrepancies between requirements exist, the more stringent requirement shall apply.

9-10.1 All uses requiring site plan approval shall be subject to the following requirements:

- A. Not more than twenty-five (25%) of the proposed parking area shall be located in the front yard unless otherwise waived by the Commission.
- B.¹ 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.
- C. Utilities, such as electrical and telephone wires, shall be located underground where possible.
- D. The site shall be adequately landscaped with a mix of trees, shrubbery and grass. The caliper of trees shall be a minimum of 2" in diameter. Trees shall be planted a minimum of 40 feet on center along public rights-of-ways, building frontages and within the parking areas. The Commission may allow for the clustering of trees and shrubbery where deemed appropriate. Alternative landscape materials, such as bark mulch, pea stone or crushed stone shall be limited to incidental use only.
- E. 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.
- F.² A landscaped buffer consisting of a mix of deciduous and conifer trees shall be maintained between proposed commercial uses and adjoining residential uses. Such buffer shall be a minimum of 20 feet in depth and shall provide adequate year-round screening. The Commission may waive or modify, with supermajority vote, the buffer planting and depth requirements where adjacent residential uses are located on B or BOZ zoned property, or where residential uses are separated from the development by roads, and the proposal incorporates

¹ New, ZA #593, effective 10.7.17

² New ZA #593, effective 10.7.17

screening with a 7 foot high lightproof fence and landscaping on the residential side of the fence.

- G. 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 13-07 of the Zoning Regulations, except that no individual attached sign shall exceed sixty (60) square feet in area. The provisions outlined in Section 13-08 of the Zoning Regulations shall not be applicable in the Business Overlay Zone.
- H. 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.
- I. 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.

9-10.2 In addition to those requirements listed above, principal buildings constructed after December 31, 1996 shall comply with the following requirements:

- A¹. All structures shall be setback a minimum of 20 feet from a public right-of-way.
- B. 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 New ZA #593, effective 10.7.17

SECTION TEN

PLANNED UNIT DEVELOPMENT

10-00

10-01

DESCRIPTION

10-01.1 Size - The provisions of this section shall apply only to a tract of land proposed to be developed, which is suitable and of a character to be planned and developed for Planned Unit Development. Such property shall include not less than seventy-five (75) acres of contiguous land.

10-01.2 Applicants - The record owner, owners, or optionees of land proposed to be developed as a Planned Unit Development shall bind themselves by an agreement which shall be a part of the Site Plan to act as one person in developing the property.

10-01.3 Permitted Zones - Planned Unit Development shall be developed only in R-12 and B zones in accordance with the provisions of Sections 3-03.2 B.2. through 3-03.2 B.6. and Section 3-03.2 B.9. of these regulations.

10-01.4 Mixed Land Uses - Varied residential and/or commercial land uses are permitted provided that such uses are compatible with each other, the Town Plan of Development, and existing uses surrounding the Planned Unit Development. Industrial land uses may not be mixed with commercial or residential uses.

- A. If commercial land uses are proposed, said facilities shall be sized to service only the needs of the residents of the proposed Planned Unit Development, and in this connection, parking provisions shall be in accordance with the requirements made by the Planning and Zoning Commission at the time of the approval of the application. No commercial facility shall be constructed or maintained within two hundred (200) feet of the boundary of the proposed development.
- B. A Planned Unit Development incorporating commercial facilities must provide a buffer area along the boundary of the Planned Unit Development, which shall be of such a nature as to visually screen the first story of proposed structures in said Planned Unit Development from the first story of buildings which may be built in the adjacent residentially zoned properties. If automobile parking, driveways, or machinery operation is to be provided within fifty (50) feet of said boundary, a tight opaque fence or structure seven (7) feet high, which shall also be visually screened, as above, shall be provided between the parking, driveway, or machinery, and the adjacent residential areas. Such a buffer area may be topographic in nature, or include evergreen plantings of such density and size as to

10-01.4 fulfill the screening requirements, but in no event shall be less than twenty-five (25) feet in width. It shall be planted and designed to present a natural appearance to adjacent properties.

10-01.5 Building Intensity - Buildings shall cover no more than twenty (20%) percent of the area proposed to be developed. In determining such total use, the paved area of public highways, common drives, parking lots, and buffer areas will be excluded.

10-01.6 Building Height - No building shall exceed a height of thirty-five (35) feet, except that the Commission may allow up to thirty-three and one-third (33-1/3%) percent 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 character 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.

10-01.7 Area Relationships - The proposed Planned Unit Development shall relate properly to such land uses and zoning as may exist at the time of the application, and shall protect the property values of the surrounding neighborhood.

10-01.8 Open Space - 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.

10-01.9 Lots Without Highway Frontage - Lots without public highway frontage may be permitted within the Planned Unit Development provided that unobstructed access therefrom by a perpetual paved, right-of-way for motor vehicles at least 30' wide with all-weather pavement at least 24' wide is provided to a public highway; that the buffering side yard, front yard and rear yard distances for the whole Planned Unit Development are not less than that required by these Regulations; that the approximate lot lines and rights of way have been approved as a part of the Site Development Plan and that covenants, easements or declarations naming the Town as an enforcing authority providing for the continued maintenance and upkeep of such rights of way have been filed on the land records simultaneously with the recording of any map purporting to create such lots.

10-02 PROCEDURE AND APPLICATION

The procedure making application for and obtaining approval of a Planned Unit Development shall be governed by the provisions of Section 8 of these Regulations. In addition, written notice shall be mailed ten (10) days in advance of public hearing to the last known address of owners of

property within a radius of five hundred (500) feet of the premises of the proposed Special Permit Use, according to the latest records of the Town Assessor.

10-02.1 Preliminary Consideration - An applicant may review with the Commission and its staff in a preliminary and informal manner any proposal for a Planned Unit Development prior to submission of a formal application. In such a review, the applicant may submit and the Commission or its staff may request such information as may lead to a rendering of a non-binding opinion by the Commission.

10-02.2 Site Development Plan - Any Site Plan for Planned Unit Development shall be prepared and certified by a licensed architect or a professional civil engineer, and shall be subject to Section 9 of these Regulations, and in addition shall contain the following information:

- A. Proposed dwelling unit densities, including number of dwelling units
- B. Description of proposed open space such as parks, lawn areas, and recreational facilities, and such proposed covenants, agreements, easements and other provisions relating to maintenance, occupancy, dimensions, location and density of such building units and public and/or common facilities as are necessary for the welfare and maintenance of the development and the best interests of the Town.
- C. Perspective drawings.
- D. Description of types of building materials and facing, including fire retardant characteristics for all proposed buildings.
- E. Proposed priority schedule of construction of the various units, buildings, landscaping, and other elements of the plan.
- F. Future division of property among landowners either by building, condominium, or other reasonable separations.
- G. A report from the Fire Marshal on the fire fighting feasibility of the proposed plan.
- H. A map showing owners of property within five hundred (500) feet distance from the premises of the proposed Planned Unit Development, according to the latest records of the Town Assessor.
- I. Any other information which the Commission may reasonably require or the applicant may wish to submit.

10-02.3 **Stage Development** - Site Development Plans may be for a stage, or stages, of not less than thirty (30) units. Such a stage 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. Such a stage shall be capable of complete and self-sufficient existence without the completion of the final stages. When the applicant for a Planned Unit Development which contemplates the incorporation of commercial facilities, desires to develop in stages, said commercial facilities shall not be constructed until fifty (50%) percent of the units in the overall Planned Unit Development have been constructed and certificates of occupancy for same have been issued by the Building Inspector.

10-03 **FINDINGS**

In addition to other considerations for approval as provided for in these Regulations, the Commission must be satisfied that:

- 10-03.1 Utilities and drainage have been so laid out as to not unduly burden the capacity of such facilities, such other facilities presently connected therewith, and such facilities proposed by the officially adopted master and master utility plans.
- 10-03.2 The streets and drivers will be suitable and adequate to carry anticipated traffic and increased densities will not generate traffic in such amounts as to overload the street network in the area.

10-04 **ENFORCEMENT**

The following action may be taken to enforce the Site Development Plans in addition to those provisions for zoning enforcement provided by law:

- 10-04.1 If the owner, his successors or assigns, fail to adhere to any part of the Site Development Plans as adopted by the Commission, the Building Inspector shall notify such owner, by certified mail, that a violation of said plans exists, specifying the nature of the violation and ordering the correction thereof. If the owner does not proceed to comply with the order to correct the specified violations within thirty (30) days after receipt of notification thereof, the Building Inspector shall, at the direction of the Commission, instruct the Zoning Enforcement Officer to call in the bond established under Section 9-06 of these Regulations.

SECTION ELEVEN

SPECIAL REGULATIONS

11-00

11-01

LIVING AREA REQUIREMENTS

There shall be no minimum floor area.

11-02

EXCEPTIONS TO HEIGHT AND AREA REQUIREMENTS

11-02.1

The height provisions as set forth in Section 7 of these Regulations shall not apply to the erection of towers, belfries designed primarily for ornamental purposes, flagstaffs, chimneys, flues, radio or television towers, water tanks, communication towers used in conjunction with wireless telecommunication facilities, necessary mechanical appurtenances normally carried above roof level and silos; provided such structural features do not exceed a height of 175 feet, as measured from adjoining grade. 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, waives the requirement. A waiver of such requirement shall be based on the Commission finding that such waiver is not contrary to the public safety of adjoining properties nor contrary to the integrity, character or aesthetic quality of the surrounding neighborhood.

11-02.2

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.

11-03

PUBLIC GARAGES, GASOLINE FILLING STATIONS AND THE SALE AND REPAIR OF NEW AND USED MOTOR VEHICLES

11-03.1

The use of any premises for the sale or display of new or used motor vehicles, whether within or without any building or other structure, for the business of public garages and gasoline filling stations may be permitted on lots containing not less than 30,000 square feet located in Business Zones when authorized as a Special Exception or a Special Permit Use by the approving board as designated by State Statutes¹, subject to the following conditions and limitations:

- A. No permit shall be issued for the purpose of a salesroom for new or used motor vehicles, a public garage or a gasoline filling station, or for the conversion of any premises for such purpose, nor shall the sale, display or repair of motor vehicles be permitted if any part of the property, including any and all means of access to the said business conducted, or to be conducted thereon, is within 400 feet of the entrance to any public park or playground or within 400 feet of the nearest point of any building in which there is established or maintained a school, hospital, church, public theatre, public library or building for public assemblies.

¹ revised, ZA #544, effective 3/22/08

- B. No gasoline pump or filling appliance shall be located within 25 feet of any highway, sidewalk or property line.
- C. For each special permit application the Commission shall send a first-class letter to all property owners within 250 feet of the proposed location measured from the perimeter of the property, a map showing the property and the 250' area and a list of said property owners shall be compiled by the applicant from the most current Town Assessor's records and provided to the town as part of the application. 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.¹

11-04 **SALE OF ALCOHOLIC BEVERAGES**

The following uses are permitted only when authorized as Special Exceptions by the Zoning Board of Appeals:

- 11-04.1 No building or premises shall be used and no building shall be erected or altered which is arranged, intended or designed to be used as permitted in Sections 4-01.32:
 - A. Within 400 feet in a direct line from any church, public school, hospital, or library, or the premises upon which any of the aforementioned classes of buildings are situated.²
- 11-04.2 The provisions of Section 11-04.1 shall not apply to the sale or exchange of beer, ale or lager for consumption off the premises when part of a bona fide grocery supermarket business located in a Regional Shopping Center.
- 11-04.3 The provisions of Section 11-04.1 shall not apply to the sale of alcoholic beverage for consumption upon the premises when part of a bona fide restaurant or hotel as defined by State Statutes and licensed under the provisions of the Liquor Control Act of the State of Connecticut.
- 11-04.4 The provisions of Section 11-04.1 shall not apply to any club which shall have obtained a permit as hereinafter provided in Sections 11-04.5 and 11-04.6.
- 11-04.5 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 under such restrictions as may by law be provided for a group of persons associated together and recognized by the liquor licensing authority of the State as a club; provided that 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

¹ new, ZA #544, effective 3/22/08

² revised, ZA #584, effective 3/20/15

others, and 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 rental of its leased or rented premises, or, if such premises are owned by the club, shall be sufficient to meet the taxes, insurance and repairs and the interest on and mortgage thereof; and provided further that such applicants shall agree to furnish the Board prior to such hearing 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 and to furnish like information upon request, but not more often than once in any six-month period, to the Zoning Enforcement Officer so long as such permit shall remain in effect.

11-04.6 In the event that at any time it shall appear to the Zoning Enforcement Officer that a club has ceased to comply with any or all of the requirements above set forth, he/she shall notify the Zoning Board of Appeals; if thereafter, after public notice and hearing, the Board of Appeals shall find as a fact that such club no longer complies with the requirements of these Regulations, the Board shall revoke the permit of such club and the sale of alcoholic liquors upon the premises of such club shall thereupon become a prohibited use; the Board shall forthwith certify to the State Liquor Control Commission that the further sale of alcoholic liquor upon said premises is prohibited by the Zoning Regulations of the Town of Southington and may take such further action as it may deem appropriate in order to abate such nonconforming use.

11-05 **PROJECTIONS**

11-05.1 Except as governed by requirement for corner visibility in Section 11-05.3, open or closed porches or vestibules may extend into any required front yard provided that such extension shall not exceed 5 feet nor contain more than 50 square feet of floor area computed on exterior dimensions.

11-05.2 Projections such as pilasters, sills, cornices, fireplaces and bay windows may extend into any required yard not more than two feet.

11-05.3 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.

11-06 **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.

11-07 **FARM STANDS**

The Board of Appeals may authorize issuance of a temporary permit in any zone for a limited period not to exceed six months in any one calendar year, for a farm stand, booth or shed with a maximum floor area not to exceed 150 square feet for the retail sale of farm produce, milk, honey, cider, or other foods or non-alcoholic beverages which are produced on the premises. Farm stands shall be located on a parcel containing a minimum frontage of 200 feet and located a minimum distance of 300 feet from all neighboring residential uses. Such structures shall be setback a minimum of 20 feet from all public rights-of-way and shall be safely designed to provide a minimum of four temporary parking spaces for customer use.

11-08 **MOBILE HOMES AND MOBILEHOME CAMPS OR PARKS**

No new mobilehome camps or parks shall be established or located within the Town of Southington, and no mobilehome shall henceforth be placed or maintained on any lot, parcel or tract within said Town except in accordance with the following provisions:

- 11-08.1 Not more than one recreational mobilehome may be stored in a permitted accessory building in any Residential Zone.
- 11-08.2 Mobilehomes may, for the purpose of storing or displaying same for sale, be located on premises in Business Zones.
- 11-08.3 Mobilehomes may be used as temporary on-site offices, in connection with a specific construction project subject to the provisions of Section 11-08.6.
- 11-08.4 The owner of a mobilehome who is in the process of constructing a house may use said mobilehome for a dwelling subject to obtaining a license therefore as provided in Section 11-08.6 on the same or on an immediately adjacent lot or parcel for a period of six (6) months, renewable to a maximum of one (1) year.
- 11-08.5 The owner of a mobilehome now being used for dwelling purposes, or the operator of an existing mobilehome park under a lawfully issued license may renew said license subject to the provisions of Section 11-08.6. However, licenses for individual mobilehomes or sites outside of the confines of an existing mobilehome park shall be non-transferable from the owner or occupant at the time of the effective date of these Regulations.
- 11-08.6 Licenses for mobilehomes permitted for occupancy for dwelling purposes under the provisions of Sections 11-08.3, 11-08.4 and 11-08.5 shall be issued or renewed by the Building Official only 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.

11-08.7 The use of mobilehomes for human occupancy, and mobilehome parks or mobilehome 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 11-09 of these regulations.

11-08.8 Living units of a hinged or collapsible nature which are transported to the site of erection by mobile means or those which are pre-made in two half sections that are later fastened together, are to be classified as mobilehomes and are to be subject to the requirement of Section 11-08 of these Regulations unless said living units are designed to be permanent residences when constructed upon a permanent foundation, and meet all the requirements of Section 11-01.

11-08.9 The erection of free standing carports in conjunction with trailers in legally existing Trailer Parks may be permitted as an accessory use in accordance with the following provisions:

- A. Carports shall be of aluminum or steel manufactured construction and supported by concrete footings. The entire area beneath any carport will be permanently paved.
- B. Carports measured from the edge of the overhang, shall be no greater than 12' x 20' and shall be located not less than five feet from any lot line and set back not less than five feet from any front yard.
- C. 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.
- D. 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.

11-09 **NON-CONFORMING USES**

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:

11-09.1 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 a less objectionable character.

11-09.2 No non-conforming use shall, if once changed to a conforming use, be changed back again into a non-conforming use.

11-09.3 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.

11-09.4 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

11-09.5²

11-09.6 No building which does not conform to the requirements of these Regulations regarding building height, limit, area and width of lot, percentage of lot coverage and required yards shall be enlarged unless such enlarged portion conforms to the Regulations applicable to the zone in which the building is located.

11-09.7 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.

11-10 **EXPANSION OF NON-CONFORMING USES**

Any non-conforming use may be expanded by Special Permit upon approval of the Planning and Zoning Commission, subject to the provisions of Section 8 and the following regulations:

11-10.1 No non-conforming use, excluding those uses per Section 11-10.2 herein, may be added to or enlarged unless such additions or enlargements do not exceed 25 percent of the floor area of the building.

11-10.2 Any business use existing in a Business zone or any industrial use existing in an Industrial Zone, which zone shall be changed by action of the Planning and Zoning Commission, may be permitted unlimited expansion, either on its own present land holdings or on adjacent land which it has acquired.

11-10.3 The minimum lot area shall be not less than two (2) times the minimum required for the zone in which the non-conforming use is located.

11-10.4 Yard requirements shall be not less than those prescribed for the zone in which the non-conforming use is located.

11-10.5 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

¹ Revised, ZA #592, effective 5/20/17

² deleted, ZA #586, effective 8/8/15

required front or side yards and no outside storage of materials. Also, the Planning and Zoning Commission may prescribe further restrictions which in its judgment, are necessary in order to permit the requested Special Permit Use.

11-10.6 A public hearing shall be held, notice of which shall be published in accordance with the provisions of the General Statutes, and in addition, written notice shall be mailed ten (10) days in advance of such hearing to the last known address of owners of property within a radius of five hundred (500) feet from the center of the proposed Special Permit, according to the latest records of the Board of Assessors.

11-10.7 Due consideration shall be given by the Commission to the character 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.

11-10.8 Permission for such Special Permit shall be allowed only by the affirmative vote of two-thirds of the membership of the Commission.

11-11 **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.

11-12 **CORNER LOTS**

On any corner lot there shall be, on all streets, a building setback line equal in depth, to the applicable front yard requirement. The yard opposite the front entrance to the principal building shall be deemed to be the rear yard. (See illustration in Section 2-12 L).

11-13 **SIDE YARDS FOR NON-CONFORMING LOTS**

For any lot upon which a dwelling may be erected under the provisions of Section 1-07 of these Regulations, where such lot has a width (measured on the required building line) less than the lot width required by these Regulations for the zone in which said lot is located, the required side yard width shall be as follows:

Lot Width	<u>Side Yard Width</u>
Less than 80 feet	8 feet
80 ft., but less than 100 ft.	10 feet
100 ft., but less than 125 ft.	15 feet
125 ft., but less than 150 ft.	20 feet
150 ft., and over	25 feet

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

11-13 A² **SIDE YARDS FOR RESIDENCES CONSTRUCTED ON NON-CONFORMING LOTS BOUNDED BY PAPER STREET**

For any lot upon which a dwelling was erected prior to May 20, 1957, where such lot has a side yard (measured from the dwelling to a paper street) and/or a lot width which is less than required by these Regulations for the zone in which said lot is located, and where such paper street is evidenced by a map or a deed recorded with the Town prior to May 20, 1957 and where such side yard complies with the schedule of Lot Width and Side Yard Width contained in Section 11-13, the provisions of Section 11-12 shall not apply and such lot shall be a valid lot.

11-14 **REAR LOTS**

11-14.1 The provisions of this section are intended to permit the use of land for residential and industrial purposes, which land has been unintentionally landlocked or deprived of minimum lot frontage on a street, or in case of a subdivision, where topography or unusual shape of the property lends itself to the use of a rear lot to accomplish the best use of the land.

11-14.2 No rear lot shall be allowed unless said lot abuts on a highway or street or unless there is provided for such lot an unobstructed non-municipality owned right-of-access in a residential zone of at least 15 feet wide, or in the case of a subdivision 20 feet fee simple, and 40 feet wide in an industrial zone, to a public highway adequate to accommodate fire apparatus or other emergency equipment. The lot line from which the right-of-access leads shall be considered the front line of the rear lot.

11-14.3 In the case of a subdivision, no access strip, as described and required in Section 11-14.2, shall exceed the following length:

500 feet in the Residential R-80 zoning district.
400 feet in the Residential R-40 zoning district
300 feet in the Residential R-20/25 zoning district.
500 feet in the Industrial I-1 zoning district.
500 feet in the Industrial I-2 zoning district.

11-14.4 Rear lots shall conform to all requirements prescribed for the zone in which it is located except that the minimum lot area, exclusive of access, shall be as follows:
(a) 200,000 square feet in the R-80 zone; (b) three times the required minimum lot area in R-40 zone, and (c) three times the required minimum lot area in R-20/25 zones and (d) one times the required minimum lot area in the Industrial 1 and Industrial 2 zones.

11-14.5 Only a single family dwelling shall be erected on a rear lot.¹

¹ New, ZA #592, effective 5/20/17

² New, ZA #542, eff. 10/6/07

11-14.6 The Commission shall not approve rear lots unless it finds that such lots provide for the best use of the land. The commission shall not approve rear lots which result in difficult drainage, difficult configuration, inaccessibility or temporary flooding nor shall the commission approve rear lots which possess steep topography or are encumbered by utility lines and/or rights-of-way which unduly reduce the development capacity of such lots.

11-14.7 Front yard setback requirements are as shown in Section 7A-00.

11-14.8 Driveways shall be paved when any portion thereof is located within an access strip as described in Sections 11-14.2 and 11-14.3. Pavement material shall consist of either concrete, bituminous-concrete or similar paver material, which shall be developed to a minimum width of ten feet (10'). A driveway 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%).

11-14.9 No rear lot shall be located behind another rear lot.

11-14.10 The minimum separation distance between any access strip providing ingress/egress to a rear lot shall be as follows:

400 feet in the Residential R-80 zoning district.
 300 feet in the Residential R-40 zoning district.
 200 feet in the Residential R-20/25 zoning district.
 200 feet in the Industrial I-1 zoning district. *
 300 feet in the Industrial I-2 zoning district. *

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

11-14.11 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.

11-14.12 The maximum number of rear lots in any residential subdivision shall be determined in accordance with the following provisions:³

TOTAL NUMBER OF LOTS WITHIN A SUBDIVISION	NUMBER OF ALLOWABLE REAR LOTS
1-20	- 1 -
21-40	- 2 -

¹ revised, effective 4/26/07

² revised, ZA #539, effective 8/24/07

³ revised, ZA #539, effective 8/24/07

41-60	- 3 -
Subdivision Developments which encompass 61 or more lots	4 plus 1 lot for each 20 lots in excess of 80 lots

11-15 **CREMATORIES**

A crematory shall be permitted as an accessory use to any existing funeral parlor, as of the effective date of this provision, located in a permitted zone, only when authorized as a Special Permit by the Planning and Zoning Commission, subject to the provisions of Section 8 herein and the following considerations:

- 11-15.1 A public hearing shall be held, notice of which shall be governed by the Zoning Regulations and Section 19-165(b) of the Connecticut General Statutes.
- 11-15.2 A crematory 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.
- 11-15.3 Each application, in addition to a site plan, shall include the type of retort proposed and all written, technical and graphic material pertaining to the proposed unit available from the manufacturer, including, *inter alia*, emission test data.
- 11-15.4 In addition to the general considerations per Section 8 herein, the Commission shall solicit technical input from the State Department of Environmental Protection and State Department of Health Services with respect to the proposed location, size and model.
- 11-15.5 The provisions of this section shall not include allowance for a crematory as a separate use on a separate lot in any zone in which funeral parlors are a permitted use.
- 11-15.6 Notwithstanding the provisions of Section 11-15, a crematory proposed in an Industrial Zone shall be permitted as a Special Permit subject to the provisions herein.

11-16 **EARTH EXCAVATION, FILLING AND GRADING**

- 11-16.1 The excavation, removal, filling and grading of sand, gravel, loam, soil, earth products, or any other material from a site shall be considered as a Special Permit Use subject to the provisions of Section Eight of the Zoning Regulations. Rock quarries shall be prohibited. In reviewing the Special Permit application, the Commission shall assess the following criteria in addition to the general considerations stipulated in Section Eight of the Zoning Regulations:
 - a. Whether the proposed site work would convey the problems of the property involved to an adjoining property.
 - b. 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.

- c. 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.
- d. Potential erosion and sedimentation problems inherent with an earth excavation, especially dust control.

11-16.1.1 Excavation, filling and grading permits must be completed prior to commencement of subdivision development.¹

11-16.2 An application for a permit under this section shall be accompanied by the following:

- a. The appropriate fee.²
- b. Map showing all properties within 500 feet of the parcel in question, with list of property owners.
- c. Grading plans, showing existing and proposed grades, at 1" = 40 feet with 2 foot contours, including the surrounding area within 40 feet.
- d. Existing and proposed drainage.
- e. Proposed truck access to the area, including truck routes to the site and roadways within the site.
- f. Number and types of trucks and other machinery to be used on the site.
- g. Depth to water table.
- h. Erosion and sedimentation control plan, including plans for dust control.

11-16.3 The following standards shall apply to all activities under this section:

- a. No activities shall take place within 100 feet of a property line, including tree cutting. Where two or more adjoining lots are to be considered, the Planning and Zoning Commission may treat a joint application as one application. The Commission may waive this requirement by a 2/3 vote, based upon topography, land use, and zoning.
- b. The hours of operation shall not exceed 8 a.m. - 5 p.m., Monday through Friday. The Commission may impose stricter hours. No work shall occur on legal holidays.

¹ new, ZA #539, effective 8/24/07

² revised, ZA #539, effective 8/24/07

- c. The maximum duration of a permit shall be two years. No extension shall be given unless the previous phase is stable.
- d. 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.
- e. 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.
- f. Diversions shall be required at the top of all cut and fill slopes as required by the Town Engineer per Figure 7-4 of the Connecticut Guidelines for Soil Erosion and Sediment Control (1985), as amended.
- g. Four inches of topsoil, as detailed in Section 7D of the Connecticut Guidelines for Soil Erosion and Sediment Control (1985), shall be required as final cover. Seed mix shall be as delineated in Figures 6-2 and 6-3 of the Guidelines for gravel pits.
- h. No more than two acres of unstabilized area shall be exposed at any one time.
- i. 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.
- j. 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.
- k. 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.
- l. No more than 5,000 yards of material shall be stockpiled on the site at any given time.
- m. A performance bond sufficient to cover final stabilization and interim erosion controls shall be posted prior to excavation or clearing.
- n. 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.
- o. Material shall be excavated in an east to west direction, avoiding having the

cut face west, whenever possible.

11-16.4 Excavations in existence as of March 8, 1984 shall not require a special permit.

11-16.5 The following activities shall not require approval under this section:

- a. The grading of material on site when considered as part of a subdivision or site plan.
- b. The excavation and removal, and/or borrowing and filling, of 10,000 yards or less, when part of a subdivision or site plan.

11-16.6 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.

11-17 Section 11-17 Adult Oriented Businesses¹

A. Purpose. The intent of this section is to regulate uses that have been proven to adversely affect neighborhood children, community improvement efforts, retail trade, commercial and residential property values, 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, property values and the quality of urban life through effective land use planning.

B. 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:

- a. Adult Arcade means 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,

¹ New, ZA #553, effective 6/23/10

videocassettes, slides or other photographic reproductions that are characterized by the depiction or description of specified anatomical areas or specified sexual activities.

- b. Adult Cabaret means any nightclub, bar, restaurant or similar commercial establishment, whether or not alcoholic beverages are served, which regularly features:
 - (1) Persons who appear nude or seminude;
 - (2) Live performances that are characterized by the exposure of specified anatomical areas; or
 - (3) Films, motion pictures, videotapes, slides or other photographic reproductions that are characterized by the depiction or description of specified anatomical areas or specified sexual activities.
- c. Adult Books means any books, magazines, periodicals, pamphlets, or other printed materials that depict, display or describe specified anatomical areas or specified sexual activities.
- d. Adult Entertainment means:
 - (1) 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
 - (2) 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.
- e. Adult Minimotion Picture Theater means any enclosed building with a capacity of 50 or less persons regularly used for showing films, motion pictures, videotapes, 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.
- f. Adult Motel means 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.
- g. Adult Motion Picture Theater means any enclosed building with a capacity of more than 50 persons regularly used for showing films, motion pictures, videotapes, 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.

- h. Adult Novelties means: (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.
- i. Adult Oriented Business means:
 - (1) 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;
 - (2) 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 ~~off~~ wherein an entertainer provides adult entertainment, when such adult entertainment is held, conducted, operated or maintained for profit, direct or indirect;
 - (3) 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
 - (4) Any establishment that advertises itself as an adult oriented business to the general public.

- j. Adult Oriented Store means any establishment having:

- (1) 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:

- (1) Twenty percent or more of all inventory consists of such items at any time;
- (2) Twenty percent or more of the merchandise displayed for sale consists of such items at any time;

- (3) Twenty percent or more of the stock in trade consists of such items at any time;
- (4) 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;
- (5) Twenty percent or more of the sales, measured in dollars over any consecutive ninety-day period, is derived from such items;
- (6) Twenty percent or more of the number of sales transactions, measured over any consecutive ninety-day period, is of such items; or,
- (7) Twenty percent or more of the dollar value of all merchandise displayed at any time is attributable to such items.

- k. Adult Theater means 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.
- l. Adult Videos means films, motion pictures, videocassettes, DVDs, software, slides or other photographic reproductions that depict, display or describe specified anatomical areas or specified sexual activities.
- m. Church means any church, synagogue, mosque, temple or building that is used primarily for religious worship and related religious activities.
- n. Employee means 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.
- o. Entertainer means 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.
- p. Escort means 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.
- q. Escort Agency means 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.
- r. Inspector means 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.
- s. Licensed Premises means 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.

- t. Licensee means 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.
- u. Live Adult Entertainment means 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.
- v. Massage Parlor means 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:
 - (1) In any state-licensed hospital, nursing home, clinic, medical office or rehabilitation facility;
 - (2) By a state-licensed physician, surgeon, chiropractor, osteopath, physical therapist, or massage therapist;
 - (3) 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;
 - (4) By trainers for any amateur or professional athlete or athletic team or school athletic program; or
 - (5) By any state-licensed barber or beautician with regard to the massaging of the neck, face, scalp and hair for cosmetic or beautifying purposes.
- w. Masseur means any person who, for any form of consideration, performs massage activities as described in the previous definition of this section.
- x. Minor means any person under the age of 18 years.
- y. Nude Model Studio means 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.
- z. Nudity means:
 - (1) The appearance of human bare buttocks, anus, genitals, pubic region or the areola or nipple of the female breast; or

(2) 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.

aa. Operator means any person operating, owning, managing, conducting or maintaining an adult oriented business.

bb. 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.

cc. 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 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.

dd. Public Park and Recreation Area means public land that has been designated for park or recreational activities including, 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.

ee. School means any public, private or parochial educational facility including, 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.

ff. Seminude means 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.

gg. 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.

hh. Sexual Encounter Establishment means 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.

ii. Specified Anatomical Areas means:

- (1) 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
- (2) Human male genitals in a discernibly turgid state, even if completely opaquely covered.

jj. Specified Sexual Activities means:

- (1) Showing of human genitals in a state of sexual stimulation or arousal;
- (2) Acts of masturbation, sexual intercourse, sodomy, bestiality, necrophilia, sadomasochistic abuse, fellatio or cunnilingus;
- (3) Fondling or touching of another person's genitals, pubic region, buttocks or female breasts;
- (4) Lap dancing; or

Excretory functions as part of or in connection with any of such activities.

C. Applicability. Adult oriented businesses shall be permitted only in the Business Limited Zone (BL), Business Zone (B) and Business Overlay Zone (BOZ), subject to site plan approval in accordance with Section 9 of these Regulations and the requirements of this section, and only after approval of an adult oriented business license pursuant to the Town of Southington Code of Ordinances, as amended.

D. 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;

E. 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.

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 CT Siting Council for their review and consideration. This provision does not apply to any co-located facilities.

11-19 PROVISIONS FOR THE ESTABLISHMENT OF A BED AND BREAKFAST FACILITY²

- A. A bed and breakfast facility shall be owner occupied.
- B. No more than four (4) bedrooms shall be used for guest accommodation purposes.
- C. Such facility shall be serviced by public sewer or by a private septic system approved by the town Health Department.
- D. 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.
- E. On-site parking shall be provided in accordance with Section Twelve (12) of these regulations. Parking areas shall be restricted to the rear yard of the subject parcel unless, for good cause shown, such requirement is waived 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.
- F. A bed and breakfast establishment shall be located within a detached, single family dwelling constructed prior to 1920.
- G. 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 but not limited to restaurant services catering nonguests, conference centers, etc. shall be deemed prohibited.
- H. Commercial signage shall be restricted to the following:

¹ Revised, ZA #584, effective 4/24/15

² revised, ZA #539, effective 8/24/07

1. One (1) wooden, externally-illuminated sign, limited to not more than 20" in height by 30" in length, such sign shall be flushed mounted on the building and shall not project more than 6" from the wall to which the sign is attached.
2. 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

I. The length of stay shall not exceed seven (7) days per guest.

J. A bed and breakfast establishment located in a Residential R-20/25 and Residential R-40 zoning district shall be located on a parcel of not less than 40,000 square feet. A bed and breakfast establishment located in a Residential R-80 zoning district shall be located on a parcel of not less than 80,000 square feet.

K. A site plan shall be required in accordance with Section Nine (9) of these regulations.

11-20 COLLECTION/DROP OFF RECEPTACLES¹

Collection/drop off receptacles shall be permitted on properties Zoned "B" providing the following criteria are met:

1. the parcel shall be at least two acres in size;
2. 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;
3. receptacle shall be located on paved surface or crushed stone as approved by the engineering department ;
4. 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.
5. Not more than two receptacles shall be located or installed on a parcel or site; and,
6. 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

11-21 SPECIAL REQUIREMENTS FOR PLACES OF WORSHIP¹

1. New facilities 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. Vehicle parking shall be in accordance with the requirements set forth in Section 12.
3. 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.
4. All outside lights shall be full cutoff fixtures with recessed lenses. Applicant shall submit a lighting plan verifying that excessive light shall not spill over the property lines or cause a nuisance from excessive glare.
5. Building elevations, architectural plans and floor plans shall be submitted to demonstrate appearance, height and proposed use of interior space.
6. Places of worship shall screen adjoining residential properties with a landscaped border not less than 8 feet wide. The landscaped border shall provide a year-round effect through which the developed site is obscured from view from abutting residential property. 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.

If a landscaped berm, masonry wall or combination thereof at least four feet high is installed to provide the visual screen then the requirement for planting evergreen species may be waived by the Commission. Masonry walls shall have a finished surface of brick, fieldstone, architecturally textured concrete, split face block or similar material. Exposed concrete block or standard finish poured or precast concrete shall not be acceptable finishes.

Fencing shall be required 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. 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 after an application for a different material is submitted.

Along all parking areas and drives the landscaped border shall include a light proof fence or masonry wall to prevent automobile headlights from causing a nuisance to adjoining residents. The landscaped border for parking area and drive screening shall not be counted towards the landscape area in Section 12.

¹ new, ZA #539, effective 8/24/07

All trees, shrubs, walls and fences shall be maintained at a height of not more than three feet within the sight distance triangle of all street and driveway intersections. The sight distance triangle shall be as required by the Town of Southington Engineering Department and Police Department.

11-22 PROVISIONS FOR PARENT/GRANDPARENT APARTMENT¹

1. 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.
2. There shall be at least 4 off-street parking spaces.
3. There shall be no more than one driveway serving the property.
4. The parent/grandparent apartment shall share the main entrances to the dwelling with the main living quarters.
5. No new separate front door shall be added to the dwelling to serve such an apartment.
6. For safety purposes, a parent/grandparent apartment may have an exit to the outside of the dwelling through a side or rear wall.
7. 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.
8. There shall be no more than one such apartment per lot.
9. 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.
10. Either the accessory apartment or the main unit shall be owner occupied.
11. 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.
12. A parent/grandparent apartment shall never be offered for rent.
13. 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.
14. Conditions 10, 11, 12 and 13 shall be noted on sheet one of the parent/

¹ revised, ZA #539, effective 8/24/07

grandparent apartment application plans, above the title block.

15. 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.

11-23 Medical Marijuana¹

- A. Purpose. The intent of this section is to regulate the location of Medical Marijuana Dispensaries and Producers. 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, property values and the quality of urban life through effective land use planning. Further, this section shall not permit any retail and/or wholesale of marijunana products not considered medical marijuana as regulated within Chapter 420f of the Connecticut General Statutes.²
- B. Definitions – for use in this section of the Regulations:
 1. Dispensary or licensed dispensary means a person licensed as a dispensary pursuant to Section 9 of Public Act #12-55:
 - A. No person shall act as a dispensary or represent that such person is a licensed dispensary unless such person has obtained a license from the Commissioner of Consumer Protection pursuant to this section.
 - B. The Commission of Consumer Protection shall determine the number of dispensaries appropriate to meet the needs of qualifying patients in this state and shall adopt regulations, in accordance with Chapter 54 of the General Statutes, to provide for the licensure and standards for dispensaries in this state and specify the maximum number of dispensaries that may be licensed in this state. On and after the effective date of such regulations, the Commissioner may license any person who applies for a license in accordance with such regulations, provided (1) The Commissioner deems such applicant qualified to acquire, possess, distribute and dispense marijuana pursuant to Section 1 to 15, inclusive, of this act, (2) the applicant is a pharmacist licensed under Chapter 400j of the General Statutes, and (3) the number of dispensary licenses issued does not exceed the number appropriate to meet the needs of qualifying patients in this state, as determined by the Commissioner pursuant to this subsection. At a minimum, such regulations shall:

¹ New, ZA #565, effective 10/6/12

² Revised, ZA #598, effective 2/20/19

1. Indicate the maximum number of dispensaries that may be licensed in this state;
2. Provide that only a pharmacist licensed under Chapter 400j of the General Statutes may apply for and receive a dispensary license;
3. Provide that no marijuana may be dispensed from, obtained from or transferred to a location outside of the state;
4. Establish a licensing fee and renewal fee for each licensed dispensary, provided such fees shall not be less than the amount necessary to cover the direct and indirect cost of licensing and regulating dispensaries pursuant to Sections 1 to 15, inclusive, of Public Act #12-55;
5. Provide for renewal of such dispensary licenses at least every two years;
6. Describe areas in this state where licensed dispensaries may not be located, after considering the criteria for the location of retail liquor permit premises set forth in subsection (a) of Section 30-46 of the General Statutes;
7. Establish health, safety and security requirements for licensed dispensaries, which may include, but need not be limited to: (i) the ability to maintain adequate control against the diversion, theft and loss of marijuana acquired or possessed by the licensed dispensary, and (ii) the ability to maintain the knowledge, understanding, judgment, procedures, security controls and ethics to ensure optimal safety and accuracy in the distributing, dispensing and use of palliative marijuana;
8. Establish standards and procedures for revocation, suspension, summary suspension and nonrenewal of dispensary licenses, provided such standards and procedures are consistent with the provisions of subsection (c) of Section 4-182 of the General Statutes; and
9. Establish other licensing, renewal and operational standards deemed necessary by the Commissioner.

C. Any fees collected by the Department of Consumer Protection under this Section shall be paid to the State Treasurer and credited to the account established pursuant to Section 19 of Public Act 12-55.

2. Producer or licensed producer means a person licensed as a producer pursuant to Section 10 of Public Act #12-55;
 - A. No person may act as a producer or represent that such person is a licensed producer unless such person has obtained a license from the Commissioner of Consumer Protection pursuant to this section.
 - B. The Commissioner of Consumer Protection shall determine the number of producers appropriate to meet the needs of qualifying patients in this state and shall adopt regulations, in accordance with Chapter 54 of the General Statutes, to provide for the licensure, standards and locations for producers in this state and specify the maximum number of producers that may be licensed in this state at any time. On and after the effective date of such regulations, the Commissioner may license any person who applies for a license in accordance with such regulations, provided (1) such person is organized for the purpose of cultivating marijuana for palliative use in this state, (2) the Commissioner finds that such applicant has appropriate expertise in agriculture and that such applicant is qualified to cultivate marijuana and sell, deliver, transport or distribute marijuana solely within this state pursuant to Sections 1 to 15, inclusive, of Public Act 12-55, and (3) the number of producer licenses issued does not exceed the number appropriate to meet the needs of qualifying patients in this state, as determined by the Commissioner pursuant to this subsection. At a minimum, such regulations shall:
 1. Indicate the maximum number of producers that may be licensed in this state at any time, which number shall not be less than three nor more than ten producers;
 2. Provide that no marijuana may be sold, delivered, transported or distributed by a producer from or to a location outside of this state;
 3. Establish a nonrefundable application fee of not less than twenty-five thousand dollars for each application submitted for a producer license;
 4. Establish a license fee and renewal fee for each licensed producer, provided the aggregate amount of such license and renewal fees shall not be less than the amount necessary to cover the direct and indirect cost of licensing and regulating producers pursuant to Sections 1 – 15, inclusive, of Public Act #12-55;
 5. Provide for renewal of such producer licenses at least every five years;
 6. Provide that no producer may cultivate marijuana for palliative use outside of this state and designate permissible locations for licensed producers in this state;

7. Establish financial requirements for producers, under which (i) each applicant demonstrates the financial capacity to build and operate a marijuana production facility, and (ii) each licensed producer may be required to maintain an escrow account in a financial institution in this state in an amount of two million dollars;
8. Establish health, safety and security requirements for licensed producers, which shall include, but need not be limited to, a requirement that the applicant or licensed producer demonstrate: (i) The ability to maintain adequate control against the diversion, theft and loss of marijuana cultivated by the producer, and (ii) the ability to cultivate pharmaceutical grade marijuana for palliative use in an secure indoor facility;
9. Define “pharmaceutical grade marijuana for palliative use” for the purposes of this section;
10. Establish standards and procedures for revocation, suspension, summary suspension and nonrenewal of producer licenses, provided such standards and procedures are consistent with the provisions of subsection (c) of Section 4-182 of the General Statutes; and
11. Establish other licensing, renewal and operational standards deemed necessary by the Commissioner.

C. Any fees collected by the Department of Consumer Protection under this section shall be paid to the State Treasurer and credited to the account established pursuant to Section 19 of Public Act #12-55.

3. **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.
4. **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 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.
5. **Public Park and Recreation Area** means public land that has been designated for park or recreational activities including, 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.
6. **School** means any public, private or parochial educational facility including, 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.

C. **Applicability.** Medical Marijuana dispensaries shall be permitted only in the Central Business Zone (CB) and Business Zone (B), subject to special permit use approval in accordance with Section 8 of these Regulations and site plan approval in accordance with Section 9 of these Regulations and the requirements of this section. Medical Marijuana production facilities shall be permitted only in an Industrial Zone, subject to special permit use approval in accordance with Section 8 of these Regulations and site plan approval in accordance with Section 9 of these Regulations and the requirements of this section.

D. **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 an 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 land 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;
- e. All distances contained in this section shall be measured by taking the nearest straight line between the respective lot boundaries of each site;

E. **Sign and exterior display requirements.** No Medical Marijuana Dispensary or Producer shall be conducted in any manner that permits the observation of any material depicting, describing or relating to Medical Marijuana from any public way or from any property not licensed as an Medical Marijuana Dispensary or Producer. This provision shall apply to any display, decoration, sign, show window or other opening.

¹ Revised ZA #598, effective 2/20/19

11-24 - RECREATIONAL CANNABIS/MARIJUANA¹

- A. Purpose: To address the prohibition of retail sale of recreational cannabis/marijuana.
- B. Definitions: For use in this section of the regulations:
 - 1. Cannabis/Marijuana – as defined in Section 21a-240 of the Connecticut General Statutes;
 - 2. Prohibited Uses – the following buildings, structures and uses are prohibited in all zoning districts and are defined as follows:
 - 3. Retail Recreational Cannabis/Marijuana Establishment – means a producer, dispensary facility, cultivator, micro-cultivator, retailer, hybrid retailer, cannabis food and beverage manufacturer; cannabis product manufacturer, cannabis product packager as defined in the June 2021 Connecticut Public Act Concerning Responsible and Equitable Regulations of Adult-Use Cannabis (Senate Bill No. 1201). **Such uses, buildings and structures are prohibited in all zones.**

11-25 – RESIDENTIAL SOLAR ARRAYS²

All solar arrays shall comply with the following requirements and shall be subject to a Special Use Permit approval by the Commission. If there is any conflict between the provisions of this section and any other requirements of the zoning or subdivision regulations the provisions of this section shall take precedence.

Solar arrays shall be treated as accessory uses in the following zone districts: (R80, R40, R20/25, R12). However, solar arrays are not subject to the dimensional requirements of the accessory land use and development provisions in any zone district or other section to the extent they conflict with this section.

Residential Solar Arrays

- 1. A solar array serving a residential use shall not exceed a capacity of fifteen (15) kilowatts per dwelling unit on the property.
- 2. A solar array shall not be located in the front yard between the principal structure(s) and the public right-of-way.
- 3. A solar array shall be located a minimum of ten (10) feet from all property lines and other structures.
- 4. An accessory solar array in any residential district shall not exceed the greater of one-half the footprint of the principal structure or 600 square feet, whichever is greater.
- 5. A residential solar array shall not exceed twelve (12) feet in height.
- 6. Solar arrays shall comply with all applicable state building and electrical codes.

¹ New, ZA #611, effective 9/25/21

² New, ZA #607, effective 5/19/21

7. Solar arrays may be required to be screened from adjacent property through vegetation or fencing, or a combination of both, with consideration given to the impact such screening could have on the viability of the solar array energy production.

SECTION TWELVE

AUTOMOBILE PARKING AND LOADING AREA PROVISIONS

12-01 Off-street parking facilities shall be provided for all new uses or buildings hereafter constructed, reconstructed, or enlarged in accordance with the requirements of this section.¹

Any lot or building hereafter used, altered or developed for office, business or industrial purposes shall be provided with adequate, but not excessive, space suitably located for the loading and unloading of goods and materials and the parking of vehicles in accordance with this section.²³

12-01.1 NUMBER OF PARKING SPACES REQUIRED

The amount of required vehicle parking will depend on the nature of the land use and varies for different uses. 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, Washington, DC, 1987, and as revised.⁴

- A. For single and two-family dwellings, 2 parking spaces for each dwelling unit.
- B. For multi-family dwellings, two spaces for each dwelling unit.
- C. For converted units, rooming or boarding houses, 1 parking space for each unit or for each room offered for rent for separate occupancy.
- D. For permitted home occupations and professional offices, 2 parking spaces plus 1 parking space for each 200 square feet of building floor area devoted to such use.
- E. For retail and service establishments, 3 parking spaces per 1,000 square feet gross floor area. 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.⁵
- F. For business offices and financial institutions, 3 parking space for each 1,000 square feet of gross floor area.⁶
- G. For restaurants, night clubs, taverns, or other eating and drinking places and private clubs, 1 parking space for every 2 seats.⁷

¹ Revised, ZA #540, effective 9/8/07

² Revised, ZA #540, effective 9/8/07

³ Revised ZA #589, effective 11/5/16

⁴ Revised, ZA #540, effective 9/8/07

⁵ Revised, ZA #589, effective 11/5/16

⁶ Revised, ZA #589, effective 11/5/16

⁷ Revised, ZA #589, effective 11/5/16

- H. For hotels, conference centers and motels, 1 parking space for each rental unit plus 1 additional space for each three employees, plus one parking space for every 2 seats¹ of all area devoted to customer service for any included restaurant or banquet hall.²
- I. For hospitals, sanitariums, convalescent, nursing homes or managed residential community operated by an assisted living services agency, 1 parking space for each three beds excluding bassinets, plus 1 additional space for each 4 total employees.
- J. For medical or dental offices, excluding home occupations, 1 parking space for each 200³ square feet of net floor area. 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.
- K. For undertaking establishments, 1 parking space for each 25 square feet of gross public floor area.
- L. For theaters, auditoriums, stadiums and places of assembly, amusement and recreation, 1 parking space for every 5 seats.⁴
- M. For philanthropic or eleemosynary institutions, 1 parking space for each 150 square feet of floor area devoted to office or administrative use.
- N. For gasoline service stations - one parking space for each 50 square feet of gross floor area, not less than 5 spaces.⁵
- O. 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 of gross floor area.
- P. For industries and manufacturing operations – the number of spaces shall be sufficient to accommodate personnel and customers based on the nature of the business.⁶
- Q. For elderly housing containing more than one bedroom, 2 parking spaces for each dwelling unit. For elderly housing designed as efficiency units or containing not more than one bedroom; 1 1/4 parking spaces per dwelling unit.
- R. 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.

¹ Revised, ZA #589, effective 11/5/16

² Revised, ZA #540, effective 9/8/07

³ Revised, ZA #580, effective 8/2/14

⁴ Revised, ZA #589, effective 11/5/16

⁵ Revised, ZA #540, effective 9/8/07

⁶ Revised, ZA #540, effective 9/8/07

- S. For bed and breakfast establishments, a minimum of two (2) spaces plus one (1) space per guest bedroom.
- T. For colleges, trade schools, business colleges and secretarial schools, one space for every two (2) students, including full time and part time students. Parking requirements for ancillary theaters, auditoriums, stadiums and similar places of assembly shall be calculated separately.
- U. Theater, auditorium or stadium - one parking space for each four ¹seats or spectator equivalent.²
- V. 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.³
- W. Car wash establishment - 50 parking spaces minimum, including capacity of waiting lanes.⁴

12-02

VEHICLE PARKING AREAS, DESIGN & CONSTRUCTION⁵

- 12-02.01 All vehicle parking areas shall be constructed of bituminous or masonry concrete or pervious pavement or concrete. Any overflow parking provided over 10% in excess of the parking requirements provided herein shall consist of pervious materials or 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, except parking areas designated as municipal parking.⁶
- 12-02.02 All vehicle parking areas shall be well drained and all drainage systems shall be approved by the town engineer.
- 12-02.03 All driveways shall be constructed in accordance with town standards.
- 12-02.04 All vehicle parking areas shall include landscaped sections and islands wherever possible designed to relieve the monotony of large areas of bituminous concrete, etc. All landscaped sections and islands shall contain appropriate evergreen shrubs, trees and plantings. There shall be not more than 10 parking spaces for less than 25 total parking spaces, and 15 for greater than 25 spaces, in a row without being broken with curbing and landscaped area. Further there shall be additional landscaping established along the periphery of the parking area so as to be the equivalent in area of island loss in

¹ Revised, ZA #589, effective 11/5/16

² New, ZA #540, effective 9/8/07

³ New, ZA #540, effective 9/8/07

⁴ New, ZA #540, effective 9/8/07

⁵ New, ZA #540, effective 9/8/07

⁶ Revised, ZA #592, effective 5/20/17

lots greater than 25 total spaces. Measurement of total lot area shall encompass the smallest geometric rectangle.¹

12-02.05 All parking lots shall contain landscaped area in the ratio of not less than 20 square feet for each parking space.

12-02.06 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.

12-02.07 Vehicle parking stalls shall be constructed so that no part of a vehicle extends beyond the property lines.

12-02.08 Notwithstanding 12-02.07, no vehicle parking shall be provided in the front yard unless separated from the public right-of-way by a fully bermed landscape border of not less than four feet. This 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.

12-02.09 No vehicle shall be parked on a property so as to intrude over or obstruct the public right-of-way or public sidewalks. 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.

12-03 **OFF-STREET LOADING SPACE**

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.

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.

12-04 **PARKING SPACE DIMENSIONS**

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.

12-05 **DIMENSIONS OF LOADING SPACE**

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

¹ Revised, ZA #588, effective 6/24/16

is needed for the proposed use, the minimum width and length shall be 12 feet by 50 feet, respectively.

12-06 **LOCATION OF PARKING FACILITIES**

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.

12-07 **COMMON SPACES**

- A. 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.
- B. 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.

12-08 **ACCESS**

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.

12-09 **MIXED USES**

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.

12-10 **MUNICIPAL PARKING FACILITIES**

- 12-10.1 Subject to the provisions of Section 9 and 14, the Commission or Town Planner 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
- 12-10.2 The Commission or Town Planner shall refer said application for parking waivers to the Parking Authority who shall review and report back to the Commission or Town Planner 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
- 12-10.3 Subject to a favorable review from the Parking Authority, the minimum required

¹ revised ZA #566, effective 9.22.12

² revised ZA #566, effective 9.22.12

off-street parking spaces for the use in question may be reduced in accordance with the following schedule:¹

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.

12-11 DESIGN STANDARDS

- A. 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 in accordance with Section 9 where appropriate, shall be submitted to the State Department of Transportation for approval of all curb cuts or driveway openings before a permit may be obtained therefor.
- B. All parking spaces, loading facilities and access roadways shall have adequate all-weather surfacing treated to inhibit dust, adequate drainage, and shall allow free and safe movement of all vehicles customarily using the facility.
- C. 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 foot² landscaped strip so as to prevent the encroachment or parking of vehicles on such public sidewalk or reserved area.
- D. Lighting, including illuminated signs, on any parking area or driveway shall be located and arranged to reflect away from residential areas and public streets. Parking lot lighting shall be full cutoff fixtures with recessed lenses only. Applicants are encouraged to consider reducing the amount of lighting in use when the establishment is closed in an effort to reduce light pollution and energy consumption.³

12-12 HANDICAPPED PARKING REQUIREMENTS

Off-street parking requirements for the handicapped with regards to the size and number of parking spaces shall be in conformance with Section 14-253a of the Connecticut General Statutes and Section 2107.0 of the Connecticut Building Code, respectively.

A. NUMBER OF SPACES TO BE PROVIDED

¹ revised ZA #566, effective 9.22.12

² Revised, ZA #540, effective 9/8/07

³ Revised, ZA #540, effective 9/8/07

On each site having parking spaces for at least twenty (20) but not more than twenty-five (25) spaces, at least one (1) space shall be specially designated and reserved for handicapped parking. Additional spaces for handicapped parking shall be in accordance with the following table. The first handicapped space on each site must be van accessible. Appropriate details of cross hatching and signage shall be provided on plans.¹

Total Parking On-Site	Required Number of Handicapped Parking Spaces
Up to 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

¹ Revised, ZA #540, effective 9/8/07

SECTION THIRTEEN SIGNS

13-00¹

Purpose

These regulations 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:

1. To allow and promote positive conditions for sign communication, maintain property values and encourage economic growth;
2. 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.
3. 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.
4. To ensure that the constitutionally guaranteed right of free expression is protected.

In carrying out these objectives all signs shall conform to the following regulations:

13-01

Measurement of Sign Area

The area of a sign shall be considered to be that contained within the smallest rectangle which encompasses all lettering, wording, design or symbols. If attached, the area shall include any background different from the balance of the wall if such background is related to the sign; 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. 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.

13-02

Permitted Signs Not Requiring a Permit - All Zones unless otherwise noted:

The following signs shall be permitted as of right without need for a Zoning Permit except in the case of Part B and C below where such signs shall require registration with the Zoning Enforcement Officer. When located in residential zones said signs shall be located at least 20 feet back of street line and have a height not to exceed 10 feet. Signs in residential zones shall not be internally illuminated.

¹ revised, ZA #583, effective 1.9.15

A. Type:	Maximum Sign Area
Signs indicating the name and address of the property and/or occupant	1 sq. ft.
Signs pertaining to a profession or occupation lawfully permitted as an accessory use on the lot	2 sq. ft.
Signs pertaining to the sale, lease or rental of residential property on which they are located	4 sq. ft.
Bulletin boards on the premises of churches or other religious institutions and municipal buildings	12 sq. ft. (32 sq. ft. if located ≥ 40 ft from a public ROW)
Signs of civic organizations displayed for not more than 90 days within any 12 month period	32 sq. ft.
Emblems, badges, and insignias used to identify governmental, educational, charitable, philanthropic, civic, professional, fraternal, or religious organizations and located on numbered highways	32 sq. ft.
Holiday decorations excluding commercial advertising	32 sq. ft.
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	32 sq. ft
Signs pertaining to political expression	24 sq. ft.
Signs constructed of a metal or wood material which identify a historical building	1 sq. ft.
Traffic Control signs installed by a governmental jurisdiction or authorized in conjunction with an approved site plan	
Nonilluminated signs pertaining to the construction or repair of buildings or property on which they are located. Such signs shall be removed upon the issuance of a Certificate of Occupancy	4 sq. ft per contractor and/or financial institution and ≤ 16 sq. ft. in total
New Businesses may display one non-illuminated Grand Opening sign, or banner for a period of not more than 30 consecutive days on-site before or after such opening. A new business is defined as any business which moves into a new location, is under new management or is under new ownership.	12 sq. ft. sign / 30 sq. ft. banner or banner flag

B. Temporary wire frame signs:¹

1. Maximum size 18" x 24"
2. May be displayed from when the service begins to 24 hours after the service has been completed
3. May have only one sign per location where the service is being performed;
4. 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)
5. May only be displayed on private property with the permission of the property owner

¹ new, ZA #569, effective 1/19/13

6. Shall not have any illumination
7. Shall not be in road right-of-way or obstruct sidewalk traffic or sight lines
8. Must be at least 12' from property lines
9. Must be registered with ZEO prior to display and include locations to be displayed
10. Registration may be revoked for violation and/or fines for non-compliance may be levied per Town Ordinance.

C. Temporary A-Frame Signs¹ - See Section 2-19 for definition.

1. May be located 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.
2. May be located in the Business Zone on internal sidewalks only.
3. Only one sign per property (to advertise a business). Properties with multiple businesses can have one sign per business.
4. Shall not be larger than twenty-four (24) x forty-eight (48) inches and maintained in good working condition.
5. Shall be taken in at night and during storm events.
6. Shall be displayed perpendicular to the sidewalk.
7. Shall not leave less than four (4) feet of unobstructed walkway at all times.
8. Shall not be greater than ten (10) feet in distance to main entrance or that which is used by patrons on a regular basis.
9. Shall not be illuminated in any way.
10. Shall not obstruct any vehicular or pedestrian sight lines.
11. Shall only be used for special sale, event or business promotion.
12. Must be registered with ZEO prior to display and include locations to be displayed
13. Registration may be revoked for violation and/or fines for non-compliance may be levied per Town Ordinance.

13-03 Permitted Signs Requiring a Permit - All Zones in addition to those specified elsewhere in Section 13.

The following signs shall be permitted in all zones, upon the issuance of a permit from the Zoning Enforcement Officer:

A.	Type	Maximum Sign Area
Farms		12 sq. ft.
Industrial promotional signs under the auspices of the Town of Southington Economic Development Department containing only words.		64 sq. ft
Signs on the premises offering lots and/or homes for sale within approved subdivisions. (In subdivisions consisting of less than 10 lots, one sign per subdivision will be allowed; in subdivisions consisting of 10		32 sq. ft. per sign

¹ Revised, ZA #579, effective 8/2/14

lots or more, 2 signs per subdivision will be allowed.). These 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. Signs shall be maintained in good condition and appearance	
Signs pertaining to the sale, lease or rental of industrial commercial property on which they are located	32 sq. ft.
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 sq. ft.
One permanent subdivision monument sign at opposing corners of each entrance for purposes of identifying the name of a residential subdivision provided such sign is located at the main entrance to the residential development. Subdivision identification signs shall not be internally illuminated nor exceed 6 feet in height.	32 sq. ft.
One Subdivision identification sign for purposes of identifying the name of a residential subdivision provided such sign is located at the main entrance to the residential development. Subdivision identification signs shall not be internally illuminated nor exceed 6 feet in height and must be removed within five years of approval or other subdivision approval statutory extension timelimits.	32 sq. ft.

13-04 Signs in RO Zones

The following signs shall be permitted in RO zones upon the issuance of a permit from the Zoning Enforcement Officer:

- A. Signs limited to the name of the business(es) having an office on the premises.
 - 1. Attached signs shall be limited in area to six square feet per office or a maximum area of twelve square feet per building; whichever is less.
 - 2. One detached sign per premise with an area not to exceed 10 square feet nor height in excess of 6 feet.

13-05 Signs in Business and Industrial Zones

The following signs shall be permitted in Business and Industrial Zones upon the issuance of a permit from the Zoning Enforcement Officer:

- A. Signs advertising the use of the land and/or building upon which displayed, the sale of goods or services on the premises, and the name of the proprietor.
- B. Off premise directional signs consisting of black letters and arrow on a white background shall be permitted in the business and industrial districts. Such signs shall be situated on private property subject to written authorization of the property owner. Off premise

directional signs shall not exceed 8 inches in height by 36 inches in length nor 8 feet in height. No more than one sign per corner shall be permitted.

C. Attached signs. Signs attached to the building shall meet the following requirements:

1. 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. Buildings which are set back a minimum distance of 80 feet from a public right-of-way shall be allowed a sign area not to exceed 1 ½ square feet for each linear foot of building frontage or 150 square feet; whichever is less.
2. For a building with or proposing more than one (1) business establishment, the allowable attached sign area measured in accordance with Section 13-05.C.1 shall be proportionate to the total building frontage occupied by the individual business.
3. The total permissible attached sign area for any one (1) business may be subdivided into a maximum of three (3) attached signs.
4. 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.
5. 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 sq. ft.; 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.

D. Detached Signs¹

Regulation with regard to detached signs are established with the intent 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.

1. One detached sign per lot may be permitted in Business and Industrial zones. Monument signs with bases made of natural or composite wood, stone or brick shall be required. The height of a detached sign shall not exceed 15 feet, inclusive of the base, (See #4 below) and the area shall be limited to one square foot per linear foot of building frontage or 150 sq. ft.; whichever is less. Such signs shall be located entirely within all property lines and outside the right-of-way or at least 10 feet from the street line when the property line is less than 10 feet from the street line and shall in no case be more than 20 feet from the property or street line. Such signs shall include a street number, in standard numerical form, to be

¹ ZA #599, effective 4/17/19

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.

2. 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 sq ft 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.
3. In a business center 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 sq. ft. in area. Each sign shall be setback entirely within all property lines and outside the right-of-way or at least 10 feet from the street line when the property line is less than 10 feet from the street line and the display surface of each sign shall not be higher than 15 feet nor lower than 10 feet above the adjoining finished grade. Signs shall be properly landscaped.
4. Where a detached sign is mounted on 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.

13-06 **Signs associated with Specially Permitted Uses.**

Special Permit Uses for certain signs may be granted by the Planning and Zoning Commission after a public hearing subject to the satisfaction of requirements and standards as set forth in this Section and Section 8. 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 character of the building. The applicant shall furnish the Commission with renderings which accurately depict building elevations (including architectural details) and the location of all proposed signage.

13-07 **Illumination¹**

- 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. Backlit (Halo) Channel or Gooseneck-style external illumination preferred.
- B. All Attached Internally illuminated signs shall incorporate effects consistent with the industry term known as "Channel" designs in all zones. See Definition of Sign – Sec. 2-19S.

¹ revised, ZA #586, effective 8.8.15

- C. All 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, with the exception of that stated above in Sec. 13-07.B
- D. Internal illumination of any kind is prohibited in the CB and RO zones.

13-08 Prohibited Signs

The following signs shall be prohibited for the reasons of,

- A. Protecting the public health, safety and welfare;
- B. Reducing traffic and pedestrian hazard;
- C. Protecting property values by minimizing possible adverse effects and visual blight caused by the signs; and
- D. 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 sign does not revolve, rotate or flash, does not change more than twice in a 24 hour time period and meets the following design standards:

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.

The total sign area shall be as set forth in Section 13 of the regulations.

The background for the price display shall be black and the illumination for the numerical display shall be red or green.

The NIT intensity shall be no greater than 5,000 NITS during daylight hours and 3,000 NITS during the evening hours.

The numerical display shall not change more than twice in a 24 hour period.¹

¹ New, ZA #563, effective 6/23/12

4. Advertising flags, banners, strings of pennants, festoons of lights, twirlers, propellers, streamers or similar devices of carnival character, unless otherwise permitted as set forth for new businesses as defined in Section 13-02.A.
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 signs¹

13-09 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

13-10 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.

13-11 Detached Sign Enhancement²

Additional signage area for detached signs in existence as of the Effective Date of this section will be allowed as follows in accordance with Zoning Permit Approval:

- A. Opaque background. Plastic cabinet signs are not eligible for the following sign area increases. Sign area increases will 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.
- B. 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.

¹ ZA #599, effective 4/17/19

² ZA #599, effective 4/17/19

C. 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.

13-12 Exemptions

- A. Traffic Control signs installed by a governmental jurisdiction or authorized in conjunction with an approved site plan. Further, no corporate emblems, logos or insignia shall be placed on such traffic control signs.
- B. Membership decals or accepted credit forms affixed to windows or doors.

13-13 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.

SECTION FOURTEEN

ADMINISTRATION AND ENFORCEMENT

14-00

14-01 Enforcement and Administration

The Southington Planning and Zoning Commission designates its duly authorized Zoning Enforcement Officer(s) as its enforcement authority to enforce the Zoning Regulations.* 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. 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.

14-02 Applications and Permits

14-02.1 Zoning Permits

No land shall be used and no building or other structure shall be constructed, reconstructed, extended, enlarged, substantially altered or used, in whole or in part, for any purpose until a zoning permit for the proposed work or use has been issued by the Zoning Enforcement Officer. A zoning permit is not 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, increase the number of dwelling units on the property, and does not change the actual use thereof. A zoning permit shall not be required for accessory buildings in residential zones which are less than 150 square feet in area, providing they are not placed on a permanent foundation.

Zoning permits are to be used for change in use where no shovel in the ground work is taking place and no additional parking is required.¹

The zoning permit process can be used to trigger the request for parking waivers from parking authority for sites in the CB zone with existing site plans.²

Zoning permits shall be the process for additions to existing site plans which are not for public occupancy and no larger than 100 square feet.³

- A. No zoning permit shall be issued by the Zoning Enforcement Officer for a structure or use which requires site plan approval, 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.

¹ new, ZA #566, effective 9.22.12

² new, ZA #566, effective 9.22.12

³ new, ZA #566, effective 9.22.12

- * Per Z.A. #494, effective May 1, 1996, the Planning and Zoning Commission designated the Town Planner as Zoning Enforcement Officer. In the absence of a Town Planner, the Planning and Zoning Commission shall designate by name, an individual to act as the Zoning Enforcement Officer.
- B. No zoning permit shall be issued by the Zoning Enforcement Officer without approval in writing from the following officials. 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 Planning and Zoning Commission for approval or rejection of the permit. The Planning and Zoning 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.
 1. Inland Wetlands Agent. Certifies compliance with Inland Wetlands and Floodplain Filling regulations.
 2. Town Planner. Certifies Planning and Zoning Commission complied with.
 3. Water Department Superintendent. Certifies compliance with Water Department regulations, or requires well.
 4. Town Engineer. Certifies compliance with Sewer Department standards; certifies lot is on an improved Town road or has had appropriate subdivision bond posted; certifies sight lines for driveways are as safe as possible; checks possible drainage problems; certifies compliance with Planning and Zoning Commission approvals.
 5. Town Sanitarian. Certifies lot can support well and septic system, if necessary. Approves design of septic system.
- C. An application for a permit shall be filed in duplicate with the Zoning Enforcement Officer on a form to be provided by the Commission. For new buildings or structures or changes increasing the floor area of an existing building or structure, the application shall include six copies of a plot plan of the premises.
- D. A plot plan shall contain the following information:
 1. Class A-2 survey statement and embossed seal.
 2. All existing buildings.
 3. All proposed buildings.

4. Size of proposed and existing buildings.
5. Words “proposed house, garage or addition” and “existing house, garage or addition” in appropriate places.
6. Setbacks appropriate to zone.
7. Distance from building to property lines.
8. Zone lot is located in.
9. Size of lot in square feet.
10. Street number and lot number.
11. Name and section of subdivision (if applicable), together with lot number.
12. Designated inland wetland and/or floodplain limits (if applicable).
13. Erosion and sedimentation plans (if applicable).
14. Date(s) of special permit, site plan, inland wetlands, subdivision, and Zoning Board of Appeals special exception or variance approval (if applicable).
15. All utilities, including private well and septic system.
16. Driveways with a clear notation showing a paved apron as required by the Engineering Department.¹

E. The application fee shall be included with all applications for a zoning permit.²

F. No building permit shall be issued without first issuing a zoning permit, except in the case of repairs or alterations to existing structures where such work does not (1) increase the floor area of any building or structure and/or (2) increase the number of dwelling units on the property and/or (3) change the actual use thereof and/or (4) for accessory buildings in residential zones which are less than 150 square feet in area, providing they are not placed on a permanent foundation.

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

14-02.2 Building Permit

No building or structure shall be erected, added to, or structurally altered until a permit therefore has been issued by the Building Inspector. All applications for such permits shall be in accordance with the requirements of these applications.

¹ Revised, ZA #592 effective 5/20/17

² revised, effective 5/8/07

- A. All applications for a building permit shall be accompanied by two copies of the building plans and the information required for a zoning permit (if applicable).
- B. No application for a building permit for a commercial or industrial building shall be approved without approval of the plumbing plans by the Water Department Superintendent.
- C. Invalidation

A building permit shall become void unless construction is commenced within 6 months from the date of issuance unless the Building Official shall have extended such time in writing. After commencement of construction any cessation of activities for 6 months or more shall void the permit.

14-02.3 Certificate of Occupancy

No land shall be occupied or used and no building hereafter erected or altered shall be occupied or used in whole or in part for any purpose, until a Certificate of Occupancy shall have been issued by the Building Official, stating that the premises or building complies with all provisions of these Regulations and the Connecticut State Building Code. Such a certificate is also required for any change, extension or alteration in a use. A Certificate of Occupancy shall be applied for at the same time that the building permit is applied for.

- A. No Certificate of Occupancy shall be issued without first issuing a Certificate of Zoning Compliance by the Zoning Enforcement Officer stating that all conditions of the Zoning Permit have been complied with.

14-03 PENALTIES

Penalties for violations of these Regulations shall be prescribed in Chapter 124 of the General Statutes, 1958 Revision, as amended.

14-03 ZONE AND REGULATIONS CHANGE PROCEDURE

- 14-03.1 A petition for a change in zone boundary shall be in the form of a map showing all property lines within a 500 foot radius of the proposed change, measured from the perimeter of the site, as shown on the most current Tax Assessor's map, in addition to existing and proposed zone boundaries and a written description of the proposed change. Said map shall include a list of said property owners and their current mailing addresses within a 500 foot radius of the proposed change as exists on the most current Tax Assessor's records.
- 14-03.2 A petition for a change in the Zoning Regulations shall be in written form, stating the language of the proposed amendment or amendments.
- 14-03.3 Each petition for a change in zone or for a change in regulation shall be on a form provided by the Planning and Zoning Commission. The application for a change of zone shall be accompanied by the required fee and the application for a change in regulation shall be accompanied by a fee posted in the Planning and Zoning Department

to cover advertising costs.¹

14-03.4 Upon receipt of a petition for a change in zone or change in regulations, or for such changes initiated by the Planning and Zoning Commission, the procedure for public hearing and action shall be as specified by State Statutes.

14-03.5 For each petition for a change in zone, the applicant shall send a first-class letter to all property owners within 500 feet of the proposed change, measured from the perimeter of the property. Said property owners shall be compiled from the most current Town Assessor's records, as of the date the completed application is submitted to the Planning Department. Said notification shall include a copy of the application form as prescribed in Section 14-03.3 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. The primary intent of the provision herein is to reasonably inform those property owners as defined herein.

The applicant shall provide a Certificate of Mailing(s) from the Post Office to the Planning Department not less than one (1) week before such hearing for the commission to verify that the required legal notice of the Public Hearing has been met.²

A. Notification Procedure

1. File appropriate maps and applications with Planning Department. As before, list property owners within 500 feet on map.
2. Planning Department will provide cover letter and copy of application to applicant; the applicant will then perform the required legal notice to property owners and submit Certificate of Mailing(s) to the Planning Department at least one (1) week prior to the opening of the Public Hearing.³
3. For Zone Changes, applicant to provide 8 1/2" x 11" map.

¹ Revised, ZA #592, effective 5/20/17

² Revised, ZA #592, effective 5/20/17

³ Revised, ZA #592, effective 5/20/17

SECTION FIFTEEN

BOARD OF APPEALS

15-00

15-01 **POWERS AND DUTIES**

The Board of Appeals shall have the following powers and duties including the appropriate conditions and safeguards in connection with any of its powers and duties all of which shall be exercised in harmony with the purpose and intent of these Regulations and in accordance with the public interest and the development of the neighborhood.

15-02

RULES

To adopt such rules and regulations as may be deemed necessary to carry out the provisions of this section.

15-03

APPEALS

To hear and decide appeals where it is alleged that there is an error in any order or decision made by the Zoning Enforcement Officer.

15-04

VARIANCES

To vary the strict application of any of the requirements of these Regulations in the case of an exceptionally irregular, narrow, shallow, or steep lot or other exceptional physical conditions as a result of which strict application would result in exceptional difficulty or unusual hardship that would deprive the owner of the reasonable use of the land or building involved, but in no other case. No variance in the strict application of any provisions of these Regulations shall be granted by the Board of Appeals unless it finds:

15-04.1

That there are special circumstances or conditions fully described in the findings of the Board, applying to the land or buildings for which the variance is sought, which circumstances or conditions are peculiar to such land or building, and do not apply generally to land or buildings in the neighborhood, and have not resulted from any act subsequent to the adoption of these regulations, whether in violation of the provisions hereof or not; and

15-04.2

That, for reasons fully set forth in the findings of the Board, the aforesaid circumstances or conditions are such that the strict application of the provisions of these Regulations would deprive the applicant of the reasonable use of such land or building and the granting of the variance is necessary for the reasonable use of the land or building, and that the variance as granted by the Board is the minimum variance that will accomplish this purpose; and

15-04.3 That the granting of the variance will be in harmony with the purposes and intent of these Regulations, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

15-05 **SPECIAL EXCEPTIONS**

To hear and decide requests for Special Exceptions where required by the specific terms of these Regulations. Each specific Special Exception for which a permit is sought shall be considered as an individual case and shall, in addition to other standards prescribed in these Regulations, conform to the detailed application of the following standards in a manner appropriate to the particular circumstances of such use:

15-05.1 The nature, location, size, intensity and site layout of the use shall be such that it will be in harmony with the appropriate and orderly development of the area in which it is situated and that its operations will not be detrimental by reasons of dust, noise, odor, fumes, explosion, glare or otherwise.

15-05.2 The nature and size of the use, the nature and intensity of the operations involved in or conducted in connection with it, its site layout, and its relations to streets giving access to it shall be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons in connection with it will not be hazardous or inconvenient to the predominant character of the neighborhood, or conflict with the normal traffic of the neighborhood, taking into consideration, among other things, convenient routes of pedestrian traffic, particularly street intersections, vehicular turning movements in relation to routes and volumes of traffic flow, sight distances, and adequacy of parking facilities.

15-05.3 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.

15-06 **PUBLIC HEARING**

The Board of Appeals shall hold a public hearing on all applications and appeals. The procedure for public hearing and action shall be as specified by State Statutes.

15-07

APPLICATIONS

All appeals and applications made to the Board of Appeals shall be in writing on forms prescribed by the Board, and each appeal or application shall fully set forth the circumstances of the case. Every appeal or application shall refer to the specific provision of the regulation involved, and shall exactly set forth as the case may be, the interpretation that is claimed, the use for which the special permit 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.

15-08

FEE

All applications and appeals shall be accompanied by the fee as posted in the Planning and Zoning Department to cover the cost of advertising and processing. The Board of Appeals is authorized to waive fees for non-profit agencies.¹

15-09

BONDS

The Board of Appeals, authorizing any use, may require as a precondition to its approval, the filing of a bond in a form satisfactory to the Town Attorney and in an amount established by the Board as sufficient to guarantee completion of those items specified by the Board in conformity with the provisions of these Regulations or any amendments thereto in force at the time of filing. The bond shall be in the form of a² certified check payable to the Town or a line of credit subject to the approval of the Town Attorney. Such bond shall not be released by the Board until it is satisfied that all of the requirements of these Regulations and all stipulations established as part of the approval have been fully complied with.³

15-10

RECORDS

The Zoning Enforcement Officer shall receive all applications, keep all records of the Board, and shall furnish copies of records, upon request, to any person having a proprietary or tenancy interest in the building or lot affected.

15-11

POSTING OF SIGNS

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.

¹ revised, effective 5/8/07

² revised, ZA #522 effective 3/20/10

³ revised, effective 5/8/07

SECTION SIXTEEN

LEGAL STATUS PROVISIONS

16-00

16-01 **AMENDMENTS**

These Regulations and the boundaries of any zone district established hereunder may from time to time be amended, modified, changed or repealed by the Commission in accordance with the provisions of Chapter 43 of the General Statutes of the State of Connecticut, as amended.

16-02

INTERPRETATIONS

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. 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.

16-03

VALIDITY

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.

16-04

REPEALER

The "Zoning Regulations of the Town of Southington, Connecticut" effective May 20, 1957, as amended and all other Regulations or parts thereof in conflict herewith are hereby repealed.

16-05

EFFECTIVE DATE

The effective date of these Regulations shall be May 20, 1957 and as amended.

SECTION SEVENTEEN

AQUIFER PROTECTION DISTRICTS

17-00

17-01

AQUIFER PROTECTION DISTRICT - PURPOSE

Pursuant to the authority conferred by Section 8-02 of the Connecticut General Statutes and in the interest of securing the public health, safety, and general welfare, to 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 to preserve ground water resources currently in use and those aquifers having a potential for future use as a public water supply, 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.

17-01.1 Definitions

For the purpose of this Section 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 Two herein.

- A. Aquifer - A geologic unit of stratified drift capable of yielding useable amounts of water.
- B. Aquifer Protection District - The areas identified as GAA, GAAs, GA1, GA2, and GB/GAA on the 1"=200' scale maps identified per Section 17-01 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.

17-01.1 B.

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.
- C. Contamination - The degradation of natural water quality as a result of human activities to the extent that its usefulness is impaired.
- D. GA Districts - Ground water basins in stratified drift or till areas which have limited potential as a municipal scale water supply.
- E. GA3 Districts - glacial till deposits that serve as limited recharge areas adjacent to GAA, GA and GA2 Districts.
- F. 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.
- G. GB/GA2 Districts - Stratified drift deposits that serve as secondary recharge areas and have been contaminated.
- H. Ground Water - Water in the subsurface zone beneath the water table in which all pore spaces are completely saturated.
- I. 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 (PL94-580) and the subsequent regulations promulgated in the Federal Register.
- J. Solid Wastes - Unwanted or discarded materials, including solid, liquid, semisolid or contained gaseous material.
- K. 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.
- L. Stratified Drift - Unconsolidated sorted sediment composed of layers of sand, gravel, silt or clay, deposited by meltwater from glaciers.

GENERAL PROVISIONS

17-02.1 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.

17-02.2 Establishment of Aquifer Protection District Boundaries:

The GAA, GAAs, GA1, GA2 and GB/GAA Districts, as delineated on the maps specified in Section 17-01 herein, are adopted as the regulatory boundaries subject to the provisions herein and those provisions prescribed in Section 17-02.1.

17-02.3 All uses which are permitted in the underlying zones shall be permitted in these aquifer protection districts with the following exceptions, restrictions and requirements:

A. Prohibited Uses

1. The disposal, storage, or treatment of hazardous and solid waste material.
2. Road salt storage and loading areas.
3. Dry wells directly connected to any floor drain, wash basin, sink, or paved parking areas.
4. Outside storage of any materials which, in the opinion of the Planning and Zoning Commission, could contaminate ground water resources.
5. Filling stations
6. Cemeteries
7. Special Exception Uses per Section 5-02.3 (A-E inclusive) herein except that the processing of earth materials shall be permitted.

B. Underground Storage of Fuels

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

- C. Site Plans for an industrial or commercial use per Section 9 of these Regulations shall be accompanied by a written statement which describes the proposed use and operations.
- D. 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 Environmental Protection and the State Department of Health Services. Each application shall include any necessary Federal or State permits, unless waived by the Commission.

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This index is for convenience in the use of the Zoning Regulations and is not part of the Regulations. In case of conflict, the Regulations shall prevail.

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