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SECTION 2: ESTABLISHMENT OF ZONE(S) AND OFFICIAL ZONING MAP

Section 2.1 Establishment of Zones

For the purpose of promoting the public health, safety and general welfare, the Town of Newington, Connecticut, is hereby divided into the following zones:

R-20	Residential
R-12	Residential
R-7	Residential
R-P	Residential, Planned
R-D	Residential, Designed
B	Business
B-TC	Business, Town Center
B-BT	Business, Berlin Turnpike
I	Industrial
PD	Planned Development
CD	Commercial Development
PL	Public Land
<u>OS</u>	<u>Open Space</u>
<u>WADD</u>	Willard Avenue Development District. See Section 6.12

2.1.1 **Zone** **"Zone"** has the same meaning as "Zoning District" or "District."

Effective February 5, 1993 R-P zone deleted. All R-P Zones and approved site plans existing on this date remain valid but Site Plans; in accordance with Section 8-3(I) CT General Statutes, shall expire. For existing vacant R-P Zones the Special Exception Standards of Section 3.7 shall be followed.

Section 2.2 Provision for Zoning Map

2.2.1 The boundaries of all zones, as established herein and amended from time to time, are those shown on the Zoning Map, Town of Newington, Connecticut, and subsequent amendments thereto, filed in the office of the Town Clerk, which Map is part of these regulations. Any facsimile maps are not official and are for convenience only.

2.2.2 When, in accordance with the provisions of these regulations, changes are made in zone boundaries or other matter portrayed on the Zoning Map, such changes shall be made on the Zoning Map after the amendment has been approved by the Commission, together with an entry on the Zoning Map as follows: "As amended to (date)," such date to be that of the most recent amendment.

2.2.3 Zone Boundaries

Where uncertainty exists as to the boundaries of zones as shown on the Zoning Map, the following rules shall apply:

A. Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed as following such center lines.

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- B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- C. Boundaries indicated as approximately following town limit shall be construed as following town limits.
- D. Boundaries indicated as following railroad rights-of-way shall be construed as midway between the right-of-way.
- E. Boundaries indicated as approximately following the center lines of streams, brooks or other bodies of water shall be construed as following such center lines.
- F. If the above rules do not apply, the locations of zone boundaries shall be determined by scaling the Zoning Map.
- G. In any case of uncertainty, the Commission shall determine the location of the boundary.

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SECTION 3: ZONE USE REGULATION

All uses permitted in this Section are subject to height and area requirements contained in Section 4, and all other applicable requirements of the Zoning Regulations.

Section 3.1 Uses Permitted in Any Zone

The following uses are compatible with any class of uses and are permitted in any zone. All such permitted uses shall comply with the appropriate height, area and site plan requirements of these regulations.

3.1.1 Public Library

3.1.2 Public Parks and Playgrounds

3.1.3 Farms, to include animal husbandry or horticultural uses, under the following conditions:

- A. All structures, except dwellings shall hereafter be located not less than 100 feet from any street line and 100 feet from any dwelling on an adjacent lot, except that this requirement shall not restrict fencing for pastures for horses and cows. Roadside farm stands must be set back at least 20 feet from the street line and only produce grown on the premises may be sold.
- B. Commercial slaughtering, except animals raised on the premises, is prohibited. The keeping of any animal(s) other than house pets requires at least five (5) acres for such purpose.
- C. None of these uses shall create offensive odors, noise or unsightly appearance noticeable off the premises.
- D. A free standing sign not exceeding nine (9) square feet per side and not more than 8 feet maximum height advertising farm products grown or raised on the property may be permitted by Special Exception from the Commission.

3.1.4 Construction Trailers

Trailers used for business, office, and storage purposes in connection with a bonafide construction operation within the Town may be used for such purposes in any zone subject to the following requirements: Trailers in use for field offices or for storage of materials or equipment during the construction, alteration or repair of a building may, during the actual progress of such work, only be parked on the premises on which such work is being done. If for any reason whatever, such work shall cease for more than ~~90~~ **30** ~~successive~~ days, such parked trailers shall be removed and shall not be returned unless such work is again in actual progress with appropriate permits. At the conclusion of a construction project all construction trailers shall be removed from the site within 30 ~~successive~~ days. (Effective 12-1-01)

Section 3.2 Special Exceptions Permitted in All Zones

The following uses are declared to possess such special characteristics that each must be considered as a special exception. They may be permitted by the Commission in any zone, subject to the following conditions and the provisions of Sections 5.2 and 5.3.

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- 3.2.1 Churches and places of worship. Memorial gardens for the interment of cremains may be permitted as an accessory when located on the same property with the church or place of worship subject to the buffer requirements of Section 6.10.5 Places of worship when approved by special exception are permitted to have a residential quarter (for a family). The area of such quarters not to exceed 2000 sq. ft. All such uses must be included within a building or be accessory to the permitted principal use. (Effective 4-22-09)
- 3.2.2 Public utility installations needed for the public convenience and necessity.
- 3.2.3 State and Federal government activities buildings.
- ~~3.2.4 Radio and TV antennas, provided they are located a minimum distance from any property line at least equal to the height of the tower. Satellite dishes and antenna shall not be located in front yards or on the roof of the principal residential structure or accessory structure. Dishes maybe located in a side yard if screened from the public street(s). The Building Department is authorized to issue a permit for the erection of a satellite dish when the property owner can demonstrate that its location will meet the above requirements or Federal Communication Commission exemption for antennas of 2 meters or less diameter in a non residential zone or 1 meter or less diameter in a residential zone. (Effective 12-1-01) Satellite dishes which can not be screened from public view shall require the grant of a Special Exception from the Commission.~~
- 3.2.5 Hospitals, sanatoria, rest homes, senior independent living facilities (Effective 12-1-01), convalescent or nursing homes, long term care facilities and continuing care retirement communities (effective 4-15-2015), subject to the following standards.
- A. Location
- No site shall be approved unless it is on or within 300 feet of an arterial street as set forth in the Comprehensive Plan of Conservation and Development, and unless it is connected to public water and sewers.
- B. Height of Buildings
- No principal building may exceed the height of three (3) stories or 35 feet or five (5) stories and 75 feet in a B-BT (Business Berlin Turnpike) zone. No accessory building may exceed the height of 15 feet.
- C. Site Area
- One acre of site shall be required for each 30 patient beds or living units and in no case shall the site be smaller than 5 acres. (Effective 4-15-2015)
- D. Site Requirements
- Minimum lot frontage shall be no less than 100 feet. Buildings shall be sited, and landscaping and buffer areas provided to assure maximum privacy to the residents and adjoining uses. Suitable recreation facilities, appropriate to the function of the use, shall be provided. (Effective 12-1-01)

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- 3.2.6 Schools or colleges, but not including business schools or schools for special training, such as instrumental music, dancing, barbering or industrial pursuits in which machinery is used. All buildings or groups of buildings must be located on lots of not less than 5 acres and not less than 100 feet from any property line.
- 3.2.7 Commercial Wireless Communication Facilities subject to the following conditions: (Effective 12-13-97)
- A. The order of preference for facility locations shall be:
- On the existing structures such as buildings, water towers, ground signs with visual mitigation:
- 1) On existing approved towers in any non residential zone district. (Effective 12-01-01)
 - 2) On property located within the Industrial, Planned Development, Berlin Turnpike Business and Commercial Development Zone districts and where topography, adjacent land use and vegetation will provide the greatest amount of screening;
 - 3) On property within the Public Land Zone and municipal property or buildings where such facilities would not interfere with the use of property or be a public safety hazard.
 - 4) Facilities will not be permitted in the R-20, R-12, R-7, B-TC and B Zone districts, except on existing approved towers. (Effective 12-01-01)
- B. Antenna location and design standards:
- 1) Shall be attached only to an existing tower, a non-residential structure or building.
 - 2) Shall not exceed a height of 15 feet above the highest part of the structure or building.
 - 3) Panel antennas shall not exceed a height of six feet in height or two feet in width and shall not exceed more than two feet beyond the facade and not project five feet above the cornice line.
 - 4) Satellite and microwave dish antennas shall not exceed six feet in diameter and shall be located or screened so as not to be visible from abutting public streets.
 - 5) The Commission may require that the antenna, panels or dish be camouflaged and be of a material and color which matches the exterior of the building or structure upon which it is attached.
- C. Lot area, height and tower construction standards:
- 1) When the wireless telecommunication tower will occupy the lot as a principal use the minimum lot area shall not be less than 40,000 square feet. Where it

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is proposed that the tower will be an accessory use to the principal use the lot area shall not be less than the requirement for the underlying zone.

- 2) The maximum height of a tower shall not exceed 130 feet including the antenna and all other appurtenances.
- 3) Unless co-locating on an existing tower wireless telecommunication towers shall be of a monopole design. The applicant shall submit a cross section of the tower showing its design and a description of its capacity to accommodate co-located antennas. A soils report for the tower location and certification by the applicant's professional engineer that the tower will collapse upon itself without encroachment upon adjoining property or danger of falling on adjacent structures shall be submitted with the application.
- 4) All towers shall be located a minimum distance from the property line at least equal to the height of the tower.
- 5) The Commission may require that monopoles be of such a design and color so that it can be camouflaged to resemble the surrounding landscape.

D. Application information and general standards:

- 1) All applicants for a commercial wireless telecommunication Special Exception shall submit proof that they hold a bonafide license from the Federal Communication Commission to provide telecommunication service in Connecticut.
- 2) A visual impact analysis of the proposed tower or antenna showing the relationship of the telecommunication facility to the immediate adjacent properties and structures as well as from distance view lines from at least one half mile radius of the proposed site shall be submitted. For co location on an existing approved tower the applicant may request a waiver of a visual impact analysis from the Commission. (Effective 12-1-01)
- 3) A site selection justification statement which includes a description of the narrowing process that eliminated other potential sites or precluded co-location shall be submitted. This statement should address the applicant's plans to establish additional telecommunication sites within Newington and if the proposed site is not a preference 1 or 2 location an explanation of why a higher preference location is not feasible.
- 4) A commercial wireless telecommunication facility approved after the effective date of this section and not in use for 12 consecutive months shall be dismantled and removed by the service facility owner. This removal shall occur within 90 days of the end of such 12 month period. Upon removal the site shall be restored to its previous appearance and where appropriate re-vegetated to blend with the surrounding area.
- 5) The approval of an application for a special permit shall be void and of no effect unless construction of the project commences within one year from the date of the Commission's approval. The term "construction" pertains the installation of the monopole and support ground facilities.

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3.2.8 Charitable, ~~Religious, Social~~ and Civic Events

~~The use is for charitable purposes or~~ **Activities** for the direct support of said local charitable, ~~social~~, civic or religious group, provided that such use shall be limited by such restrictions and/or conditions as the Commission may impose. **Any permit so authorized shall be for such hours and duration as the Commission may determine is reasonable, but not longer than 10 days.**

3.2.9 Group Day Care Homes and Child Care Centers, and Adult Day Care Centers (Effective 12-1-01) subject to the following conditions:

- A. The lot shall have adequate size and frontage for the safe pick-up and drop off of users and sufficient on site parking for staff and visitors. (Effective 12-01-01)
- B. All such uses shall be approved by the appropriate department of the State of Connecticut, and such approvals shall be presented prior to issuance of the certificate of occupancy. (Effective 12-01-01)
- C. Any permit issued under this section shall not be transferable, but may be revoked for good cause after a public hearing.
- D. A zoning permit will be issued for two (2) years and coincide with the state license or renewal date. The permittee must apply to the **Building Department Zoning Enforcement Officer** for permit renewal. The permit shall be issued without hearing upon verification that conditions of the Special Exception and site plan approval are in compliance. The permit shall become null and void if not renewed.
- E. Renewals shall be applied for no later than 45 days prior to expiration. The permit shall continue in effect until the renewal application is acted upon by the **Building Department Zoning Enforcement Officer**.
- F. ~~All day care centers shall register with the Building Department.~~
- G. If the proposed location of such use is in ~~a residential zone~~ **an existing one- or two-family detached dwelling**, the following additional requirements shall apply:
 - 1) The building in which such use is conducted shall be occupied as the primary residence of the applicant.
 - 2) No announcement sign shall be permitted exceeding two (2) square feet in area.
 - 3) The building floor area devoted to the conduct of said activity shall not exceed twenty-five (25%) of the floor area of the building.
 - 4) Any parking proposed or required in excess of two (2) spaces shall be behind the building line and shall be so screened or hidden from view that no intrusion is made in the residential integrity of the neighborhood.
 - 5) The Commission shall review the application with specific attention to the impact of such use on the residential character of the neighborhood.

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Section 3.3 Uses Permitted in All Residential Zones

In residential zones, buildings, structures and lots may be used and structures may be altered or erected for the following uses.

- 3.3.1 One-family detached dwellings.
- 3.3.2 Parking or storage of any boat, or any trailer, camper, or similar operable and registered recreation type vehicle is permitted in any residential zone, only in accordance with the following conditions: (Effective 12-01-01)
 - A. No parking or storage of such vehicles is permitted in any front yard.
 - B. Such parking or storage is permitted only to the owner-occupant or resident of the premises.
 - C. No more than two such vehicles on any premises.
 - D. No boat, trailer, camper, recreational vehicle ~~over 16 feet long overall length or 10 feet high~~ may be parked or stored in any side yard without providing a 6-foot fence or plantings installed between any permitted vehicle and the adjoining property. (Effective 12-01-01)
 - E. No boat, trailer, camper, recreational vehicle over 35 feet long overall length or 10 feet high may be parked or stored in any rear yard. (Effective 12-01-01)
 - F. In the case of condominium lots, such parking or storage is permitted at suitable screened, protected and surfaced areas which are designated on an approved site plan in accordance with Section 5.3.
 - G. No parking or storage shall be permitted within or under temporary shelters, such as but not limited to bow houses, fabric shelters, canopies or tent type shelters supported by metal, wood or plastic framing. (Effective 12-01-01)
- 3.3.3 Use of residence for personal business purposes:

The use of a residence by the occupant for personal business purposes is permitted subject to the following requirements.

 - A. No business is conducted on the premises except by mail, telephone or data terminal.
 - B. No persons other than members of the resident family are employed in such activity.
 - C. No external evidence of the business is visible.
 - D. No business signs are erected.
 - E. No pedestrian or automobile traffic other than that normally generated by a residence is permitted.

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F. See Section 3.4.4 (Home Occupation and Professional Office) for approval of a proposed home business that exceeds any of these requirements.

- 3.3.4 A driveway or walk for access to a business or industrial use only when no other access exists, and when the residentially-zoned property is in the same ownership as the business or industrial property.

Section 3.4 Special Exceptions Permitted in All Residential Zones

The following uses are declared to possess such special characteristics that each must be considered a special exception. They may be permitted by the Commission in any residential zone, subject to the following conditions and the provisions of Sections 5.2 and 5.3.

- 3.4.1 Golf course or country club whether operated as profit-making or non-profit, or other non-profit similar recreation uses including clubhouses, provided that:
- A. Such uses shall occupy not less than 10 acres.
 - B. No land actively used for recreation or other purpose shall be located less than 50 feet from any property line.

3.4.2 Private Stables

Land and accessory buildings associated with a private residence may be permitted by the Commission for private equestrian use when located not less than 100 feet from any property line and having a minimum size of one acre for each animal in addition to the minimum lot area required for the zone in which the property is located. (Effective 12-01-01)

3.4.3 Commercial Stables

Land, buildings and other structures may be permitted by the Commission for commercial use involving the following horse-related activities: riding academies, livery and boarding stables, rental and hacking stables, providing the following standards or conditions are met.

- A. Acreage: The barns, riding rings, corrals and accessory facilities shall be contained within one parcel of suitably drained land consisting of at least 10 acres.
- B. Parking: Sufficient off-street parking facilities shall be provided to accommodate all users and visitors to the property, including spectators for horse shows and similar events. The roads for entering and leaving the property shall not be located or placed in a manner to create pedestrian or vehicular traffic hazard on any public street or highway. There shall be one off-street parking space for each 5 users of, or visitors to, the property, including spectators for horse shows and similar events.
- C. Health: Stable manure must not create a health hazard. No air or water pollution is permitted and no odor shall be present beyond the property boundary. The stabling of horses shall conform to all regulations of local and state health authorities. Toilet facilities shall be provided in accordance with local health

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requirements for normal operations as well as for horse shows and similar events.

- D. Safety: Adequate fencing shall be installed and maintained to reasonably contain the horses within the property.
- E. Fire: Fire control facilities for the barns, buildings and other facilities shall be acceptable to the Fire Marshal.
- F. Noise: The use of public address systems shall be controlled in order to avoid becoming a nuisance to surrounding neighbors, as determined by the Commission.
- G. Set Back: No building, riding ring, corral, manure pit, used for or in conjunction with the operation, shall be located in a manner that any part thereof shall be less than 100 feet from the nearest line of any road, street or highway abutting the property or any side or rear boundary line.
- H. Use of Buildings: The use of temporary buildings or trailers for the stabling of horses in excess of 15 days is prohibited.
- I. Maintenance: The area shall be landscaped so as to harmonize with the character of the neighborhood. The land shall be so maintained that it will not create a nuisance as determined by the Commission.

3.4.4 Home occupations and professional offices, such as, but not limited to, ~~TV and radio electronics and~~ appliance repair, music, art, language or dance instruction, doctors, attorneys, accountants and architects in a dwelling subject to the following conditions:

- A. The dwelling shall be the full time residence of the person or persons conducting the home occupation or office; and there shall be no more than one non-resident person or employee engaged in the conduct of the office or occupation.
- B. No evidence of the home occupation or professional office shall be visible outside the dwellings, except an announcement sign not to exceed 2 square feet is permitted.
- C. The floor area for conduct of the home occupation and/or professional office shall not exceed 25 percent of the floor area of the dwelling.
- D. Any parking proposed or required in excess of 2 cars shall be behind the building line and shall be so screened or hidden from view that no intrusion is made in the residential integrity of the neighborhood.
- E. **Zoning Permit:** The home occupation or professional office shall not be detrimental to the health, safety, welfare and property values in the neighborhood, and to ensure this condition a zoning permit will be issued for 1, 2 or 3 years, starting on the approval date. The permit may be revoked for due cause after a public hearing. The permittee must apply for permit renewal and pay a permit application fee. The permit shall become null and void if not renewed. Renewals shall be applied for no later than 45 days prior to the expiration of the permit. The permit shall continue in force until the renewal application is acted upon by the Commission. Permits are not transferable.

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- F. For the purpose of this section home occupations and professional offices do not include personal services such as, but not limited to, pet grooming, barbers, hair salons, and nail salons. (Effective 12-01-01)

3.4.5 RESERVED.

3.4.6 Group homes and community residences (Effective 12-01-01) subject to the following conditions:

- A. Group homes run by non-profit organizations.
- B. Group homes are expressly limited to the habitation by adult mentally or physically handicapped citizens with supervision provided by full time State-approved resident personnel. ~~Drug treatment or criminal~~ Criminal rehabilitation facilities are expressly prohibited.
- C. For the purpose of this section, group homes and community residences which house fewer than six mentally ~~retarded~~ or physically handicapped persons and necessary staff licensed by the State of Connecticut are exempt and shall be treated as a single family home. (Effective 12-01-01)

3.4.7 Conversion of Older Homes

~~to provide suitable uses for older~~ Older, larger residential homes, which by ~~reason of~~ contemporary standards are energy inefficient and ~~which by whose~~ conversion to smaller residential units could provide uses for the general public health and welfare, may be permitted by the Commission subject to the following conditions:

- A. The use of such homes and additions to such homes as may be approved shall be limited to residential uses only.
- B. Areas: The site shall be at least 20,000 square feet in size and the structure shall be at least 1,800 square feet in area. Individual units in the proposed multiple dwelling shall not be less than 600 square feet and shall include a full bath and kitchen. Basements shall not be used for living areas. At least 6,000 square feet of land area is required for each dwelling unit.
- C. Age: Only structures which were principally constructed prior to 1920 shall be eligible for conversion under this regulation.
- D. Parking: Paved parking shall be provided on the premises at the rate of one and one-half car spaces per dwelling unit. Parking shall be behind the front line of the principal structure.
- E. Additions: Expansion of the existing structure shall not exceed 20% of its current gross floor livable area. The architecture of the addition must be essentially the same as the existing structure.

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3.4.8 More than one commercial vehicle as defined in Section 3.22.

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Section 3.5 Uses Permitted in R-20, R-12 and R-7 Residential Zones

In R-20, R-12 and R-7 Zones, land and buildings may be used and buildings may be altered or erected to be used for the following purposes and no other:

- 3.5.1 One-family detached dwellings and accessory uses and structures.

Section 3.6 Special Exceptions Permitted in R-7 Residential Zones

The following uses are declared to possess such special characteristics that each must be considered a special exception. They may be permitted by the Commission subject to the following conditions, and the provisions of Sections 5.2 and 5.3.

- 3.6.1 Two-family attached dwellings and accessory uses and structures.

- A.** Each dwelling unit shall have individual and separate utility connections and/or meters in accordance with State, local and public utility regulation. Also, firewall protection, independent access to the attic and independent lighting in attic space.
- B.** For resubdivision of parcels containing existing duplex structures the petitioners shall receive certification from the Building **Department Official** that these utility services are separate. This certificate shall be obtained prior to submission of an application for resubdivision.

Section 3.7 Special Exception Permitted in R-12 and R-7 Residential Zone

The following uses are declared to possess such special characteristics that **they each** must be considered special exceptions. They shall only be permitted by the Commission subject to the following conditions and standards, and the provisions of Sections 5.2 and 5.3.

- 3.7.1 Alternate residential building types

Alternate residential building types may be permitted as a special exception when, after a public hearing, the Commission makes a finding that such uses provide wider housing variety and choices, and when the following standards are satisfied:

- A. Parcel Size

The minimum parcel size shall not be less than 10 contiguous acres. The applicant shall submit a Class A-2 Boundary Survey certifying the parcel area. Contiguous acres shall mean sharing a common boundary, but shall not include parcels separated by a Town Road or State highway.

- B. Location

No site location shall be approved unless it is on or within 300 feet of an arterial street as set forth in the Town's Plan of **Conservation and** Development, and unless it is to be served by public water and sewer.

- C. Density

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At least 8,000 square feet of land area is required for every dwelling unit. The computation of total number of dwelling units permitted on a site will be based on the usable area of the site. When, in the opinion of the Commission, geologic or topographic conditions, slopes in excess of fifteen (15%) percent gradient, inland wetlands and flood hazard areas render any portion of the site unsuitable for ~~use by the residents of the~~ development, such portions of the site will not be used in computing the total number of dwelling units permitted ~~and shall be set aside as conservation~~ but may be used to provide the required open space. (Effective 3-4-2011)

D. Building Types

Subject to the requirements of the Height, Area and Yard Requirements listed in Section 4, TABLE A the following building types are permitted:

- 1) Detached single family (patio houses)
- 2) Semi-detached dwellings (duplex houses)
- 3) Attached dwellings (townhouses)
- 4) For multiple family structures the maximum number of dwelling units per structure shall not exceed 12. (Effective 12-01-01)

E. Frontage

Frontage shall mean a linear distance measured along a street, principal driveway or parking lot. Where principal driveways or parking lots are used as frontage, there shall be a direct connection between such areas and a public street. Such connections must be entirely suitable for emergency vehicles as well as normal access services and needs. In the cases of patio houses, duplex houses and town houses, such direct connections shall be shown and described in the site development plan.

F. Court Yards

Court yards enclosed on all sides shall not be permitted, and no open court shall in the least dimension be less than 50 feet.

G. Open Space Area

Suitable common open space for the recreation of adults and children shall be provided and screened from driveways streets and parking access. At least 1000 square feet of open space shall be required per dwelling unit. Recreational space and facilities for pre-school children are required in suitably protected locations. A 30 foot rear area or yard suitable for outdoor living space shall be provided behind each living unit. In computing the required open space area the Commission shall be guided by the standard that at least twenty percent (20) of the common open space shall be useable for active recreational purposes and the balance may be ~~designed~~ designated for open space conservation protection.

H. Utilities

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All electric and telephone utility installations shall be located underground, excepting required or necessary light standards, etc. Patio houses, duplex houses and townhouses shall have individual, separate and self contained heating and/or air conditioning systems and separate meters.

I. Sidewalks

Sidewalks shall be installed along the frontage of public streets according to the Town of Newington standards.

~~J. Spacing Modifications~~

~~The Commission may vary the requirements regulating spacing of buildings, distance requirements for improvements, and height and number of dwelling units per building, when in its judgment such variations contribute to the overall improvement of the project.~~

K. Buffer Areas

A landscaped buffer area is required along any portion of the property which abuts single-family residential, commercial or industrial use, in accordance with Section 6.10. ~~However, the Commission may waive this requirement in part for good cause. The reasons for any such waiver shall be made part of the Commission's record pursuant to Section 6.10.5 (c).~~ (Effective 12-01-01)

L. Roadway and Sidewalks

Roads proposed to remain private or for dedication as a public street shall be designed and constructed in accordance with the Newington Subdivision Regulations. All improvements that will be deeded to the Town shall meet the requirements of the Standard Specifications published by the Town of Newington Engineering Department.

A private roadway system serving not more than 75 dwelling units may be permitted when approved by the Commission. Each private roadway shall connect to a public street. The private roadway shall have a pavement width of 30 feet and connections to parking areas, recreation areas, etc. shall be at least 24 feet in width.

Private sidewalks shall be at least 4 feet back from curbs, or may be 6 feet wide from the curb and parking areas. Sidewalks within the proposed development shall be concrete and at least 4 feet in width.

Sidewalks along drives and connections to parking areas shall be at least 4 feet back from curbs, or may be 6 feet wide from the curb and parking areas. Sidewalks within the proposed development shall be concrete and at least 4 feet width

M. Homeowners' Association

When common parking, private streets, is proposed and/or common recreation areas and/or facilities are proposed or required, a homeowners' association will be required. The association must fulfill the following requirements:

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- 1) The association must be limited to homeowners within the development.
- 2) Membership must be mandatory for each home buyer, and any successive buyer.
- 3) The open space restrictions must be permanent, not just for a given period of years.
- 4) The association must be responsible for liability insurance, local taxes, and the maintenance of recreational and other facilities.
- 5) Homeowners must pay their pro rata share of ~~the cost~~ all maintenance costs, and the assessment levied by the association for such costs can become a lien upon the property.
- 6) The association must be able to adjust the assessment to meet changed needs.
- 7) The association must be so established that, in the event of dissolution, all open space shall be offered first to the town, and free of charge.
- 8) A draft of the proposed association documents must be submitted to the Commission for determination of adequacy in meeting the requirements prior to Special Exception approval.

3.7.2 **Affordable Age-Restricted** Housing for ~~the~~ Seniors and Service Use Buildings
(3-31-09)

A. Statement of Purpose.

It is recognized that there is a growing need to provide appropriate affordable age-restricted housing opportunities for Newington's aging (55 or older) population.

B. Development Requirements

~~Housing for the seniors shall conform to the requirements of these regulations except that the~~ The following requirements are specifically designed for the development of affordable age-restricted senior housing sponsored by either the Newington Housing Authority, or a non-profit or limited-profit developer for the health and welfare of the Town of Newington and its residents.

Recognition is hereby given to the special housing needs of senior persons. The following standards are determined to be suitable to the requirements of senior persons.

Since the above-described limitations apply particularly to seniors, an exception is herewith provided for housing approved and constructed under this section to be occupied solely by persons aged 55 or older, or persons associated with a head of household of that age by reason of marriage or kinship.

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C. Standards

Housing for seniors under this section may be permitted as a special exception when, after a public hearing, a special exception is granted by the Commission upon its finding that the following standards are satisfied:

- 1) The minimum parcel size shall not be less than 2 contiguous acres. The applicant shall submit a Class A-2 Boundary Survey certifying the parcel area. Contiguous acres shall mean sharing a common boundary, but shall not include parcels separated by a Town Road or State highway.
- 2) The proposed site is on a bus line; or is within reasonable walking distance to facilities that serve the necessity and convenience of the senior person; or transportation is provided by the facility for its residents; or a dial ride service is provided.
- 3) The number of dwelling units shall not exceed 20 per acre. The parcel size may be reduced to not less than 1.5 acres with a density of 2,175 square feet of land per dwelling unit when the Commission determines the site has exceptional location qualities that benefit seniors; such a reduction shall require a two-thirds vote of the Commission members present.
- 4) The proposed housing for the senior is not likely to have an adverse effect upon adjacent properties and other properties in the neighborhood.
- 5) Reasonable traffic circulation exists to and from the site, taking into consideration such items as amount of parking, location and access to parking traffic load, circulation problems on existing streets and access to the site in case of fire or catastrophe.
- 6) The units shall be affordable to residents with gross incomes 80% or less than the area median gross income, adjusted for family size.
 - a) The applicant shall submit documentation showing that the initial rent or sale price will be within the limits set by the CT Housing Finance Authority.
 - b) The applicant shall execute documentation restricting the future rent or sale price to within the limits set by the CT Housing Finance Authority.

3.7.3 Single Family Entry Level Housing

A. Statement of Purpose

It is recognized that there is a need to provide a range of housing opportunities for the citizens of Newington. It is also recognized that the regulation of building density and development design affect housing cost. To promote wider housing choices and to protect the public health, safety, convenience and property values, the following criteria, standards and conditions are established for the regulation of Single Family Entry Level Housing.

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B. Criteria

In evaluating the appropriateness of an application for a Special Exception under this Section, the Commission shall give consideration to, among other things, the following factors:

- 1) The supply of land available in the present zone.
- 2) The supply of moderately priced affordable housing in the Town.
“Affordable housing” is defined as housing that is affordable to residents with gross incomes 80% or less of the area median gross income.
- 3) Demonstration by the applicant that moderate priced **affordable** housing will be created and maintained.
- 4) The impact on surrounding property values.
- 5) Preservation of the character of existing neighborhoods.
- 6) The physical suitability of the land.
- 7) The environmental impact.
- 8) The impact on the capacity of the present and proposed utilities, streets, drainage systems, and other improvements.
- 9) The protection of historic factors.
- 10) Any other impacts on the surrounding area.

C. Standards for Use, Design and Development

The Commission may grant a Special Exception to allow higher density single family dwellings and may vary the Subdivision Regulations **and Zoning Regulations standards** when it finds that the conditions for approval a Single Family Entry Level Housing will be met, as well as any other reasonable conditions that the Commission may impose.

In **modifying these standards approving an application** the Commission shall use its discretion as guided by the enabling language of Section 8-2 of the Connecticut General Statutes, in particular consideration as to the character of the area and its suitability for higher-density single family homes and with a view to conserving the value of property and encouraging the most appropriate use of land throughout the municipality.

~~Modification of the Zoning Regulations and Subdivision Regulation shall only apply to the following specified standards.~~

- ~~1) Permitted Uses Single-Family houses subject to the following design standards.~~**
 - 1) Each single-family house shall be on a separate subdivided lot and be intended for private ownership of house and lot.

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- 2) The minimum lot area and minimum lot frontage may be modified by the Commission at the time of subdivision plan approval in accordance with the standards of this Section.
- 3) All roads which are proposed to become Town-owned streets and all improvements which are constructed within public right-of-way or which are to be dedicated to the Town shall be constructed in accordance with the Subdivision Regulations except that the street design criteria for local road right-of-way may be reduced from 60 feet to 50 feet and the paved width may be reduced from 30 feet to 24 feet, provided that adequate off street parking is available and the street will not function as a collector road for abutting development.
- 4) The parcel proposed for Single Family Entry Level Housing shall contain not less than 10 contiguous acres. The applicant shall submit a Class A-2 Boundary Survey certifying the parcel area. Contiguous acres shall mean sharing a common boundary, but shall not include parcels separated by a Town Road or State highway.
- 5) The average lot size for building lots in the development shall not be less than 7500 square feet. The minimum lot size shall not be less than 6000 square feet. Each lot shall contain not less than 5500 square feet of ~~net~~ buildable area. (Effective 12-1-01). Wetlands, flood hazard area and slopes in excess of 15 percent shall not be ~~counted as~~ considered "buildable area". The Commission reserves the right to ~~exclude~~ deny approval of lots where major site grading will alter existing topography.
- 6) Lot frontage may be ~~reduced to~~ 70 feet ~~width~~. Depending on site conditions, house size, style and location of the house on the lot, frontage width may be further reduced to 60 feet for up to 25 percent of the approved lots.
- 7) The application for Single Family Entry Level Housing Special Exception shall include elevations of each proposed house style. The Commission reserves the right to approve the number of house styles and the placement of styles within the subdivision. Site design features such as staggered building setback and juxtaposition of buildings should be part of the subdivision site development plan.
- 8) Side yards may be ~~reduced to~~ 10 feet on one side and 5 feet on the other side with the minimum spacing between houses not less than 15 feet. Front yard setback from the street right of way shall not be less than 35 feet. Rear yard setback shall not be less than 30 feet of useable area and not inland wetlands or slope in excess of 15 percent. (Effective 12-01-01).
- 9) Maximum lot coverage of building and parking and driveway surface shall not exceed 45 percent of the total lot area.
- 10) The Commission may waive Section 3.5.3 of the Subdivision Regulations to permit more than one rear lot when it finds that the location of the proposed rear lots are safe and accessible and that the siting of proposed houses will permit adequate rear yards for privacy and play space.

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- 11) The Commission may require the developer to set aside up to 10% of the tract for open space (i.e. active recreation areas or passive conservation areas). The method of set aside shall be approved by the Commission.

D. Conditions

When granting a Special Exception for Single Family Entry Level Housing the Commission shall require the developer to comply with the following conditions and may impose other reasonable conditions to insure the project meets the intent of Section 3.7.3 and will be compatible with the surrounding neighborhood, protect property values and not overburden public utilities and street system.

- 1) The developer of a Single Family Entry Level Housing project shall enter into a contract with the Newington Affordable Housing Monitoring Agency. Such contract shall require the developer to abide by the income criteria for Single Family Entry Level Housing to persons and families satisfying such income criteria as from time to time may be established.
- 2) A draft of the proposed contract with the Newington Affordable Housing Monitoring Agency shall be submitted at the time of the application for the Special Exception.
- 3) At the time of application for a Single Family Entry Level Housing Special Exception the developer shall submit a report with the schedule of proposed sale prices by unit size and type.

Section 3.8 Conversion of Rental Apartments to Condominiums or Town Houses.

Before any rental apartments may be converted to condominiums or townhouses, all requirements of the regulation and the following procedure must be complied with:

- 3.8.1 Application to amend the site development plan shall be filed with the Commission, containing the information required by these regulations.
- 3.8.2 Specific plans and statements, which identify and explain how utility, access and parking are to be converted meet the standards of this regulation, are required
- 3.8.3 Approval: If all land use and planning standards are complied with, the Commission may approve the change in the site plan and such plan shall be signed by the Chairman of the Commission and shall show the date of such approval.

Section 3.9 Uses Permitted in R-D Residential Designed Zone

In R-D Zones, land and buildings may be used and buildings may be altered or erected to be used for the following purposes and no other.

- 3.9.1 Uses permitted may be any or all of those uses which are stated in Sections 3.5 and 3.7.

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3.9.2 Procedure

- A. Before a lot or parcel of land in an R-D Zone may be used or a building erected, a Site Development Plan must be approved in accordance with this section as well as Section 5.3.
- B. Any application for a change to an R-D Zone must be accompanied by an application for site development plan approval, in accordance with Section 5.3. The public hearings shall be held on both applications simultaneously.

3.9.3 Applicable height, area and yard requirements shall be those required for the uses in Sections 3.5 and 3.7.

3.9.4 All electric and telephone utility installations shall be located underground, excepting required light standards, etc.

3.9.5 Sidewalks will be installed along the frontage of public streets according to the Town of Newington standard.

3.9.6 Allocation of Land Uses

The following minimum and maximum land use requirements must be met and shown on the site development plan.

- A. Permanent open space shall comprise at least 20 percent of the proposed parcel or lot and shall be an integral part of the overall design.
- B. Multi-family dwellings, as permitted in Section 3.7, shall not exceed 25 percent of the total area of the proposed parcel or lot.
- C. Single-family lots and uses meeting the R-12 Zone area and yard requirements shall not be less than 45 percent of the total area of the proposed parcel or lot.
- D. The overall density of the proposed parcel or lot shall not exceed 3.5 dwelling units per acre.

Section 3.10 Uses Permitted in B Business Zones

In B Business Zones, land and buildings may be used and buildings may be altered or erected to be used for the following purposes and no other. All such uses must be included within a building or structure or accessory to the permitted principal use. (Effective 12-01-01)

3.10.1 Permitted Uses

- A. Retail stores and trades including banks.
- B. Personal service shops or stores.
- C. Business or professional offices.
- D. Clubs or fraternal organizations.

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3.10.2 Procedure

- A. Before a lot or parcel of land in a B Zone may be used or a building erected, altered or change in use, a Site Development Plan must be approved in accordance with this section as well as Section 5.3.
- B. Any application for a change to a B Zone must be accompanied by an application for site development plan approval, in accordance with Section 5.3. The Commission will consider both applications simultaneously within the appropriate public notice and scheduling procedures.

3.10.3 Buffer Areas

A landscaped buffer area is required along any portion of the property which abuts single family residential use, in accordance with Section 6.10.5. **However, the Commission may waive this requirement in part for good cause. The reasons for any such waiver shall be made part of the Commission's record pursuant to Section 6.10.5 (c). (Effective 12-01-01)**

Section 3.11 Special Exceptions Permitted in B Business Zones

The following uses are declared to possess such special characteristics that each must be considered a special exception. They may be permitted by the Commission subject to the following conditions and the provisions of Sections 5.2 and 5.3.

- 3.11.1 Places of assembly for recreation, such as health clubs and dance studios. All such uses shall be completely enclosed in a building or structure or accessory to the permitted principal use. (Effective 12-01-01)
- 3.11.2 Funeral parlors or mortuaries.
- 3.11.3 DELETED (EFFECTIVE 8-15-07) RESERVED, FORMERLY AUTO RELATED USES.
- 3.11.4 Services which customarily use specialized equipment, such as printers, dry cleaners, and the like.
- 3.11.5 Coin-operated games and devices may be allowed, not to exceed 10 in number in any single place of recreation, amusement, or the like, as an accessory use to the principal activity.
- 3.11.6 Restaurants (excluding drive-in or curbside service restaurants.) Restaurants may offer outside temporary seasonal seating areas when approved by the Commission. (Effective 12-01-01)
- 3.11.7 A Fueling Station located within a Shopping Center and subject to the following requirements: (Effective 3-4-14)
 - A. Shopping Center shall have a principal building containing a Supermarket Grocery Store occupying not less than sixty thousand (60,000) square feet as its Principal Tenant.
 - B. The Fueling Station must be on the Shopping Center Premises or it must be on property that abuts and is adjacent to the Shopping Center.

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- C. Principal Tenant must be the beneficiary of the Special Permit
- D. Any Special Permit shall be subject to all of the provisions of Section 5.2 of these Regulations;
- E. The Fueling Station shall be serviced by a building containing not more than two hundred (200) square feet.
- F. The sale of products shall be limited to gasoline, diesel fuel, fuel oil in enclosed containers, antifreeze, natural gas for use in an internal combustion engine, electricity used to power motor vehicles and compressed air for filling tires.
- G. No other products may be sold on the premises other than as may be sold through vending machines which shall be located inside the building.
- H. There shall be no repairs or vehicle maintenance performed on the premises.
- I. The location of the Fueling Station shall be subject to receipt of a Certificate of Approval in accordance with Section 6.11 excluding the provisions of Sections 6.11.6 and 6.11.8.
- J. No outside storage of any motor vehicles shall be permitted.
- K. There shall be no outdoor display of merchandise, except that motor oil and other fluids for motor vehicles may be displayed on racks, designed therefore, immediately adjacent to the building.
- L. Storage tanks for gasoline and other motor vehicle fuels shall be located underground in compliance with pertinent state and local codes and regulations.
- M. There shall be no storage and or dumping of waste materials.
- N. There shall be no sleeping quarters in the building.
- O. The sign provisions of Section 6.2 shall apply.
- P. There shall be no direct ingress or egress from or to any street or highway from the Fueling Station location. All ingress and egress shall be from within the shopping center over internal drives established for that purpose.
- Q. The architectural style and design of the Fueling Station building (including but not limited to the canopy over the pumps) shall be approved by the Commission and shall be compatible with the architectural style and design of the primary buildings of the Shopping Center of which it is to be a part.
- R. In addition to the standards required pursuant to Section 5.2.6, the Commission shall also consider: whether the Fueling Station will increase competition and improve the pricing of fuel to consumers; whether it will have a favorable impact

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on local street traffic flow by virtue of its internal location; whether the fact that most of the customers will already be entering and exiting the roadway for other purchases at other retail units within the Shopping Center and not generating additional traffic; and whether there is a traffic signal at the intersection of the internal drive and the adjoining street to regulate traffic from the use.

Section 3.12 Uses Permitted in B-TC Business Town Center Zone

In the B-TC (Business Town Center) Zone, land and buildings may be used and buildings may be altered or erected to be used for the following purposes and no other. All such uses must be included within a building or structure or accessory to the permitted principal use. (Effective 12-01-01)

3.12.1 Permitted Uses

- A. Any use which shall be permitted in a B Business Zone Section 3.10. ~~and by Special Exception the uses permitted in Section 3.11~~

Except the following: sale, service, rental or repair of motor vehicles; amusement enterprises, including billiard and poolrooms, bowling alleys, dance halls, skating rinks, arcades and video rooms; wholesale and/or storage of petroleum products, coal and sand, stone.

- B. Parking Lots
- C. Food preparation, caterers, and bakeries.
- D. Corporate headquarters, research and development uses.
- E. Theaters, places of assembly for recreation and entertainment except as excluded in (A) above. (Effective 12-01-01)

3.12.2 Procedure

- A. Before a lot or parcel of land in a B-TC Zone may be used or a building erected, altered or changed in use, a site development plan must be approved in accordance with this section as well as Section 5.3.
- B. Any application for change to a B-TC Zone must be accompanied by an application for site development plan approval in accordance with Section 5.3. The Commission will consider both applications simultaneously, within the appropriate public notice and scheduling procedures

3.12.3 Frontage and Lot Area

At least 100 feet of frontage on a public street is required for each lot, excepting that a lot which deeds a portion of its development site to the Town as a part of the Municipal Parking Lot, and makes site improvements in accordance with the Municipal Parking Lot Plan, may have a frontage and lot area less than required, in accordance with the Parking Lot Plan and as specifically approved by the Commission. See Section 4. Table A B.

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3.12.4 Buffer

No building, parking or loading shall be located within 25 feet of a residential zone boundary. A buffer meeting the requirements of Section 6.10 is required whenever the use adjoins a residential zone. When the zone boundary follows the centerline of the street the 25 foot buffer shall be measured along the nonresidential side of the street right of way. ~~However, the Commission may waive this requirement in part for good cause. The reasons for any such waiver shall be made a part of the Commission record pursuant to Section 6.10.5 (c).~~

3.12.5 Utilities

All electric and telephone utility installations shall be located underground, excepting required or necessary light standards, ~~etc.~~

3.12.6 Sidewalks

Sidewalks shall be installed along the frontage of public streets according to the Town of Newington standards.

Section 3.12A Town Center Village Overlay District (Effective 12-4-02)

General: The use of land, buildings and other structures within the Town Center Village Overlay District shall be established and conducted in conformity with the underlying zoning classification of the Business Town Center Zone (B-TC) subject to the additional requirements of this Section. No lot shall be used, any new building constructed, nor any existing building substantially improved until the Commission makes a determination that it complies with the procedures and informational requirements of this Section.

3.12.A.1 Purpose

The purpose of this Section is to provide for design review within the Business Town Center Zone in accordance with the provisions of the Village District Act, Section 8-2j of the Connecticut General Statutes. This review is not intended to discourage or prohibit the use of property; rather its purpose is to enhance the character, landscape and architectural quality of Center consistent with the Plan of Conservation and Development's Town Center Design Component and supplemental design standards contained in Newington Center's Design Guidelines, December 7, 2000.

3.12.A.2 Activities and Uses Covered

Any new building construction, substantial building improvement, free standing sign, as defined in Section 9, change of use which requires site plan or special exception approval as required by these Regulations and which is located within the Business Town Center Zone is subject to the architectural requirements of, and eligible for the special provisions of, the Town Center Village Overlay District. Review of each new building, substantial building improvement, or change of use shall cover the following to the satisfaction of Commission:

- A. The design and placement of the building in relationship to the adjacent buildings and public streets.
- B. The maintenance of public views.

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- C. The use of paving materials, sidewalk treatments and landscape enhancements.
- D. Façade improvements based on the design guidelines for the Town Center. These improvements include both facades facing a public street, as well as the municipal parking lot.
- E. The color, size, height and proportion of new buildings and proposed modifications to existing buildings.
- F. Parking layout, sidewalk location and pedestrian accessibility.
- G. Signs, both free standing and attached to building façade.
- H. Lights, both free standing and attached to building façade.
- I. Awnings, and awning signs.

3.12.A.3 Procedure

All applications for new construction or substantial improvement that require site plan or special exception approval within the Business Town Center Zone shall include the information contained in this Section 3.12.A.4. This information shall be submitted to the Town Planner for review and report to the Commission within 35 days of receipt of the application. This report and recommendations shall be entered into the public record and considered by the Commission in making its decision. Failure of the Town Planner to report within the 35 day time limit shall not alter or delay any other time limit imposed by these regulations.

3.12.A.4 Application

Application for site plan and/or special exception approval within the Business Town Center Zone shall include the following information. **The Commission upon the written request of the applicant, may waive some or all of this information if it determines it to be unnecessary to process the application. A waiver by the Commission shall require a two-thirds vote of the members present.**

- A. Description of materials: Color and texture of major building materials, exterior wall elevations of all adjacent structures, drawn at a minimum scale of 1 inch equals 8 feet. In lieu of drawings photos may be submitted.
- B. Streetscape Facades: Detailed drawing showing design, color, texture and type of materials of proposed building façade facing the public street and, if applicable, the municipal parking lot drawn at a minimum scale of 1 inch equals 8 feet.
- C. Signs: Detailed drawing showing design, size, color, texture and type of materials. Lettering style, size and color for wall signs shall also be included as well as the illumination and light intensity. The uniformity of the signs, placement and size consistency with adjacent signs shall also be presented. Monument ground signs shall be colonial in design, made of brick and shall not exceed a total height of 12 feet. (Effective 8-15-08)
- D. Utilities: The location of all utilities serving the building such as transformers, HVAC units, gas and electric meters.

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- E. Location: The placement of new or substantially improved buildings in relationship to surrounding properties, public views from roadways and nearby public spaces and parking.
- ÜLighting: The design, location and illumination of buildings and light standard fixtures and their
- F. Lighting: The design, location and illumination of buildings and light standard fixtures and their consistency with Town Center light styles.
- G. Compatibility: A statement of the proposed new building's or substantially improved building's compatibility with the surrounding area, with the design guidelines adopted for the Town Center Village Overlay District area, or with the "Connecticut Historical Commission – The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, as revised; and the Town Center Design Component set forth in the Newington Plan of Conservation and Development, 1995 - 2005.

3.12.A.5 Special Provisions:

Properties which meet the requirements of the Town Center Village Overlay District Design Standards will be eligible to use the following incentives to facilitate their improvements subject to the approval of the Commission:

- A. May reduce front yard setback from 25' to 15', except that properties on Main Street, Market Square and Lowrey Place shall be permitted to locate new and substantially improved buildings closer to the street right of way at a distance compatible with adjacent buildings. (Effective 7-19-07)
- B. New construction and substantially improved building(s) which abut the Municipal Parking lot and provide access and pedestrian sidewalk from the lot may not be required to provide additional new parking and may be permitted to share the existing Municipal Lot parking.
- C. The parking ratio, at the discretion of the Commission, may be lowered from 6 spaces per 1000 sq. ft. gross floor area to 3.5 spaces per 1,000 sq. ft. gross floor area for retail, office, personal service and business service uses, and to 4.0 spaces per 1000 sq. ft. for medical office uses.
- D. Side yard setback requirements may be eliminated to permit "zero" lot line development when the proposed building can demonstrate compliance with applicable building and fire safety code.
- E. The minimum frontage and lot area may be modified by the Commission when it determines the development project is compatible with the surrounding properties, adds to a block of buildings that create a strong street edge, and creates a street level store front.
- F. May permit off site parking within the street right of way for a limited number of spaces if the Commission determines that the location of the spaces improves street level retail uses, improves pedestrian access, is safe and will not impede traffic.

- 3.12.A.6 If the Commission grants or denies an application it shall state upon the record the reasons for its decision. If a commission denies an application, the reason for the denial shall cite the specific regulations under which the application was denied. Notice of the decision shall be published in a newspaper having a substantial

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circulation in the municipality. An approval shall become effective in accordance with subsection (b) of Section 8-3c of the Connecticut General Statutes.

- 3.12.A.7 No approval of a commission under this section shall be effective until a copy thereof, ~~certified by the commission~~, containing the name of the owner of record, a description of the premises to which it relates and specifying the reasons for its decision, is recorded in the Newington land records ~~of the town in which such premises are located.~~

Section 3.13 Special Exceptions Permitted in B-TC Business Town Center Zone

The following uses are declared to possess such special characteristics that each must be considered a special exception. They may be permitted by the Commission, subject to the following conditions and the provisions of Sections 5.2. and 5.3.

These uses, with their permitted density and height, are closely associated with the community business center and such use must be subject to the following standards to protect against depreciation of neighboring property and to promote the community welfare. All such uses shall be included within the building or structure or accessory to the permitted principal use.

3.13.0 Special exceptions permitted in Section 3.11 may be permitted in this zone.

3.13.1 Multi-family Residential Buildings

A. Permitted Uses

Residential apartment and/or condominium buildings (and their necessary accessory facilities.)

B. Location

No site location shall be approved unless it will be serviced by public sewers and water supply.

C. Frontage, Lot Area and Density

The minimum lot frontage width shall be 200 feet and the lot shall contain at least 2,500 square feet of land area for every dwelling unit. Properties which donate land to the Municipal Parking lot may calculate density based on the size of the property prior to donation. (Effective 8-15-07)

D. Height of Buildings

No principal building shall exceed a height of 3 stories, and no accessory building shall exceed a height of 15 feet.

E. Spacing of Buildings

Buildings shall not be closer than the average height of such similar buildings except as permitted by Section 4.4.5 (B).

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F. Dwelling Units

The basement shall not be occupied as living quarters.

G. Parking Space

In addition to the requirements of Section 6.1 no garage or parking space shall be nearer than 30 feet from any street right of way. Parking under a building may be permitted.

H. Fire Protection

- 1 Standpipes for fire protection with hoses on each floor shall be provided, sized in accordance with standards of the National Fire Protection Association.
- 2 Automatic sprinklers with sprinkler alarms shall be provided in all stairwells, corridors, basements and in all retail service and office spaces.

3.13.2 **Multifamily** Residential Buildings for the Elderly

- A. Residential buildings designed for the needs of the elderly shall be designed specifically for elderly residents in conformance with applicable State and Federal regulations. Occupancy of units in such housing shall be limited to persons 55 years of age or older; occupancy of a unit by a person, related by kin or blood, less than 55 years of age, may be permitted if such unit is also occupied by a person who is 55 years of age or older.

B. Community Space

Community spaces shall be provided for the special needs of residents either on each floor or in a central, easily accessible area. Such spaces shall be adequate in size, layout and furnishings for the social and community needs of the residents.

C. Site area

At least 725 square feet of land area shall be provided for each dwelling unit.

3.13.3 Apartments in Business Buildings

- A. Apartments may be permitted on the second and third floors of business buildings.

B. Standards

Apartments in business buildings can provide housing accommodation fulfilling a community need, providing the following conditions are met.

- 1 In addition to building code requirements, each apartment shall have unobstructed access to the outside, separate from any business use or activity.

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- 2 Sound proofing shall be designed and installed to isolate the normal sounds of business activity from the apartments.
- 3 At least 1000 square feet of land area is required for each dwelling unit. Properties which donate land to the Municipal Parking lot may calculate density based on the size of the property prior to donation. (Effective 12-01-01)

3.13.4 Parking Garage

3.13.5 Bonus for Affordable Housing

For any of the housing described in Sections 3.13.1 and 3.13.3, the ~~The~~ Commission may authorize a reduction in the minimum site area to 750 square feet for every unit of affordable housing. Approval of a Special Exception request increasing the density for affordable housing shall be conditional upon the following:

- A. The execution by the owner of a covenant shall be recorded in the Newington land records and be enforceable by the Town.
- B. The identification on the building plans of the specific units to be affordable. Such units shall be of comparable size and workmanship as other units in the building.
- C. The owner shall enter into a contract with the Town agency designated to implement the affordable housing program consenting to the dedication of a specific number of affordable units. Such contract shall be modeled after the criteria outlined in Public Act 88-338 "An Act Promoting the Development of Affordable Housing."

Said contract shall contain income criteria, sale price or rent levels for affordable housing as defined by State of Connecticut Affordable Housing Program or any compatible program designated by the Town of Newington.

3.13.6 Traffic and Parking Management Plan

In addition to the provisions of Section 5.2 and 5.3, applicants for Special Exception uses in the B-TC Zone **that include new construction** shall submit a Traffic and Parking Management Plan which addresses the following **items**. ~~The Commission reserves the right to waive all or part of these requirements.~~

- A. Traffic impact analysis containing present roadway conditions, existing and projected traffic volumes (ADT, A.M. and P.M. Peaks), existing volume capacity ratios, existing and projected levels of services, site generated traffic and distribution and accident experience.
- B. Parking analysis which contains number of spaces for the proposed development as required by these regulations, the location of the proposed parking, provisions for joint use parking arrangement if any, submission of written agreements for joint use or offsite parking if any, provisions for alternative modes of transportation such as van pools, varied work shifts, public transit.

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Section 3.14 Uses Permitted in B-BT Business Berlin Turnpike Zone

In B-BT Business Berlin Turnpike Zone, land and buildings may be used and buildings may be altered or erected to be used for the following purposes and no other. All such uses must be included within a building or structure or accessory to the permitted principal use.

3.14.1 Permitted Uses

- A. Any use which shall be permitted in a B Business Zone Section 3.10 ~~and by Special Exception the uses permitted in Section 3.11~~
- B. Contractors' equipment sales or service. (Effective 12-01-01)
- C. Hotels and motels up to a height of 4 stories or 45' (Effective 1-15-07)
- D. Light industrial operations, such as assembly of components.

3.14.2 Procedure

- A. Before a lot or parcel of land in a B-BT Zone may be used or a building erected, altered or changed in use, a Site Development Plan must be approved in accordance with this section as well as Section 5.3.
- B. Any application for a change to a B-BT Zone must be accompanied by an application for site Development Plan approval in accordance with Section 5.3. The Commission will consider both applications simultaneously, within the appropriate public notice and scheduling procedures.

3.14.3 ~~Frontage~~

~~At least 100 feet of frontage on a public street is required.~~
~~At least 100 feet of frontage on a public street is required.~~

3.14.4 Buffer

No parking or loading shall be located within 25 feet of a residential zone boundary. A buffer meeting the requirements of Section 6.10.5 is required whenever the use adjoins a residential zone. However, the Commission may waive this requirement in part for good cause. The reasons for any such waiver shall be made a part of the Commission Record pursuant to Section 6.10.5 (c).

3.14.5 Utilities

All electric and telephone utility installations shall be located underground, excepting required or necessary light standards.

Section 3.15 Special Exceptions Permitted in B-BT Business Berlin Turnpike Zone

The following uses are declared to possess such special characteristics that each must be considered a special exception. They may be permitted by the Commission subject to the

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following conditions and the provisions of Section 5.2 and 5.3. All such uses must be included within a building or structure or accessory to a permitted principal use.

- 3.15.1 Veterinary Hospitals and kennels but only when the kennel is operated as accessory to the veterinary hospital. (Effective 12-01-01)
- 3.15.2 Theaters (Effective 12-01-01)
- 3.15.3 Restaurants for consumption of food prepared and served within the building at tables or counters and at outside seating areas when approved by the commission; and restaurants where food is prepared within the building and sold to customers for takeout and consumption off site. (Effective 7-8-98)
- 3.15.4 Drive Through Restaurants (Effective 4-6-2011)
Restaurants where food and/or beverages, excluding alcohol, are offered to customers from drive through service, walk up window service or service to customers while seated in their vehicles provided the following requirements are complied with. These requirements are in addition to the provision set forth in Section 5.2 and Section 5.3.
 - A. Traffic impact analysis describing peak hours of operations, volume of customers per hour, stacking lane length needed for the anticipated volume of drive through vehicles, turning movements, roadway capacity and level of service of nearby streets.
 - B. Driveway locations shall be spaced at least 150 feet from a Corner intersection. The Commission may limit the number of driveways with adjacent properties and/or inter property driveway connections when the reduction of curb cuts is deemed to improve safety.
 - C. Drive through windows shall be located only on one side of the proposed restaurant building and shall be positioned to minimize conflicts with doorways and pedestrians.
 - D. The restaurant structure and drive through service menu board (order intercom) shall be located not less than 300 feet from any adjacent residential structures.
- 3.15.5 Night Clubs (including discotheques, cabarets, bistros and similar places of entertainment)
- 3.15.6 Places of **physical activity or** recreation such as **gyms, training facilities,** health clubs, **and** bowling alleys, **and amusement enterprises but excluding arcades except that up to 10 coin-operated games may be permitted as an accessory use. (Effective 12-01-01)** .
- 3.15.7 **Passive amusement enterprises, but not arcades except that up to 10 coin-operated games are allowed as an accessory use. (Effective 12-01-01)**
- 3.15.8 In addition to the provisions of Section 5.2 and 5.3, applicants for retail developments in excess of 40,000 square feet of gross floor area shall submit a traffic impact report which addresses the following:

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- A. Traffic impact analysis containing present roadway conditions, existing and projected traffic volumes (ADT, A.M. and P.M. Peaks), existing volume capacity ratios, existing and projected levels of services, site generated traffic and distribution and accident experience. Impacts on streets that maybe affected by the proposed developments shall be identified and proposed mitigation measures presented for Commission consideration.
- 3.15.9 Motor vehicle service uses in accordance with Section 6.11 and Sections 5.2 and 5.3 of the Zoning Regulations. (Effective 08/11/2012)
- 3.15.10 Fueling Stations located within, or on property adjacent to a Shopping Center and subject to the following requirements:
- A. Shopping Center shall have a principal building containing a Supermarket Grocery Store occupying not less than sixty thousand (60,000) square feet as its Principal Tenant.
 - B. The Fueling Station must be on the Shopping Center Premises or it must be on property that abuts and is adjacent to the Shopping Center.
 - C. Principal Tenant must be the beneficiary of the Special Permit.
 - D. Any Special Permit shall be subject to all of the provisions of Section 5.2 of these Regulations.
 - E. The Fueling Station shall be serviced by a building containing not more than two hundred (200) square feet.
 - F. The sale of products shall be limited to gasoline, diesel fuel, fuel oil in enclosed containers, antifreeze, natural gas for use in an internal combustion engine, electricity used to power motor vehicles and compressed air for filling tires.
 - G. No other products may be sold on the premises other than as may be sold through vending machines which shall be located inside the building.
 - H. There shall be no repairs or vehicle maintenance performed on the premises.
 - I. The location of the Fueling Station shall be subject to receipt of a Certificate of Approval in accordance with Section 6.11 excluding the provisions of Sections 6.11.6 and 6.11.8.
 - J. No outside storage of any motor vehicles shall be permitted.
 - K. There shall be no outdoor display of merchandise, except that motor oil and other fluids for motor vehicles may be displayed on racks, designed therefore, immediately adjacent to the building.

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- L. Storage tanks for gasoline and other motor vehicle fuels shall be located underground in compliance with pertinent state and local codes and regulations.
- M. There shall be no storage and or dumping of waste materials.
- N. There shall be no sleeping quarters in the building.
- O. The sign provisions of Section 6.2 shall apply.
- P. There shall be no direct ingress or egress from or to any street or highway from the Fueling Station location. All ingress and egress shall be from within the shopping center over internal drives established for that purpose.
- Q. The architectural style and design of the Fueling Station building (including but not limited to the canopy over the pumps) shall be approved by the Commission and shall be compatible with the architectural style and design of the primary buildings of the Shopping Center of which it is to be a part.
- R. In addition to the standards required pursuant to Section 5.2.6, the Commission shall also consider: whether the Fueling Station will increase competition and improve the pricing of fuel to consumers; whether it will have a favorable impact on local street traffic flow by virtue of its internal location; whether the fact that most of the customers will already be entering and exiting the roadway for other purchases at other retail units within the Shopping Center and not generating additional traffic; and whether there is a traffic signal at the intersection of the internal drive and the adjoining street to regulate traffic from the use. (Effective 3-4-14)

Section 3.16 Uses Permitted in I Industrial Zones

In I Industrial Zones, land and buildings may be used and buildings altered or erected to be used for the following purposes and no other. All such uses must be within a building or structure or accessory to a permitted principal use. (Effective 12-01-01)

3.16.1 Permitted Uses

- A. Manufacturing, processing or assembly of components or goods.
- B. Warehouse, storage or wholesaling within the principal building. (Effective 12-01-01)
- C. Office and financial uses.
- D. Public utility facilities.

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- E. Veterinary hospitals and kennels when operated as accessory to the veterinary hospital. (Effective 12-01-01)
- F. DELETED (EFFECTIVE 8-15-07) RESERVED, FORMERLY AUTO RELATED USES. (See Section 3.17.8)
- G. Personal and business services.
- H. Trucking terminals. (Effective 12-01-01)
- I. Contractors' storage yards, ~~equipment sale and service~~. (Effective 12-01-01)
- I. Construction equipment sales and service.
- J. Other industrial operations similar to those listed above, provided that such uses do not produce or emit objectionable dust, noise or vibrations, smoke, refuse matter, odor, gas or fumes, or have dangerous or offensive characteristics.

3.16.2 Procedure

- A. Before a lot or parcel of land in an I Zone may be used or a building erected, altered or changed in use, a Site Development Plan must be approved in accordance with this section as well as Section 5.3.
- B. Any application for change to an I Zone must be accompanied by an application for Site Development Plan approval in accordance with Section 5.3. The Commission will consider both applications simultaneously within the appropriate public notice and scheduling procedures.

3.16.3 Buffer

No parking shall be located within 25 feet of a residential zone boundary. A buffer meeting the requirements of Section 6.10 is required whenever the use, structure, raw materials, outside storage, maintenance area, etc., but not limited to the foregoing, adjoins a residential zone. When the zone boundary follows the centerline of the street the 25 foot buffer shall be measured along the nonresidential side of the street right of way. ~~However, the Commission may waive this requirement in part for good cause. The reasons for such waiver shall be made a part of the Commission record pursuant to the requirements of Section 6.10.5 (c).~~

3.16.4 Utilities

All electric and telecommunication telephone utility installations shall be located underground, excepting required or necessary lighting light standards, etc.

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3.16.5 Sidewalks

Sidewalks shall be installed along the frontage of public streets when determined to be necessary by the Commission.

Section 3.17 Special Exceptions Permitted in I Industrial Zones

The following uses are declared to possess such special characteristics that each must be considered a special exception. They may be permitted by the Commission subject to the following conditions and the provisions of Sections 5.2 and 5.3. All such uses must be included within a building or structure or accessory to a permitted principal use. (Effective 12-01-01)

3.17.2 Fraternal organizations (Effective 12-01-01)

3.17.3 ~~DELETED (EFFECTIVE 8-15-07) RESERVED, FORMERLY RETAIL STORES AND TRADE.~~

3.17.4 Helipad Facility

Use of land for a helipad facility may exist as an accessory use and shall meet the following standards:

- A. The size of the helipad shall be based on FAA design criteria as determined by type of helicopter.
- B. The facility shall not be within a 300 foot radius of any residential structure, schools or places of worship at the time of application.
- C. A report detailing the expected hours of use, the number of take-off/landings per month and a map indicating the planned flight path shall be submitted with the application.

3.17.5 ~~DELETED (EFFECTIVE 8-15-07) RESERVED, FORMERLY RETAIL DEVELOPMENTS IN EXCESS OF 40,000 SQUARE FEET.~~

3.17.6 Adult Oriented Establishments (Effective 11-16-96)

- A. Each lot shall have an area of at least eighty thousand (80,000) square feet with a minimum street frontage of four hundred (400) feet on a State of Connecticut or Town of Newington accepted street.
- B. No adult oriented establishment as defined herein (see definitions Section 9) shall be permitted within a one thousand (1,000) foot radius of an existing adult oriented establishment property line. Measurement of the one thousand (1,000) foot radius shall be made from the outermost boundaries of the lot or parcel upon which the existing or proposed adult oriented establishment will be situated.
- C. No adult oriented establishment as defined herein shall be permitted within a one thousand (1,000) foot radius of a school, church, charitable institution whether supported by public or private funds, hospital, library, public playground, municipal fire or police station or municipal building. Measurement of the one thousand (1,000) foot radius shall be made from

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the outermost boundaries of the lot or parcel upon which the existing or proposed adult oriented establishment will be situated.

- D. No adult oriented establishment as defined herein shall be permitted within one thousand (1000) feet of any lot or parcel classified in any of the residential zones. Measurement of the one thousand (1000) foot radius shall be made from the outermost boundaries of the lot or parcel upon which the existing or proposed adult oriented establishment will be situated.
- E. Required off-street parking shall be in compliance with Section 6.1 of these regulations.
- F. No adult oriented establishment as defined herein, shall be conducted in any manner that permits the observation of any material depicting or describing of "specified sexual activities" or "specified anatomical areas" as defined herein, from any public way. This provision shall apply to any building exterior display, decoration, sign, show window or other building exterior opening.
- G. All adult oriented establishments which were lawfully in existence as of the effective date of these regulations shall comply with all provisions of Section 5.1 non-conforming uses.

3.17.7 Recreation Uses (Effective 1-20-98)

- A. Recreation uses such as outdoor or indoor soccer, deck hockey, ice skating rinks and other similar sports facilities but excluding billiard and poolrooms, bowling alleys, arcades and other **passive** amusement type uses. Retail sales and food service uses may be permitted in conjunction with a recreation use when determined by the Commission to be subordinate and accessory to the principal recreation use.

3.17.8 Non-profit [501 (c) (3)] Children's Theatre Organization (Effective 1-26-04)

- A. Theatre-related uses such as rehearsal, drama classes, costume and set construction, and public performances by both children participating in the organization's programs and small community theatre groups, as approved by the Board of Directors.

3.17.8 Auto-related **uses** and motor vehicle service uses in accordance with Section 6.11 and Sections 5.2 and 5.3 of the Zoning Regulations. (Effective 08/11/2012)

~~3.17.9 **Fueling Stations located within, or on property adjacent to a Shopping Center and subject to the following requirements:**~~

- ~~A. **Shopping Center shall have a principal building containing a Supermarket Grocery Store occupying not less than sixty thousand (60,000) square feet as its Principal Tenant.**~~
- ~~B. **The Fueling Station must be on the Shopping Center Premises or it must be on property that abuts and is adjacent to the Shopping Center.**~~
- ~~C. **Principal Tenant must be the beneficiary of the Special Permit**~~

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- ~~D. Any Special Permit shall be subject to all of the provisions of Section 5.2 of these Regulations;~~
- ~~E. The Fueling Station shall be serviced by a building containing not more than two hundred (200) square feet.~~
- ~~F. The sale of products shall be limited to gasoline, diesel fuel, fuel oil in enclosed containers, antifreeze, natural gas for use in an internal combustion engine, electricity used to power motor vehicles and compressed air for filling tires.~~
- ~~G. No other products may be sold on the premises other than as may be sold through vending machines which shall be located inside the building.~~
- ~~H. There shall be no repairs or vehicle maintenance performed on the premises.~~
- ~~I. The location of the Fueling Station shall be subject to receipt of a Certificate of Approval in accordance with Section 6.11 excluding the provisions of Sections 6.11.6 and 6.11.8.~~
- ~~J. No outside storage of any motor vehicles shall be permitted.~~
- ~~K. There shall be no outdoor display of merchandise, except that motor oil and other fluids for motor vehicles may be displayed on racks, designed therefore, immediately adjacent to the building.~~
- ~~L. Storage tanks for gasoline and other motor vehicle fuels shall be located underground in compliance with pertinent state and local codes and regulations.~~
- ~~M. There shall be no storage and or dumping of waste materials.~~
- ~~N. There shall be no sleeping quarters in the building.~~
- ~~O. The sign provisions of Section 6.2 shall apply.~~
- ~~P. There shall be no direct ingress or egress from or to any street or highway from the Fueling Station location. All ingress and egress shall be from within the shopping center over internal drives established for that purpose.~~
- ~~Q. The architectural style and design of the Fueling Station building (including but not limited to the canopy over the pumps) shall be approved by the Commission and shall be compatible with the architectural style and design of the primary buildings of the Shopping Center of which it is to be a part.~~

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- ~~R. In addition to the standards required pursuant to Section 5.2.6, the Commission shall also consider: whether the Fueling Station will increase competition and improve the pricing of fuel to consumers; whether it will have a favorable impact on local street traffic flow by virtue of its internal location; whether the fact that most of the customers will already be entering and exiting the roadway for other purchases at other retail units within the Shopping Center and not generating additional traffic; and whether there is a traffic signal at the intersection of the internal drive and the adjoining street to regulate traffic from the use. (Effective 3-4-14)~~

Section 3.18 Uses Permitted in PD Planned Development Zones

In PD Planned Development Zones, land and buildings may be used and buildings may be altered or erected to be used for the following purposes and no other. All such uses must be included within a building or structure or accessory to a permitted principal use.

3.18.2 Permitted Uses

- A. Uses permitted shall be any or all of those uses as regulated by Section 3.14 ~~and by Special Exception the uses permitted in Section 3.15~~.

3.18.3 Procedure

- A. Before a lot or parcel of land in a PD Zone may be used or a building erected, altered or changed in use, a Site Development Plan must be approved in accordance with this section as well as Section 5.3.
- B. Any application for change to a PD Zone must be accompanied by an application for Site Development Plan approval in accordance with Section 5.3. The Commission will consider both applications simultaneously, within the appropriate public notice and scheduling procedure.

3.18.4 Frontage

At least 70 feet of frontage on a public street is required for each lot or use.

3.18.5 Buffer

No parking shall be located within 25 feet of a residential zone boundary. No business or industrial use structure, raw materials, outside storage, maintenance area, etc., but not limited to the foregoing shall be located closer than 100 feet from any residential zone boundary. When the zone boundary follows the centerline of the street the 25 foot buffer shall be measured along the non residential side of the street right of way. A buffer meeting the requirements of Section 6.10 is required whenever the use adjoins a residential zone unless waived by the Commission pursuant to Section 6.10.5 (c).

3.18.6 Minimum Area

A minimum area of 5 acres is required for a change of zone to the PD Zone and individual lots within the zone shall be at least 1 acre in area.

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3.18.7 Utilities

All electric and **telecommunication telephone** utility installations shall be located underground, excepting required or necessary **lighting light standards, etc.**

Section 3.19 Special Exceptions Permitted in PD Planned Development Zones

The following uses are declared to possess such special characteristics that each must be considered a special exception. They may be permitted by the Commission subject to the following conditions and the provisions of Sections 5.2 and 5.3. All such uses shall be located within a building or structure or accessory to a permitted principal use. (Effective 12-01-01)

3.19.2 Those special exceptions as permitted in Section 3.15 may be permitted in this zone.

3.19.3 Residential building may be permitted subject to the following conditions.

A. Permitted Uses

- 1 Residential buildings and their necessary accessory facilities.
- 2 Retail, office or service uses on the first floor only of such buildings.

B. Conditions

This use and its permitted density and height is declared to meet a community need and to be compatible with its environment, provided that the Commission finds that all of the following conditions and standards have been met

1 Location

No site location shall be approved unless it has direct access to the Berlin Turnpike or to a public street which directly connects to the Berlin Turnpike.

2 Site Area

The minimum site area shall not be less than 5 acres and the site shall contain at least 4500 square feet of site area for each dwelling unit.

The computation of total number of dwelling units permitted on a site will be based on the usable area of the site.

When, in the opinion of the Commission, **geologic or** topographic conditions, **with** slopes in excess of fifteen (15) percent gradient, inland wetlands and flood hazard areas render any portion of the site unsuitable for ~~use by the residents of the~~ development, such portion of the site will not be used in computing the total number of dwelling units ~~permitted and shall be set aside as conservation allowable.~~ **Such land may be used as required** open space. The total ground floor area of all buildings shall not exceed 25 percent of the site area. (Effective 8-15-07)

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3 Recreation Area

Suitable common open space for the recreation of children and adults shall be provided and screened from driveways, streets and parking access. At least 200 square feet of such space shall be required per dwelling unit.

4 Height of Buildings

No principal building shall exceed a height of 4 stories or have less than 2 stories, and no accessory building shall exceed a height of 15 feet. (Effective 12-01-01)

5 Spacing of Buildings

Buildings shall be so located and arranged as to permit full access to the sun.

6 Dwelling Units

The basement shall not be occupied as living quarters.

7 Parking Space

In addition to the requirements of Section 6.1, no garage or parking space shall be nearer than 35 feet from any street right of way. Parking under a building is permitted.

8 Fire Protection

- a) Standpipes for fire protection with hoses on each floor shall be provided sized in accordance with standards of the National Fire Protection Association in all buildings three or more stories in height and more than 10,000 square feet per floor.
- b) Automatic sprinklers shall be provided in stairwells, corridors, and basements for all buildings four or more stories in height.

3.19.4 In addition to the provisions of Section 5.2 and 5.3 applicants for retail developments in excess of 40,000 square feet of gross floor area shall submit a traffic impact report which addresses the following:

- A. Traffic impact analysis containing present roadway conditions, existing and projected traffic volumes (ADT, A.M. and P.M. Peaks), existing volume capacity ratios, existing and projected levels of services, site generated traffic and distribution and accident experience. Impacts on streets that maybe affected by the proposed developments shall be identified and proposed mitigation measures presented for Commission consideration.

3.19.4 Fueling Stations located within, or on property adjacent to a Shopping Center and subject to the following requirements:

- A. Shopping Center shall have a principal building containing a Supermarket Grocery Store occupying not less than sixty thousand (60,000) square feet as its Principal Tenant.

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- B. The Fueling Station must be on the Shopping Center Premises or it must be on property that abuts and is adjacent to the Shopping Center.
- C. Principal Tenant must be the beneficiary of the Special Permit
- D. Any Special Permit shall be subject to all of the provisions of Section 5.2 of these Regulations;
- E. The Fueling Station shall be serviced by a building containing not more than two hundred (200) square feet.
- F. The sale of products shall be limited to gasoline, diesel fuel, fuel oil in enclosed containers, antifreeze, natural gas for use in an internal combustion engine, electricity used to power motor vehicles and compressed air for filling tires.
- G. No other products may be sold on the premises other than as may be sold through vending machines which shall be located inside the building.
- H. There shall be no repairs or vehicle maintenance performed on the premises.
- I. The location of the Fueling Station shall be subject to receipt of a Certificate of Approval in accordance with Section 6.11 excluding the provisions of Sections 6.11.6 and 6.11.8.
- J. No outside storage of any motor vehicles shall be permitted.
- K. There shall be no outdoor display of merchandise, except that motor oil and other fluids for motor vehicles may be displayed on racks, designed therefore, immediately adjacent to the building.
- L. Storage tanks for gasoline and other motor vehicle fuels shall be located underground in compliance with pertinent state and local codes and regulations.
- M. There shall be no storage and or dumping of waste materials.
- N. There shall be no sleeping quarters in the building.
- O. The sign provisions of Section 6.2 shall apply.
- P. There shall be no direct ingress or egress from or to any street or highway from the Fueling Station location. All ingress and egress shall be from within the shopping center over internal drives established for that purpose.
- Q. The architectural style and design of the Fueling Station building (including but not limited to the canopy over the pumps) shall be approved by the Commission and shall be compatible with the architectural style and design of the primary buildings of the Shopping Center of which it is to be a part.
- R. In addition to the standards required pursuant to Section 5.2.6, the Commission shall also consider: whether the Fueling Station will increase competition and

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improve the pricing of fuel to consumers; whether it will have a favorable impact on local street traffic flow by virtue of its internal location; whether the fact that most of the customers will already be entering and exiting the roadway for other purchases at other retail units within the Shopping Center and not generating additional traffic; and whether there is a traffic signal at the intersection of the internal drive and the adjoining street to regulate traffic from the use. (Effective 3-4-14)

Section 3.20 Uses Permitted in CD Commercial Development Zones

In CD Commercial Development Zones, land and buildings may be used and buildings may be altered or erected to be used for the following purposes and no other. All such uses must be within a building or structure or accessory to a principal use. (Effective 12-01-01)

3.20.2 Permitted Uses

- A. Office uses, business and professional services, including corporate headquarters.
- B. Conference centers.
- C. Research laboratories.
- D. Research and development uses.
- ~~E. Any other use which is essentially compatible and similar to those listed above may be authorized by the Commission as a permitted use provided that the reasons and conditions, if any, appear as part of the record of the Commission.~~

3.20.3 Procedure

- A. Before a lot or parcel of land in a CD Zone may be used or a building erected, altered or changed in use, a Site Development Plan must be approved in accordance with this section as well as Section 5.3.
- B. Any application for a change to a CD Zone must be accompanied by an application for Site Development Plan approval in accordance with Section 5.3. The public hearings shall be held on both applications simultaneously, with the applicant's approval.

3.20.4 Frontage

At least 150 feet of frontage on a public street is required for each lot or use.

3.20.5 Minimum Area

A minimum tract of 5 acres is required for a change of zone to the CD Zone, and individual lots within the zone shall not be less than 2 acres.

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3.20.6 Buffer

No parking or loading shall be located within 25 feet of a residential zone boundary. When the zone boundary follows the centerline of the street the 25 foot buffer shall be measured along the nonresidential side of the street right of way. A buffer meeting the requirements of Section 6.10 is required whenever the use adjoins a residential zone. ~~However, the Commission may waive this requirement in part for good cause. The reasons for any such waiver shall be made a part of the Commission record pursuant to Section 6.10.5 (c).~~

3.20.7 Utilities

All electric and telecommunication telephone utility installations shall be located underground, excepting required or necessary lighting light standards, etc.

3.20.8 Sidewalks

Sidewalks shall be installed along the frontage of public streets according to the Town of Newington standards.

~~3.20.9 **The Commission may authorize building heights up to five (5) stories if the character of the land and the immediate neighborhood would permit such increase in height without detriment to the neighborhood or would not adversely affect the public welfare of the Town.**~~

3.20.10 Parking garage as an accessory use when permitted by Special Exception procedures per Sections 5.2 and 5.3.

3.20.11 In addition to the provisions of Section 5.2 and 5.3, applicants for developments in excess of 40,000 square feet of gross floor area shall submit a traffic impact report which addresses the following:

1. Traffic impact analysis containing present roadway conditions, existing and projected traffic volumes (ADT, A.M. and P.M. Peaks), existing volume capacity ratios, existing and projected levels of services, site generated traffic and distribution and accident experience. Impacts on streets that maybe affected by the proposed developments shall be identified and proposed mitigation measures presented for Commission consideration.

Section 3.21 Uses Permitted in PL Public Land Zones

In PL Public Land Zones, land and buildings may be used and buildings may be altered or erected to be used for the following purposes and no other.

3.21.1 Permitted Uses

Lands and buildings owned by a governmental unit, a department of a governmental unit, or a private or semi-private owner who furnishes a public service or utility; and any use which may be permitted in the charter of the owner, provided that industrial, business and/or residential uses shall be limited to and used exclusively by and for the requirements of the owner. All other uses are prohibited.

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3.21.2 Procedure

- A. Before a lot or parcel of land in a PL Zone may be used or a building erected, altered or changed in use, a Site Development Plan must be approved in accordance with this Section as well as Section 5.3.
- B. Any application for change to a PL Zone must be accompanied by an application for Site Development Plan approval in accordance with Section 5.3. The Commission will consider both applications simultaneously, within the appropriate public notice and scheduling procedures.

3.21.3 Buffer

No parking or loading shall be located within 25 feet of a residential zone boundary. When the zone boundary follows the centerline of the street right of way the 25 foot buffer shall be measured along the nonresidential side of the street right of way. A buffer meeting the requirements of Section 6.10 is required whenever the use adjoins a residential zone. ~~However, the Commission may waive this requirement in part for good cause. The reasons for any such waiver shall be made a part of the Commission record pursuant to Section 6.10.5 (c).~~

3.21.4 Utilities

All electric and ~~telecommunication telephone~~ utility installations shall be located underground, excepting required or necessary lighting light standards, etc.

3.21.5 Sidewalks

Sidewalks shall be installed along the frontage of public streets according to the Town of Newington standards.

Section 3.22 Accessory Buildings Structures and Uses Permitted in Residential Zones

3.22.1 Accessory ~~Buildings Structures~~ and Uses Permitted:

- A. Accessory ~~buildings structures~~ shall only be used for storage, repair and maintenance purposes subordinate to the principal building and use.
- B. Parking and storage of operable and registered cars, boats, trailers or similar vehicles owned by the owner or resident of the premises. (Effective 12-01-2001)
- C. Commercial Vehicles (effective 12-17-2015):
 - 1. A commercial vehicle customarily used by the resident for transportation is permitted for each dwelling unit. Such vehicle may be parked on a lot, but shall not be parked in the front yard or in the street right of way.
 - 2. "Commercial Vehicle" is any vehicle or piece of equipment used to carry, deliver, handle or transport goods in the conduct of business, profession, or trade. Commercial vehicles include:

*Text to be deleted is shown in **bold-strikethrough**.*

*Text to be added is shown in **bold underline***

- a. Step vans, cargo vans, box trucks, flat bed or stake bed trucks, buses, semi-trailers, tractor trailers, dump trucks, wreckers and trailers used for commercial purposes.
 - b. Heavy-duty earth moving equipment, cement mixers, trenching pipe laying equipment or other similar type of construction equipment.
 - c. Any vehicle outfitted with a backup alarm.
 - d. Any vehicle with more than 2 square feet of signage affixed to the outside, not including registration and license information identifying the owner/occupant as required by the Department of Transportation and the Department of Consumer Protection.
 - e. Any vehicle which has two (2) or more of the following characteristics:
 1. Exceeds a gross vehicle weight rating (GVWR) of ten thousand (10,000) pounds;
 2. Exceeds seven (7) feet in height from the base of the vehicle to the top;
 3. Exceeds twenty (20) feet in overall length;
 4. Has more than two (2) axles;
 5. Has more than 4 tires in contact with the ground;
 6. Used or built to carry more than 8 passengers;
 7. Designed to sell food or merchandise directly from the vehicle or trailer itself;
 8. Has modifications or attachments including but not limited to a plow, platform rack, hoist, spreader or hopper.
3. Personal vehicles used for the transportation of handicapped person(s) shall be exempt.
- D. Land in residential zones shall not be used for accessory parking for non-residential uses.
- E. Accessory **buildings structures** such as storage sheds, **detached** garages and swimming pools shall not be located within a drainage or utility easement. (Effective 12-01-01)

3.22.2 Standards

- A. Accessory buildings are permitted only when there is a principal building on the same lot.
- B. **Rented or privately-owned storage units** ~~Storage uses~~ are permitted only **in the rear half of the lot and** behind the principal building **for not more than 60 days**.

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Text to be added is shown in bold underline

Section 3.23 Accessory Buildings Structures and Uses Permitted in Business, Industrial and PD, CD and PL Zones

3.23.1 Accessory Outside Use Standards

- A. Supplies, materials, products and equipment which are incidental and subordinate to the principal ~~building~~ use of the lot may be stored outside on the same lot but shall not be located in front of the principal building nor be placed on rack shelving higher than 12 feet.
- B. Products and equipment intended for sale may be displayed in front of the principal building when approved by the Commission, but not in the required front yard set back ~~area, when approved by the Commission.~~
- C. This display of this equipment and products shall not obstruct pedestrian walks or fire lanes. (Effective 12-01-01)

3.23.2 Accessory Buildings Structures

Accessory buildings shall conform to the requirements of Section 4 and for the zone in which the building is located. Accessory buildings shall not be located in front of the principal building and shall only be located to the rear of or side of the principal building. (Effective 12-01-01)

3.23.3 Standards

- A. Accessory buildings are permitted only when there is a principal building on the same lot.

Section 3.24 Prohibited Uses

It is the intent of these regulations to permit only those uses expressly permitted and to prohibit those uses not expressly permitted. Certain uses identified below are declared prohibited for purposes of clarification.

3.24.1 Public or private race tracks for testing or proving ground for motor vehicles or race tracks for horses or dogs whether conducted for profit or as a non-profit operation.

3.24.2 Trailer Camps.

3.24.3 Trailers and Mobile Homes:

No automotive type of trailer, recreational vehicle, or and no mobile home, whether mounted on wheels or on a foundation, or demounted, shall be occupied for living purposes or business purposes within the Town. In the event of an emergency (such as restoration of a home after a fire) the temporary use of a trailer, recreational vehicle, or mobile home may be authorized by the Town Planner for a period not to exceed (3) months. One three (3) month extension may be granted if required not to exceed six (6) months.

Manufactured housing on a permanent foundation meeting all building code requirements is not considered a mobile home. (Effective 12-01-01)

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*Text to be added is shown in **bold underline***

- 3.24.4 Off-site advertising signs (See Definitions, Section 9.2).
- 3.24.5 No use shall be permitted which:
- A. Emits into the air dust, dirt, fly-ash, smoke or other material which is not confined to the lot containing the use; or
 - B. Emits into the air offensive odors or noxious, toxic or corrosive fumes or gases; or
 - C. Transmits outside the lot containing the use noise which is objectionable due to volume, intermittence, beat, frequency, or shrillness; or
 - D. Transmits light which is objectionable due to brightness; or
 - E. Discards offensive wastes into any stream, watercourse or storm sewer.
- 3.24.6 The storing of junk, including junk motor vehicle hulks, which shall mean any inoperable or unregistered motor vehicle ~~which is not moved from a site on its own power within 30 days~~ **which cannot move from the site on its own power.**
- 3.24.7 There will be no parking, in any zone, on the unpaved portion of the street right of way.
- 3.24.8 Motel Efficiency Unit (See Definitions, Section 9.2).

New text is shown in **bold underline**. Deleted text is shown in ~~**bold strikethrough**~~.

SECTION 4: HEIGHT, AREA AND YARD REQUIREMENTS

Section 4.1 Scope of Requirements

All uses, buildings or structures erected or altered shall conform to the following minimum height, area and yard requirements for the zone in which the use, building or structure is located, except a lot granted a Special Exception for a Residual Lot use pursuant to Section 6.14 shall conform to the minimum height, area and yard requirements established for such property pursuant to Section 6.14 (Effective 12-1-06).

Section 4.2 Schedule of Height, Area and Yard Requirements for Zones

The Schedule is shown as Table A, herein.

Section 4.3 Application of Height, Area and Yard Requirements for Zones.

4.3.1 Special Exceptions

Approval of Special Exception uses may have requirements specifically designed for such use. In such cases, those specific requirements supersede those listed on Table A. When requirements of a Special Exception are not specifically stated, the requirements of the zone in which such use is to be located, as set forth in Table A, shall apply, unless otherwise stated in these regulations. (Effective 12-1-06)

4.3.2 **Construction Storage and Display** in Yards

- A. Yards in Business and Industrial zones and PD, CD, and PL zones shall not be used for storage, display or any other use excepting landscaping, walks, enclosed screened dumpster, drives and parking areas that are required and **permitted approved by the Commission.**
- B. Loading bays and docks shall not be permitted on the public street side of the building unless screened and approved by the Commission.
- C. Yards in residential zones may be used for fences, landscaping, walks and driveways.

4.3.3 Buffers, when required by the zone regulations, include the required yards.

4.3.4 Front Yard Set Back Alignment

The minimum depth of the front yard setback for a new dwelling on a vacant lot between two (2) existing adjoining lots, each with a building, may be aligned to the average of the depths of the front yards of such adjoining lots. (Effective 12-01-01)

SECTION 4.4 Modifications to Height, Area and Yard
SECTION 4.5 Requirements

4.4.1 Corner Lots

On corner lots, the front yard requirements shall be enforced on one side, and the following yard requirements on the other side:

R-20	30'
R-12	30'
R-7	25'
R-D	See R-12
Section 3.7	
Patio Houses	25'
Duplex Houses	25"
Town Houses	25'
B	25'
B-TC	25'
B-BT	35'
I	25'
PD	35'
CD	35'
PL	35'

4.4.2 Corner Visibility

Within the area 15 feet from the intersection of two street lines, no fence, wall, shrubbery or other impediment to unobstructed visibility shall exceed a height of 3 feet above the pavement.

4.4.3 Height Modifications

- A. Public and semi-public buildings may be permitted up to 60 feet or 4 stories.
- B. Ornamental structures, monuments, church spires, shafts, domes, towers or cupolas may exceed height requirements when approved by the Commission.
- C. In Business, Industrial and **Planned Development and Commercial** Development zones, height requirements may be exceeded by special structures requiring special design because of their particular use in business or industry, such as chimneys, stacks or elevators when approved by the Commission.

4.4.4 Lot Frontage

- A. No building permit shall be issued for a building unless the lot for which the building is proposed has the required frontage on an accepted street, a proposed street in an approved subdivision for which surety has been posted in accordance with Section 7.3, or on a private street constructed in accordance with the minimum standards of the Town of Newington, except:
 - 1. Residual Lots, as approved by Special Exception pursuant to Section 6.14, need only meet the frontage requirements set forth in that approval. The frontage requirements established pursuant to Section 6.14 supersede those requirements set forth in Table A.

2. Otherwise specifically permitted under these regulations subject to the appropriate standard as set forth in these regulations.

B. On irregular lots, the frontage requirement may be measured at the building (front yard) line. (Effective 12-1-06)

4.4.5 Yards

A. Projections

Usual projections such as sills and cornices may extend into any required side yard not more than 12 inches. A chimney may project not more than 2 feet into a side yard but not within 5 feet of a side property line. A porch or a hatchway may project 3 feet into the rear yard. A porch projection shall be limited to a landing platform not larger than 24 square feet, not more than a 3 foot projection into the front yard setback. (Effective 8-15-07)

B. Side Yard in B-TC Zones

A building may be constructed at the side property line or with the required side yard setback. Buildings constructed adjacent to existing buildings shall be constructed with no space between buildings with common walls. No building shall be built within 25 feet of a residence zone.

C. Through Lots

In a residence zone, the rear yard of a through lot shall be the average depth of the 2 adjoining lots.

D. Yards in B-TC, B-BT, PD and CD Zones

Where a contiguous area is in multiple ownership, it may be developed under a single site plan with height, area and yard requirements applied to the entire area so developed.

4.4.6 No principal building shall be placed or constructed within 50 feet of a regulated inland wetland or water course as shown on maps entitled "Designated Inland Wetlands and Water Courses of the Town of Newington" or on a detailed soils map certified by a soils scientist and approved by the Newington Conservation Commission. This setback standard maybe modified upon the receipt of a favorable report from the Conservation Commission and a two thirds vote of the Commission. (Effective 4-30-99)

4.4.7 **Cedar Mountain Ridgeline Development**

Within the ~~Cedar Mountain ridgeline setback area~~ **Ridgeline Setback Area** as defined in Section 9, no quarrying and clear cutting of timber shall be permitted except the following uses shall be permitted in the ridgeline setback area as of right: (A) emergency work necessary to protect life and property; (B) any non-conforming uses that were in existence and that were approved on or before the effective date of this section of the zoning regulations; (C) selective timbering when approved by a site plan submitted to the Commission, (D) single family residential use and permitted accessory residential uses when approved by a site plan submitted to the Commission.

The visual impact of proposed activities as viewed from public highways, public parks, or other areas accessible to the general public will be evaluated by the Commission. Such impacts may include, but not be limited to: unnatural gaps, cuts, projections, or other obviously artificial alterations of existing natural tree lines, ridgelines, prominent topographic features, or rock formations; the use of

materials which by their color, reflectiveness, finish, size, or orientation disrupt the natural or historic character of the ridgeline; the size, height, shape, and location of buildings.

The use of earth tone materials may be required by the Commission in all proposed buildings, and the use of reflective materials or surfaces may be restricted or prohibited.

The Commission may require that clear cutting occur in a staggered or other pattern which reduces the visual impact of such cutting, and may further require that clear cutting be staged over a period of time to allow for regrowth of remaining vegetation. (Effective 5-20-05)

4.4.8 Administrative Approval For Temporary Handicap Access to Single Family And Duplex Residential Ramps (Effective 10-3-08)

Notwithstanding any other provision of these regulations which would prohibit such a ramp, the Zoning Enforcement Officer may issue a temporary permit for a handicap ramp or access to a single family or duplex residential structure under the following conditions:

- A. A physician's letter describing and certifying the physical limitations of the person applying for the temporary permit.
- B. Said access shall be of a configuration and size that minimizes the reduction of either front or side setback requirements.
- C. No ramp or access shall encroach on a Town or State Right of Way nor shall it obstruct any sight lines or be placed within 15' of a front property boundary or 5' of a side property boundary.
- D. The location of all temporary ramps shall be accurately drawn on a plot plan to scale.
- E. Said temporary permit shall be for one (1) year and shall be renewable on an annual basis provided the circumstances requiring the handicap access still exists. When the circumstances cease to exist or the property is sold or transferred the handicap ramp shall be removed by the end of the permit period or within 30 days of the written notice of the Zoning Officer requesting removal of said handicapped access.
- F. Building Permit.

SECTION 4.5 SCHEDULE OF HEIGHT, AREA AND YARD REQUIREMENTS

SECTION 4.5

TABLE A: SCHEDULE OF HEIGHT, AREA AND YARD REQUIREMENTS RESIDENTIAL USES (Effective 12-01-01)

ZONE	MINIMUM LOT AREA	MINIMUM LOT FRONTAGE	MINIMUM FRONT YARD	MINIMUM SIDE YARD	MINIMUM REAR YARD	MAXIMUM HEIGHT ⁴
R-20	20,000 S.F.	100'	35'	10'	35'	2-1/2 STORIES/35'
R-12	12,000 S.F.	80'	35'	10'	30'	2-1/2 STORIES/35'
R-7:	12,000 S.F.	80'	35'	10'	30'	2-1/2 STORIES/35'
ONE-FAMILY	12,000 S.F.	80'	35'	10'	30'	2-1/2 STORIES/35'
TWO-FAMILY	6,000 S.F. PER UNIT ¹	40' garage in front or under; 45' no garage on side	35'	7'	30'	2-1/2 STORIES/35'
PATIO HOUSES ³	6,000 PER UNIT ²	60'	25'	5' ONE SIDE 10' OTHER SIDE; SPACING NO CLOSER THAN 15'	30'	2-1/2 STORIES/35'
DUPLEX HOUSES ³	4500 PER UNIT ²	40'	25'	10'	30'	2-1/2 STORIES/35'
TOWN HOUSES ³	4500 Per Unit ²	20'	25'/GARAGE 35'/NO GARAGE	0'/EXCEPT 6' AT END OF UNIT	30'	2-1/2 STORIES/35'

ASSESSORY BUILDING IN RESIDENTIAL ZONE: (A) Shall not exceed 15' ~~maximum~~ height; (B) shall be in the rear half of the lot and behind the principal structure; and (C) shall be at least 5' ~~minimum distance~~ from any lot line. (Effective 12-01-01)

1. R-7 Zone: Two-family dwelling existing prior to 2/25/74 shall have at least 3,000 square feet per unit and at least 20 feet of frontage.
2. Minimum square feet of land area that is required to be designated for each dwelling type.
3. By Special Exception only in R-7 and R-12 Zones.
4. Maximum height 35' as defined in Section 9
5. R-D ZONE: same requirements as for R-12 and Section 3.7

SECTION 4.5

TABLE B: SCHEDULE OF HEIGHT, AREA AND YARD REQUIREMENTS NON RESIDENTIAL USES (Effective 12-01-01)						
ZONE	MINIMUM LOT AREA	MINIMUM LOT FRONTAGE	MINIMUM FRONT YARD	MINIMUM SIDE YARD	MINIMUM REAR YARD	MAXIMUM HEIGHT ⁴
B	10,000 S.F.	50'	25'	5'	5'	2 stories/35'
B-TC	10,000 S.F. ²	100' ¹	25' ³	none w/common walls, but at least 10' if provided	-----	3 stories/35'
B-BT:	20,000 S.F.	100'	35'	10'	15'	3 stories/35' ⁶
I	20,000 S.F.	70'	25'	10'	15'	3 stories/45'
PD ZONE USES:						
Retail/Comm	1-ac.	70'	35'	10'	15'	3 stories/35'
Office	1-ac.	70'	35'	25'	25'	5 stories
Industrial	1-ac.	70'	35'	10'	15'	1 story
Residential	5-ac.	70'	35'	25'	35'	4 stories
CD Zone Area:	2 ac.	150'	35'	25'	25'	3 stories ⁵
PL	-----	70'	35'	20'	25'	-----

ACCESSORY BUILDING IN NON-RESIDENTIAL ZONES: (A) Shall not exceed 15' ~~maximum~~ height except parking garages which shall not exceed....., (B) Shall be located only to the rear of or side of the principal building (Effective 12-01-01) and (C) located at least 5' ~~minimum~~ distance from any lot line (Effective 8-15-07).

1. Frontage not required if lot is part of the Municipal Parking Lot. (See Section 3.12.3 for requirements)
2. Minimum lot not required if part of Municipal Parking Lot. (See Section 3.12.3 for requirements)
3. Except as may be permitted by Section 3.12.A.5
4. Maximum height as defined in Section 9. In Industrial Uses mezzanine area are not counted as a story.
5. Except as permitted by Section 3.20.8
6. Except as permitted by Section 3.14.1.C. (Effective 1-15-07)