

Town of Newington

Zoning Regulations



Completed by the Newington Town Plan and Zoning Commission

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SECTION 1: PURPOSE AND INTENT

Section 1.1 Purpose

This regulation is adopted under the General Statutes of the State of Connecticut, as amended, for the following purposes:

- 1.1.1 To promote and to protect the public health, safety, and welfare of the inhabitants of Newington, Connecticut and of the public generally;
- 1.1.2 To regulate the height, number of stories and size of buildings and other structures; the percentage of the area of a lot that may be occupied; the size of yards, courts and other open spaces;
- 1.1.3 To regulate the density of population and the location and use of buildings, structures and land for trade, industry, residence or other purposes;
- 1.1.4 To regulate the height, size and location of advertising signs and billboards;
- 1.1.5 To divide the municipality into districts or zones of such number, shape and area as may be best suited to carry out the purposes of this regulation;
- 1.1.6 To regulate the erection, construction, reconstruction, alteration or use of building or structures and the use of land in such zones;
- 1.1.7 To permit certain classes or kinds of buildings, structures or uses of land within the Town, only after obtaining a site plan approval, special permit from a commission or board;
- 1.1.8 To further the policies and recommendations of the 2010-2020 Plan of Conservation and Development adopted pursuant to Section 8-23 of the Conn. General Statutes. (Effective 3/4/2011)
- 1.1.9 To lessen congestion in the streets;
- 1.1.10 To secure safety from fire, panic, flood and other dangers;
- 1.1.11 To promote health and the general welfare;
- 1.1.12 To provide adequate light and air;
- 1.1.13 To prevent the overcrowding of land;
- 1.1.14 To avoid undue concentration of population;
- 1.1.15 To facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.
- 1.1.16 To conserve the value of building and encourage the most appropriate use of land throughout the Town;
- 1.1.17 To enhance historic values;
- 1.1.18 To protect existing and potential public surface and ground drinking water supplies;
- 1.1.19 To ensure that proper provision is made for sedimentation control;
- 1.1.20 To encourage energy efficient patterns of development, the use of solar and other renewable forms of energy, and energy conservation;
- 1.1.21 To provide for the gradual elimination of those uses of land, buildings and structures which do not conform to the standards of the zones in which they are located and are adversely affecting the development of other property in such zones; and
- 1.1.22 To define and limit the powers and the duties of the administrative officers and bodies as provided herein.
- 1.1.23 To minimize the impact of development on public finances and resources.
- 1.1.24 To provide opportunities for the development of affordable housing for Newington's citizens consistent with the Town's participation in and to the limits set forth in the Capitol Region Fair Housing Compact. These numerical goals shall be used to guide the processing of petitions for affordable housing and shall be monitored and revised as provided for in the Compact.

Section 1.2 Basic Requirements

No land, building or other structure shall hereafter be used, and no building or other structure shall be changed in its use, constructed, reconstructed, extended, enlarged or substantially altered, except in conformity with these regulations.

- 1.2.1 These regulations are intended to state the uses of land and/or buildings and structures which are permitted within the Town. **USES NOT STATED ARE NOT PERMITTED.**
- 1.2.2 Applications of Regulations
 - A. In cases of mixed occupancy, the regulations for each use shall apply to the portion of the building or land so used.
 - B. No conveyance of land shall be made that reduces the remaining land of the grantor, exclusive of the required rights-of-way to rear land, below the minimum area, frontage and yard requirements other than that permitted in Section 3.12.3. No permit shall be issued for the erection of a building on land so conveyed, except for the provisions of Section 3.12.3. or when a Special Permit has been granted for such property pursuant to Section 6.14 (Effective 12/1/2006).
 - C. All municipal property of the Town of Newington is hereby exempt from the regulations prescribed by the Commission, but if such property or its uses are abandoned, in whole or in part, no use of abandoned land, and no alterations or use of any building thereon, shall be made until the land has been zoned by the Commission. See Article I Section 5 Newington Code, Resolution 602 approved 5/25/70. (Effective 12/1/2001)
 - D. No permit for a single family use shall be issued unless:
 - 1) The lot conforms to the minimum lot standards for the district in which it is located; or
 - 2) The lot is a legal non-conforming lot of record pursuant to; or
 - 3) The lot has been approved for a Special Permit pursuant to Section 6.14. (Effective 12/1/2006).

Section 1.3 Interpretation

- 1.3.1 In their interpretation and application, the provisions of this regulation shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and general welfare. (Effective 12/01/2001)
- 1.3.2 Wherever the requirements of this regulation are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions or covenants, the most restrictive or that imposing the higher standards shall apply.
- 1.3.3 The Zoning Administrator shall enforce the provisions of this regulation, and in so doing may interpret the regulation consistent with precedents and policies of the Commission; however, the Officer shall not establish zoning policy.
- 1.3.4 Interpretation of land elevations shall be based on National Geodetic Survey datum. Site plans shall be based on National Geodetic Survey datum.
- 1.3.5 The official copy of these regulations and any amendments hereto are on file in the Office of the Town Clerk.

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
WADD	Willard Avenue Development District.

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

Effective February 5, 1993 the R-P zone was deleted. All R-P Zones and approved site plans existing on this date remain valid but Site Plans, in accordance with Section 8-3(l) CT General Statutes, shall expire. For existing vacant R-P Zones the Special Permit 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:

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

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 3.0 Higher-Density Residential Development Moratorium

3.0.1 Temporary Moratorium in the CTfastrak Station Areas (effective July 30, 2016)

- Intent and Purpose: There is a CTfastrak station at 160 Willard Avenue in the Newington Junction neighborhood of Newington. Newington Junction is a mixed-use neighborhood consisting of 19th-century single family homes, retail stores and restaurants, automobile services, elderly housing, condominiums and various industrial activities. CTDOT has projected CTfastrak ridership will eventually be as high as 16,000 riders per day. The demand for housing in the area around the Newington Junction station is very likely to increase.

The zoning regulations allow housing at densities ranging from 5 units per acre to 20 units per acre. To ensure appropriate residential development in the vicinity of the Newington Junction station, the Plan and Zoning Commission is developing TOD (transit-oriented development) zoning regulations for these areas. To prevent the construction of inappropriate higher-density housing before such TOD zoning regulations can be adopted, a moratorium on higher-density housing in the vicinity of the Newington Junction CTfastrak station is warranted.

A similar moratorium on higher-density residential housing was in effect for Newington Junction and for the area around the CTfastrak Cedar Street Station on Myra Cohen Way from June 17, 2015 through June 16, 2016. TOD regulations were adopted for the Cedar Street Station area effective May 2, 2016.

B. Activities Subject to this Moratorium:

1. Applications for residential development other than single-family housing within ½ mile of the CTfastrak station at 160 Willard Avenue, including but not limited to:
 - a. Senior Independent Living (Section 3.2.5)
 - b. Housing for Seniors (Section 3.7.2)
 - c. Conversion of Older Homes (Section 3.4.7)
 - d. Single-Family Entry Level Housing (Section 3.7.3)
 - e. Alternate Residential Building Types (Section 3.7.1)
2. Applications for amendments to any of the above listed higher-density residential zoning regulations.

C. Effective Date and Expiration:

1. This moratorium shall take effect upon adoption by the Town Plan and Zoning Commission.
2. This moratorium shall expire 365 days from adoption.
3. If the TPZ adopts TOD zoning regulations for the area around the Newington Junction CTfastrak station before this moratorium expires, this moratorium shall expire on the effective date of such zoning regulation or amendment.
4. The TPZ reserves the right to terminate this moratorium prior to the expiration date stated in Paragraph C.2.

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 and hens as allowed under Section 3.3.5 of these regulations requires at least five (5) acres for such purpose. (Effective 4/26/2021)
- 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 Permit 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 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 days. (Effective 12/1/2001 and 7/30/2016)

3.1.5 Family Child Care Home or Group Child Care Home accessory to a residence in a zone permitting either single, two-family, or multifamily uses:

1. No announcement sign shall be permitted exceeding two (2) square feet in area.
2. All such uses shall be approved by the State of Connecticut Office of Early Childhood prior to the issuance of a zoning permit.

Section 3.2 Special Permits Allowed in All Zones

The following uses are declared to possess such special characteristics that each must be considered as a special permit. 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.

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 permit 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 4/22/2009)

3.2.2 Public utility installations needed for the public convenience and necessity.

3.2.3 State and Federal government activities.

3.2.4 Hospitals, sanitaria, rest homes, assisted living, senior independent living facilities, (Effective 12/1/2001) 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 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. (Effective 4/15/2015)

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 12/1/2001)

3.2.5 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.

3.2.6 Commercial Wireless Communication Facilities subject to the following conditions: (Effective 12/13/1997)

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 nonresidential zone district. (Effective 12/01/2001)
- 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 12/01/2001)

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 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 Permit shall submit proof that they hold a bona fide 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 12/1/2001)

- 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.

3.2.7 Charitable, Religious, Social and Civic Events

The use is 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.

3.2.8 Group Child Care Homes not located in a residence, Child Care Centers, and Adult Day Care Centers 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 12/01/2001)
- 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 12/01/2001)
- 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 Zoning Enforcement Officer for permit renewal. The permit shall be issued without hearing upon verification that conditions of the Special Permit 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 Zoning Enforcement Officer.

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 12/01/2001)
 - 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 may be parked or stored in any side or rear yard without providing a 6-foot solid fence or planting installed between any permitted vehicle and the adjoining property. (Effective 01/01/2023).

- E. No boat, trailer, camper or recreational vehicle may be parked or stored within 5ft of a property line. (Effective 01/01/2023)
- F. No boat, trailer, camper or recreational vehicle shall exceed an overall length of 45ft or maximum height of 13.5ft. (Effective 01/01/2023)
- G. 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. (Effective 01/01/2023)
- H. 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 01/01/2023)

3.3.3 Use of residence for personal business purposes:

The use of a residence by the occupant for 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.
- F. See Section 3.4.4 (Home Occupation and Professional Office) to obtain approval of a proposed business that exceeds 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.

3.3.5 Keeping of Hens (Effective 4/26/2021)

- A. The keeping of hens shall be allowed as a noncommercial accessory use on single-family residential lots subject to the issuance of a Zoning Permit.
- B. The number of hens permitted per this section is as follows:
 - 1. For lots smaller than 20,000 square feet – No more than (8) eight hens.
 - 2. For lots larger than 20,000 square feet – No more than (12) twelve hens.
 - 3. Roosters are prohibited.
 - 4. Enclosure: The use shall be confined to a predator-proof fenced enclosure with the following parameters:
 - a) No more than 200 square feet in area.
 - b) A minimum of (10) ten square feet of ground area per hen.
 - c) Located in a rear yard.
 - d) The height of the enclosure wall or side support will not exceed 7 feet.
 - e) Setbacks (in the instance that more than one distance requirement shall apply, the greater distance requirement shall apply)
 - (1) At least (25) twenty-five feet from any street line.
 - (2) Minimum of (20) twenty feet from any property line.
 - f) Coop: All hens shall be housed in a coop that is designed to be predator-proof, thoroughly ventilated, watertight, and easily accessed and cleaned. The coop shall be constructed with the following parameters:
 - (1) At (20) twenty feet from any property line.

- (2) Minimum of (3) three square feet of area per hen.
- g) Enclosure and coop will be kept clean and cleaned at minimum bi-weekly.
- 5. Food and Waste
 - a) Food shall be stored in watertight rodent-proof containers.
 - b) Waste shall be disposed of offsite or composted no closer than (50) fifty feet from any property line.
- 6. This section shall not apply to the keeping of hens as part of an approved agricultural use or within a schoolhouse, museum, or zoo for the purpose of study or observation.

Section 3.4

Special Permits Allowed in All Residential Zones

The following uses are declared to possess such special characteristics that each must be considered a special permit. 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 12/01/2001 and 7/30/2016).

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 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, 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. 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.
- F. For the purpose of this section home occupations and professional offices do not include personal service uses such as, but not limited to, pet grooming, barbers, hair salons, and nail salons.

(Effective 12/01/2001 and 7/30/2016).

3.4.5 RESERVED.

3.4.6 Group homes and community residences (Effective 12/01/2001) 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. Criminal rehabilitation facilities are expressly prohibited.
- C. For the purpose of this section, group homes and community residences which house fewer than six mentally 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 12/01/2001)

3.4.7 Conversion of Older Homes

Older, larger residential homes, which by contemporary standards are energy inefficient and 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.

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

3.4.9 Interior Lots, in accordance with the following requirements:

- A. No lot shall be subdivided into more than two (2) interior lots.
- B. Each interior lot shall have at least 1.5 times the minimum lot size required for that zone.
- C. No portion of the lot between the street and the lot line that intersects the access way shall count toward the minimum lot size.
- D. Each interior lot shall comply with all other setback and building requirements for the zone in which it is located.
- E. Each interior lot shall have an accessway that has a continuous width of at least 20 feet, is owned in fee simple by the owner of the interior lot, and has frontage on a Town street.
- F. The driveway pavement width shall not be less than 10 feet. The driveway pavement length shall be not less than 35' from the front lot line, unless more is recommended by the Town Engineer to prevent erosion from entering the street. The driveway shall not be closer than 5 feet from an adjoining property line.
- G. The base for any driveway longer than 500 feet shall be at least 20 feet wide, and shall be capable of supporting the weight of Newington fire apparatus.
- H. Any driveway longer than 500 feet shall be reviewed by the Newington Fire Marshal. The Fire Marshal's comments shall be submitted with the application. Access to any new structure shall meet all the requirements of the Connecticut Fire Prevention Code: NFPA-1 Chapter 18 Fire Department Access; Sections 18.1 and 18.2.
- I. No two interior lots shall have frontage on the same street any closer to each other than the minimum lot width for that zone, except that two contiguous interior lots may be approved sharing a common driveway, and the application for such interior lots shall include an Agreement specifying that the owners of said driveway will share responsibility for its maintenance.
- J. The Town Plan and Zoning Commission may require that slope rights on an adjacent frontage lot which is under the control of the applicant be provided to accommodate driveway construction, and that a proposed interior lot share a common driveway with an adjacent frontage lot under the control of the applicant where appropriate.

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 Permits Allowed in R-7 Residential Zones

The following uses are declared to possess such special characteristics that each must be considered a special permit. 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 Official that these utility services are separate. This certificate shall be obtained prior to submission of an application for resubdivision.

Section 3.7 Special Permits Allowed in R-12 and R-7 Residential Zone

The following uses are declared to possess such special characteristics that each must be considered special permits. 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 permit 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

At least 8,000 square feet of land area is required for every dwelling unit. Such 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 development, such portions of the site will not be used in computing the total number of dwelling units permitted but may be used to provide the required open space. (Effective 3/4/2011 and 7/30/2016)

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 12/01/2001)

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 designated for open space conservation protection.

H. Utilities

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. 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. (Effective 12/01/2001)

K. 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

L. Homeowners' Association

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

- 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 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 Permit approval.

3.7.2 Affordable Age-Restricted Housing for Seniors and Service Use Buildings (3/31/2009, revised 7/30/2016)

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

The following requirements are specifically designed for the development of affordable age-restricted senior housing sponsored by either the Newington Housing Authority, a non-profit developer, or a 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, a permit 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.

C. Standards

- 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 proposed housing for the senior is not likely to have an adverse effect upon adjacent properties and other properties in the neighborhood.
- 4) 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.

D. Affordability

- 1) The applicant shall submit documentation showing that the initial rent or dwelling unit purchase price will be within the limits set by the CT Housing Finance Authority.
- 2) The applicant shall execute documentation restricting the future rent or dwelling unit purchase 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 creation of Single Family Entry Level Housing.

B. Criteria

In evaluating the appropriateness of an application for a Special Permit 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 affordable housing in the Town, which is defined as housing that does not cost the household more than 30% of area median income.
- 3) Demonstration by the applicant that 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 Permit to allow higher density single family dwellings 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 approving an application the Commission shall use its discretion as guided by the enabling language of Section 8-2 Conn. 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.

- 1) Each single-family house shall be on a separate subdivided lot and be intended for private ownership of house and lot.
- 2) 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.
- 3) 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.
- 4) 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 12/1/2001)

Wetlands, flood hazard area and slopes in excess of 15 percent shall not be counted as buildable area. The Commission reserves the right to exclude proposed lots where major site grading will alter existing topography.

- 5) The minimum lot frontage shall be 70 feet.
- 6) The application for Single Family Entry Level Housing Special Permit 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.
- 7) The minimum side yards shall be 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. The minimum rear yard shall contain not less than 30 feet of usable area as defined in Subsection 6 above. (Effective 12/01/2001).
- 8) Maximum lot coverage of building and parking and driveway surface shall not exceed 45 percent of the total lot area.
- 9) 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 Permit 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.A 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 Permit.
- 3) At the time of application for a Single Family Entry Level Housing Special Permit 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.
- 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 a conceptual site plan showing full development of the property (building, parking, landscaping, etc.) in accordance with the proposed zone requirements.
- 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 12/01/2001)

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.

3.10.2 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.

Section 3.11 Special Permits Allowed in B Business Zones

The following uses are declared to possess such special characteristics that each must be considered a special permit. 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 12/01/2001)
- 3.11.2 Funeral parlors or mortuaries.
- 3.11.3 Service, sale, repair, rental or storage of motor vehicles in accordance with Section 6.11 and Section 5.2 and 5.3 of the Zoning Regulations (effective 07/31/2019)
- 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 curb services restaurants.) Restaurants may offer outside temporary seasonal seating areas when approved by the Commission, (Effective 12/01/2001) except that, effective 4/20/2021 and for the period ending on 12/31/2021, the requirement for the Commission approval of outside temporary seasonal seating for existing restaurants is temporarily suspended and delegated to the Town Planner.
- 3.11.7 A Fueling Station located within 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.
- 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 3/4/2014)

3.11.8 Brewery (effective 07/14/2020)

3.11.9 Distillery (effective 07/14/2020)

3.11.10 Brew pub or brew pub restaurant (effective 07/14/2020).

3.11.11 Distillery pub or distillery restaurant (effective 07/14/2020).

3.11.12 Winery (effective 07/14/2020)

3.11.13 Food truck, in connection with an approved brew pub, brew pub restaurant, distillery pub, distillery restaurant, or winery (effective 07/14/2020).

3.11.14 Apartments in Business Buildings

- A. Apartments may be permitted on the second and third floors of new and existing buildings.
- B. Standards

Apartments provide affordable housing accommodations that fulfill a community need, provided 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.
 2. Sound proofing shall be designed and installed to isolate the normal sounds of business activity from the apartments.

3. At least 1,000 square feet of land area is required per dwelling unit.
4. A minimum of 1.5 parking spaces per apartment shall be provided on site, either within or accessible to the parking lot for the commercial portion of the building.

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 12/01/2001)

3.12.1 Permitted Uses

- A. Any use which shall be permitted in a B Business Zone Section 3.10.

Except the following: 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 12/01/2001)

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 a change to a B-TC Zone must be accompanied by a conceptual site plan showing full development of the property (building, parking, landscaping, etc.) in accordance with the proposed zone requirements.

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 B.

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.

3.12.5 Utilities

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

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 12/4/2002)

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 permit 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.
- 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 permit 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 permit approval within the Business Town Center Zone shall include the following information.

- 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 8/15/2008)

- D. Utilities: The location of all utilities serving the building such as transformers, HVAC units, gas and electric meters.
- 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.
- 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 7/1/2007)
- 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 "0" 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 offsite 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 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, 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.

Section 3.13 Special Permits Allowed in B-TC Business Town Center Zone

The following uses are declared to possess such special characteristics that each must be considered a special permit. 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 Permit Uses

- A. Any use which shall be permitted by Special Permit in a B Business Zone in Section 3.11

3.13.1 Unrestricted 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 8/15/2007)

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).

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 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.
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 12/01/2001)

3.13.4 Parking Garage

3.13.5 Bonus for Affordable Housing

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 Permit 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 Permit uses in the B-TC Zone shall submit a Traffic and Parking Management Plan which addresses the following items.

- 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 off-site parking if any, provisions for alternative modes of transportation such as van pools, varied work shifts, public transit.

3.13.7 Accessory Drive Throughs

Purpose: The regulations of this section are intended to allow for drive through facilities as an accessory use by special permit while reducing the negative impacts they may create. The specific purposes of this section are to reduce noise and visual impacts on abutting uses, particularly residential uses; promote safer and more efficient on-site vehicular and pedestrian circulation; [and] reduce conflicts between queued vehicles and traffic on adjacent streets.

Drive Throughs are permitted by special permit as an accessory use to a restaurant, bank, pharmacy, and laundromat provided the following criteria are complied with:

- A. Restaurants with an accessory drive through must include indoor service. Restaurants are encouraged to add outdoor seating and walk-up windows where feasible.
- B. The applicant shall submit a traffic impact analysis report describing existing and projected traffic volumes (ADT, A.M. and P.M. Peaks), 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, and other information deemed necessary by the Commission.
- C. Drive throughs shall be located behind and screened by the principal building and must be positioned to minimize conflicts with doorways and pedestrians. In the event of a change of use, the Commission may allow an existing drive through, approved prior to the adoption of this regulation, to be utilized in its current configuration provided that the drive through meets the requirements of section 3.13.7 and provides adequate landscape screening with a minimum height of 3'.
- D. Driveway entrance and egress locations shall be located to prevent conflicts with intersections and vehicular and pedestrian circulation. 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.
- E. Drive through service order intercoms must be located to minimize impact on adjacent uses. If the intercom is located within 100 feet of any adjacent residential structure, the applicant shall submit a sound study that identifies sound levels and adverse impacts.
- F. The applicant shall submit an application for a special permit modification for a site with an accessory drive through approved pursuant to section 3.13.7 which shall include a traffic impact analysis report per criteria B if any one of the following occur:
 - a) Expansion of 20 percent or more of the Gross Floor Area
 - b) Change of use of the primary building

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.
- B. Contractors' equipment sales or service. (Effective 12/01/2001)
- C. Hotels and motels up to a height of 4 stories or 45' (Effective 1/15/2007)
- 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 a conceptual site plan showing full development of the property (building, parking, landscaping, etc.) in accordance with the proposed zone requirements.

3.14.3 Buffer

No parking or loading shall be located within 25 feet of a residential zone boundary. This regulation may be waived by the Commission by a two-thirds vote for the purpose of allowing

development in the buffer area where the existing land use (landscaping or architecture) in the adjacent residential zone is such that its residential character will not be impacted by parking or loading in the buffer area, or where severe topography on either side of the zone boundary will provide sufficient buffering. To be eligible for such a waiver the site being developed must possess significant natural or introduced vegetation; severe topography; or be in harmony with the design or location of building(s) in the adjacent residential zone.

3.14.4 Utilities

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

Section 3.15 Special Permits Allowed in B-BT Business Berlin Turnpike Zone

The following uses are declared to possess such special characteristics that each must be considered a special permit. They may be permitted by the Commission subject to the 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 12/01/2001)

3.15.2 Theaters (Effective 12/01/2001)

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; except that, effective 4/20/2021 and for the period ending on 12/31/2021, the requirement for the Commission approval of outside temporary seasonal seating for existing restaurants is temporarily suspended and delegated to the Town Planner, and restaurants where food is prepared within the building and sold to customers for takeout and consumption off site. (Effective 7/8/1998)

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.

3.15.7 Places of passive amusement enterprises, but excluding arcades except that up to 10 coin operated games may be permitted as an accessory use. (Effective 12/01/2001)

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:

- 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.
- 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 3/4/2014)

3.15.11 Brewery (effective 07/14/2020)

3.15.12 Distillery (effective 07/14/2020)

3.15.13 Brew Pub or brew pub Restaurant (effective 07/14/2020)

3.15.14 Distillery pub or distillery restaurant (effective 07/14/2020)

3.15.15 Winery (effective 07/14/2020)

3.15.16 Food truck, in connection with an approved brew pub, brew pub restaurant, distillery pub, or distillery restaurant (effective 07/14/2020)

3.15.17 Banquet Hall

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 12/01/2001)

3.16.1 Permitted Uses

- A. Manufacturing, processing or assembly of components or goods.
- B. Warehouse, storage or wholesaling within the principal building. (Effective 12/01/2001)
- C. Office and financial uses.
- D. Public utility facilities.
- E. Veterinary hospitals and kennels when operated as accessory to the veterinary hospital. (Effective 12/01/2001)
- F. ~~DELETED (EFFECTIVE 8/15/2007) RESERVED, FORMERLY AUTO RELATED USES. (See Section 3.17.8)~~
- G. Personal and business services.
- H. Trucking terminals. (Effective 12/01/2001)
- I. Contractors' storage yards, construction equipment sales and service. (Effective 12/01/2001)
- 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.
- K. Retail sales in association with an approved gas station motor vehicle service use.
- L. Brewery (effective 07/14/2020).
- M. Distillery (effective 07/14/2020).
- N. Winery (effective 07/14/2020)

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 a conceptual site plan showing full development of the property (building, parking, landscaping, etc.) in accordance with the proposed zone requirements.

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.

3.16.4 Utilities

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

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 Permits Allowed in I Industrial Zones

The following uses are declared to possess such special characteristics that each must be considered a special permit. 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 12/01/2001)

3.17.1 Fraternal organizations (Effective 12/01/2001)

3.17.2 ~~DELETED (EFFECTIVE 8/15/2007) RESERVED, FORMERLY RETAIL STORES AND TRADE.~~

3.17.3 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.

3.17.4 ~~DELETED (EFFECTIVE 8/15/2007) RESERVED, FORMERLY RETAIL DEVELOPMENTS IN EXCESS OF 40,000 SQUARE FEET.~~

3.17.5 Adult Oriented Establishments (Effective 11/16/1996)

- 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 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.

3.17.6 Recreation Uses (Effective 11/24/2021)

- A. Recreation uses such as outdoor or indoor soccer, deck hockey, ice skating rinks and other similar sports facilities including 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.

3.17.7 Non-profit [501 (c) (3)] Children's Theatre Organization (Effective 1/26/2004)

- 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 Service, sale, repair, rental or storage of motor vehicles in accordance with Section 6.11 and Section 5.2 and 5.3 of the Zoning Regulations (effective 07/31/2019).

3.17.9 Brew pub or brew pub restaurant (effective 07/14/2020).

3.17.10 Distillery pub or distillery restaurant (effective 07/14/2020).

3.17.11 Food truck, in connection with an approved brew pub, brew pub restaurant, distillery pub, or distillery pub restaurant (effective 07/14/2020).

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.

3.18.1 Permitted Uses

- A. Uses permitted shall be any or all of those uses as regulated by Section 3.14. (Effective 5/11/2021)

3.18.2 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 a conceptual site plan showing full development of the property (building, parking, landscaping, etc.) in accordance with the proposed zone requirements.

3.18.3 Frontage

The following frontage requirements apply to all uses subject to the provisions of Sections 3.18 and 3.19 of these Zoning Regulations. (Effective 5/11/2021)

- A. At least seventy (70) feet of frontage on a public street is required for each lot of use; or
- B. Frontage may be reduced to fifty (50) feet when the following provisions are met:
 1. The area to be subdivided has three hundred (300) feet or more of frontage; and
 2. The land area of all newly created parcels consists of a minimum of ten (10) acres of contiguous land;
 3. A minimum of two (2) access drives serving the property with reduced frontage are provided, each accessing one or more public streets; and
 4. One access drive shall be owned in fee by the property with the reduced frontage. When the second access drive crosses property under separate ownership, said access drive to a public street shall have an easement in perpetuity guaranteeing access between the public street and property with reduced frontage.
 5. Only one (1) newly created parcel of a subdivision may have reduced frontage and no further reduction in frontage is permitted in future subdivisions of the newly created parcels.

3.18.4 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 nonresidential side of the street right of way. This regulation may be waived by the Commission by a two-thirds vote for the purpose of

allowing development in the buffer area where the existing land use (landscaping or architecture) in the adjacent residential zone is such that its residential character will not be impacted by parking or loading in the buffer area, or where severe topography on either side of the zone boundary will provide sufficient buffering. To be eligible for such a waiver the site being developed must possess significant natural or introduced vegetation; severe topography; or be in harmony with the design or location of building(s) in the adjacent residential zone.

3.18.5 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.

3.18.6 Utilities

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

Section 3.19 Special Permits Allowed in PD Planned Development Zones

The following uses are declared to possess such special characteristics that each must be considered a special permit. 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 12/01/2001)

3.19.1 Those special permits as permitted in Section 3.15 may be permitted in this zone.

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

A. Permitted Uses

1. Residential buildings and their necessary accessory facilities subject to the density requirements set forth in this section. (Effective 5/11/2021)
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. Reserved (Effective 2/8/2022)

2. Minimum Site Area

The minimum site area shall not be less than 5 acres. (Effective 8/15/2007)

3. Residential Density

The density of residential uses shall be subject to the provisions of Section 4.5 Table A. (Effective 5/11/2021)

4. 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.

5. 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 12/01/2001)

6. Spacing of Buildings

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

7. Dwelling Units

The basement shall not be occupied as living quarters.

8. 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.

9. 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.

3.19.3 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.
- 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 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 3/4/2014)

3.19.5 Drive Through Restaurants by special permit subject to the requirements and standards set forth in Section 5.2 and Section 5.3.

Section 3.19A Transit-Oriented Development (TOD) Overlay District

3.19.A.1. General:

- A. The Transit-Oriented Development (TOD) Overlay District is an overlay of certain Planned Business (PD) and Industrial (I) zones, to encourage transit-oriented development of parcels on Cedar Street, Fenn Road, and streets adjacent to Fenn Road that are generally within walking distance of the CTfastrak station on Myra Cohen Way.
- B. The use of land, buildings and other structures within the TOD Overlay District shall be established and conducted in conformity with either the underlying zoning classification of the Planned Business Zone (PD), Business Zone (B) and Industrial Zone (I), or the special requirements of this Section. This is not intended to prohibit any use otherwise permitted in the PD, B and I zones. Rather, its purpose is to give property owners the ability to use proximity to CTfastrak to leverage development of greater community and/or economic value.
- C. The TOD Overlay District is bounded on the north by Holly Drive/Ella Grasso Boulevard; on the east by property of the National Railroad Passenger Corporation (Amtrak); on the south by a line parallel to and approximately 2000' south of Cedar Street; and on the west by CT Route 9.

3.19.A.2 Purpose:

- A. The purpose of the TOD Overlay District is to promote high quality development within walking distance of the CTfastrak station on Myra Cohen Way which will grow Newington's grand list, create employment, and provide Newington residents with additional retail, commercial, residential and entertainment opportunities.
- B. Such development shall be in accordance with the 2020 Plan of Conservation and Development's "General Goal" of locating development in places and at densities which support the desired overall character of Newington, including smaller mixed land uses adjacent to transit stations (Page 24 of the 2020 Plan of Conservation and Development).
- C. This purpose will be achieved through the following specific objectives and uses:
 - 1. Mixed-use development, which will provide opportunities to live, work, shop, and/or be entertained within a single project, and when appropriate, in the same building.
 - 2. Dining and entertainment clusters.
 - 3. Bioscience, advanced manufacturing, aerospace engineering, information technology, and other advanced technologies.

3.19.A.3. Definitions:

- A. "Mixed-use development" shall mean development on a single parcel (or adjacent parcels with shared parking) that contains at least one of each of two or more of the following types of uses:
 - 1. Retail (including dining and entertainment)
 - 2. Office
 - 3. Industrial (including research and light manufacturing)
 - 4. Residential

B. “Dining and entertainment cluster” shall mean development on a single parcel (or adjacent parcels with shared parking) that contains two or more restaurants, bars, theaters, or entertainment venues.

3.19.A.4. Incentives:

A. Development proposals that contain any of the “specific objectives and uses” described in Paragraph 2.c may be eligible for the following incentives:

1. Less mandatory landscaping (i.e. more useable floor area).
2. Less mandatory on-site parking.
3. Reduced front, side, and rear yard setbacks.

B. Minimum Lot Area and Yard Requirements shall be the same as set forth in Section 4.5 for the B-BT Zone. (Effective 1/27/2021)

C. Eligibility for the above incentives will be based on the following:

1. The need for the proposed activity, as determined by the TPZ.
2. The public benefit of the proposed activity, as determined by the TPZ.
3. Public amenities included in the proposed activity.
4. The extent to which the proposed activity enhances vehicular and pedestrian circulation in the TOD Overlay District.
5. Architectural and/or functional compatibility of the proposed activity with nearby buildings and activities.

3.19.A.5. Procedure:

A. Any application for approval of an activity that complies with the underlying PD, B or I zoning shall be processed in accordance with Section 3.16, Section 3.17, Section 3.18, or Section 3.19 as appropriate and Section 5.3.

B. Any application for approval of an activity that does not comply with the underlying PD or I zoning, but includes one or more of the “specific objectives and uses” listed in Paragraph 2.c shall be processed in the following manner:

1. The applicant shall apply for a TOD Special Permit in accordance with Section 5.2. The application shall include the following:
 - a) A detailed description of the activity, and how it promotes the purpose of the TOD Overlay District.
 - b) If the application proposes to utilize any of the incentives listed in Paragraph 4.a, the application shall include a report prepared by an appropriate professional and detailed descriptions of the following:
 - (1) The need for or benefit of the proposed activity;
 - (2) Architectural or functional compatibility with adjacent or nearby buildings and activities; and
 - (3) Public amenities included in the proposed activity.
2. The applicant shall apply for Site Plan Approval in accordance with Section 5.3 of the zoning regulations. The site plan shall address the following:
 - a) The layout of streets, alleys, lots, building sites, and other elements of development shall be designed to maximize safe and convenient vehicular and pedestrian access to the CTfastrak station and, where appropriate, provide the views and community amenities that help define the CTfastrak station as the focal point of the District.
 - b) Vehicular and pedestrian circulation systems shall be designed to allow vehicular and pedestrian cross-access to existing or allowable development on adjoining lots.
 - c) Driveway curb cuts are allowed only if vehicular access cannot be provided via a cross-access easement. Driveway curb cuts shall be no wider than 24 feet and shall be located at least 50 feet from a street intersection and at least 100 feet from another driveway curb cut on the same block face.

- d) Buildings shall be configured in relation to the site's other buildings so that building walls frame and enclose one or more of the following, if applicable:
 - (1) The corners of street intersections or entry points into the development;
 - (2) A "main street" pedestrian and/or vehicle access corridor within the development site;
 - (3) Parking areas, public spaces, or other site amenities on at least three sides; or
 - (4) A plaza, pocket park, square, outdoor dining area, or other outdoor gathering space for pedestrians.
- e) Architectural elevations submitted in accordance with Section 5.3.4.B shall be prepared as follows:
 - (1) Where the street-level facade of a building faces the CTfastrak station or a public gathering space, no less than 25% of the facade area shall be comprised of transparent window or door openings to allow views of interior spaces and merchandise.

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 12/01/2001)

3.20.1 Permitted Uses

- A. Office uses, business and professional services, including corporate headquarters.
- B. Conference centers.
- C. Research laboratories.
- D. Research and development uses.
- E. Personal Services

3.20.2 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 a conceptual site plan showing full development of the property (building, parking, landscaping, etc.) in accordance with the proposed zone requirements.

3.20.3 Frontage

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

3.20.4 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.

3.20.5 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.

3.20.6 Utilities

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

3.20.7 Sidewalks

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

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

3.20.9 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:

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.

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.

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 a conceptual site plan showing full development of the property (building, parking, landscaping, etc.) in accordance with the proposed zone requirements.

3.21.3 Buffer

- A. 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.

3.21.4 Utilities

- A. All electric and telecommunication utility installations shall be located underground, excepting required or necessary lighting.

3.21.5 Sidewalks

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

Section 3.22 Accessory Structures and Uses Permitted in Residential Zones

3.22.1 Accessory Structures and Uses Permitted

- A. Accessory 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 2/22/2022):

1. Parking of a commercial vehicle customarily used by the resident for transportation is permitted for each dwelling unit. Such vehicle shall be parked in the driveway on a paved area.
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:
 - a) Step vans, pickup trucks, cargo vans, box trucks, flat bed or stake bed trucks.
3. Vehicles permitted to be kept at a residential property in accordance with Section C.1. do not include:
 - a) Heavy-duty earth moving equipment, cement mixers, trenching pipe laying equipment or other similar type of construction equipment.
 - b) Buses, semi-trailers, and tractor trailers.
4. 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 such as storage sheds, garages and swimming pools shall not be located within a drainage or utility easement. (Effective 12/01/2001)

3.22.2 Standards

- A. Accessory buildings are permitted only when there is a principal building on the same lot.
- B. Rented storage units are permitted only behind the principal building and for not more than 60 days.

Section 3.23 Accessory Buildings 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 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 setback area.
- C. This display of this equipment and products shall not obstruct pedestrian walks or fire lanes. (Effective 12/01/2001)

3.23.2 Accessory Building

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.

3.23.4 Temporary Events

Approval for temporary event or use may be obtained in accordance with the standards below.

- A. Minor Temporary Events which can be conducted on the subject property in a manner which is in keeping with the general use and scale of the property and surrounding neighborhood including but not limited to; temporary retail sales, promotional or community events and fundraisers which meet the following criteria may be approved by the ZEO following the issuance of a Zoning Permit.
 1. The portion of the property to be occupied by the event does not exceed fifty percent (50%) of the parcel area or parking spaces.
 2. For public events which involve the sale of alcohol, the principal use of the property is not a restaurant, bar or similar establishment.
 3. Such event or use does not expand any non-conformity that may exist on the property.
 4. The operation of the event will not impede on-site vehicle or pedestrian traffic.
 5. Any on-site entertainment does not include amplified sound.

- 6. Following any necessary reviews by the Fire, Police, Health and Building Departments, any comments or concerns presented have been satisfactorily addressed by the applicant.
- 7. For any event in which the size, scale or operation may exceed the intent or criteria above, the ZEO may refer such application to the Commission for review.

B. Major Temporary Events may be allowed following the issuance of a Special Permit by the Town Plan & Zoning Commission. Such activities shall include but not be limited to any temporary event or use which:

- 1. Does not meet the criteria of Section 3.23.4(A).
- 2. Involves the sale of alcohol to the public.
- 3. Is to be conducted on a recurring bases and occupy more than one acre.
- 4. Is planned to host more attendees than would reasonably be accommodated by the on-premises parking facilities.

C. Any approval granted by the ZEO, Town Planner or Town Plan & Zoning Commission shall require the property owner's acknowledgement that such approval is temporary in nature and is therefore willfully terminated following the cessation of such event or use.

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.

- 3.26.1 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 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 code requirements is not considered a mobile home. (Effective 12/01/2001)
- 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 vehicle 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).

Section 3.25

OS (Open Space) Zone

Any undeveloped or underdeveloped municipal, state, or federally-owned parcel, or any undeveloped or underdeveloped parcel that belongs to a land trust or nature conservancy, may be zoned as "open space". All parcels indicated as "dedicated open space" on the Open Space Plan at Page 19 of the 2020 Plan of Conservation and Development (as amended) shall be zoned as "open space", and the Marcap Parcel, and other parcels as deemed appropriate by TPZ.

3.25.1 Permitted Uses in OS (Open Space) Zones:

In the Open Space zone, land may be used for the following purposes and no other (except per Section 3.25.3):

- A. Planting and cultivation of any crops for the purpose of community space, community gardens, and natural open space areas, including meadows.
- B. Municipal playgrounds, recreation areas, and parks.
- C. Wildlife refuge or bird sanctuary.
- D. Including walking and hiking trails, nature trails and rehabilitating land to its natural state.
- E. Land specifically designated as dedicated open space on the Town of Newington's approved Plan of Conservation and Development.

3.25.2 As an accessory use, educational and sports activities accessory and incidental to any of the above permitted uses.

3.25.3 Special Permit Uses in OS (Open Space) Zones:

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

- A. Golf courses, cemeteries and burial grounds.
- B. Buildings that support the primary use of the property, and whose floor area does not exceed 10% of the open space parcel.

Section 3.26 Workforce Assisted Housing District (WAHD) (effective 11-01-2019)

3.26.1 Purpose:

The purpose of the Workforce Assisted Housing District (WAHD) is to allow the development of multi-family rental apartment units that will meet the needs of both households that can afford market-rate rents and those that can afford rents that are restricted in accordance with §8-30g of the General Statutes. The regulation is intended to promote housing choice and economic diversity within the Town of Newington.

3.26.2 Parcels Eligible for Rezoning to WAHD:

A parcel of land comprised of at least six (6) but less than nine (9) acres, with a total of at least two hundred (200) feet of frontage on Cedar Street, and abutting on its western boundary land containing railroad tracks.

3.26.3 Uses Permitted By Site Plan Approval:

In a WAH District, no land, building, or structure shall be used, and no building shall be hereafter erected, altered, or added to, except as provided in these regulations, and only for one or more of the uses stated in §§3.26.4 or 3.26.5.

3.26.4 Principal Use:

Multi-family dwellings in buildings that provide one (1) bedroom units, and two (2) bedroom units, and in which the units will qualify as "assisted housing" under General Statutes §8-30g, or in which at least 30 percent (30%) of the units will be subject to long-term maximum household income and rent restrictions compliant with General Statutes §8-30g.

3.26.5 Accessory Buildings, Structures, and Uses:

Personal business use and home occupations as allowed by §§3.3.3 and 3.4.4. Outdoor recreational uses, including patios, a central green, play areas, and picnic areas; Manager's Office and amenity spaces including community room; other buildings, structures, and uses not listed above, customarily accessory to multi-family residential use.

3.26.6 Transit Village Design District (TVDD) effective 8-17-2019

3.26.6 Maximum Number of Units:

The total number of dwelling units in a WAH District development shall not exceed eighteen (18.0) per gross acre, and shall not exceed thirty-six (36) units per building.

3.26.7 Bedrooms:

No dwelling unit in a WAH District development shall contain more than two (2) bedrooms. The maximum percentage two (2) bedroom dwelling units on a WAH District shall be eighty percent (80%).

3.26.8 Building Height and Stories:

The maximum building height of a principal building in a WAH District, measured in from the average ground height along the front of the building to the gable midpoint, shall be forty (40) feet. No building shall exceed three (3) stories.

3.26.9 Maximum Total Coverage:

Total impervious coverage for development within a WAH District shall not exceed fifty percent (50%).

3.26.10 Maximum Building Coverage:

Building coverage within a WAH District shall not exceed twenty percent (20%).

3.26.11 Setback From Property Lines:

No principal or accessory building, structure, or use shall extend closer than thirty-five (35) feet from any street line, twenty-five (25) feet from any side lot line, or thirty-five (35) feet from any rear lot line.

3.26.12 Usable Open Space:

Any land within a WAH District that is set aside as recreation area or usable open space shall be laid out, graded, screened, and landscaped for its intended recreational purpose.

3.26.13 Parking:

The minimum number of parking spaces per dwelling unit in a WAH District shall be 1.4 parking spaces per unit. In general, spaces provided shall meet or exceed ITE standards for the type of use proposed. A maximum of fifteen percent (15%) of parking spaces may be for compact vehicles, 8 feet x 18 feet.

3.26.14 Signage:

All signage shall comply with § 6.2.3 of these Regulations.

3.26.15 Lighting:

Exterior lighting shall be provided and maintained by the property owner at all access points to streets, parking areas, building entrances, and elsewhere for the safety of vehicular and pedestrian traffic. All exterior lighting shall be low-level except for required street lights and lighting for pedestrian safety. The glare from light sources shall be shielded from roads and abutting properties.

3.26.16 Landscaping, Screening, and Buffering:

Landscaping, screening, and buffering shall comply with §6.10.1 of these Regulations, except that landscape buffer strips and interior parking lot landscaping shall not be required, and the requirements of §5.3.4.E and §7.4.15 regarding existing trees of more than six (6) inch caliper shall not apply.

3.26.17 Driveway Aisles and Sidewalks:

Driveways connecting the development's frontage on Cedar Street to the area of residential units shall be at least twenty-eight (28) feet wide. Interior drive aisles shall be at least twenty-two (22) feet wide. Sidewalks shall be provided throughout a WAH District development.

3.26.18 Water and Sewer:

Public water and sewer must be available for the development either directly or by extension and connection to existing sewer and water lines, and all units must be connected to the sewer and water lines.

3.26.19 Zoning Certificate:

No Zoning Certificate of Compliance shall be issued for any dwelling unit unless and until such unit has been connected to a public water supply, suitable power supply, and a public sanitary sewer line.

3.26.20 Storm Drainage:

Storm-drainage facilities shall be provided and shall be designed to achieve a total site net-zero peak discharge increase for a two (2) year through one hundred (100) year storm. The requirement of §6.15.3.E, Standard 5, shall not be applicable if the WAHD redevelopment will reduce total impervious coverage.

3.26.21 Fire Department Access:

Access for Fire Department motorized vehicles shall be provided to ensure the safety of all occupants. Turning radii, road widths, and grade changes shall comply with applicable Fire Codes.

3.26.22 Earth Materials Excavation:

Earth materials excavation, stockpiling of earth products, or filling of land with earth products, shall comply with §§6.4 and 6.5 of these Regulations, provided that a separate Special Exception shall not be required for excavation, stockpiling, or processing necessary to carry out an approved site plan.

3.26.23 Refuse Area:

Refuse collection areas shall be provided and conveniently located for all units. The collection areas shall be properly screened and supplied with covered receptacles.

3.26.24 Mail Boxes:

Mail boxes shall be provided and conveniently located for all units, as determined by the U.S. Postal Service.

3.26.25 Affordability Plan Compliant With General Statutes §8-30g:

A WAH District development will be administered as stated in an Affordability Plan prepared in compliance with General Statutes §8-30g.

3.26.26 Documents Required to be Submitted:

Petition to rezone, as provided by these Zoning Regulations, and application for site plan, with those documents provided by §5.3.4 to §5.3.9 being required as part of the application. Information and documents required by these Regulations are required to be submitted with an application filed pursuant to this §3.26, except as otherwise provided in this §3.26.

3.26.27 Comparable Quality:

WAH District units shall be of a construction quality that is comparable to market-rate units within the development, and minimum construction, materials, finishes, and amenities for §8-30g compliant units shall be stated as a Schedule in the Affordability Plan.

3.26.28 Dispersal:

WAH District Units subject to §8-30g restriction shall be dispersed throughout the development and built and offered for rent on a pro rata basis as construction and leasing proceed.

3.26.29 Affordability Plan:

The Affordability Plan required by §8-30g of the General Statutes and these regulations shall describe how the regulations regarding affordability will be administered. The Plan shall include provisions for administration of and compliance with this section; notice procedures to the general public of the availability of affordable units; identification of the method for designating affordable units; procedures for verification and periodic confirmation of unit occupancy income; and compliance with affordability requirements.

3.26.30 Enforcement:

A violation of the regulations contained in this section shall not result in a forfeiture or reversion of title, but the Planning and Zoning Commission of the Town of Westport or its designated agent shall otherwise retain all enforcement powers granted by the General Statutes, including §8-12.

3.26.31 Conflict of Provisions:

If any provision of these WAH District regulations conflicts with a provision of the Zoning Regulations, the provisions of this §3.26 will control.

Section 3.27 Newington Station Transit Village Design District (TVDD)

See Section 9.3 for the Newington Station Transit Village Design District (TVDD) appendix (Effective 8-17-2019)

SECTION 4: HEIGHT, AREA AND YARD REQUIREMENTS

Section 4.1 Scope of Requirements

All uses, buildings or accessory buildings erected or altered shall conform to the following minimum height, area and yard requirements for the zone in which the use, buildings or accessory building is located, except a lot granted a Special Permit 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 and Table B, herein.

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

4.3.1 Special Permits

Approval of Special Permit 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 Permit 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 12/1/2006)

4.3.2 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 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 12/01/2001)

Section 4.4 Height, Area and Yard 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 Permit 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 12/1/2006)

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 8/15/2007)

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.

E. Detached Mechanical Units in R-7, R-12, and R-20 Zones (Effective: 08/17/2022)

- 1. Propane tanks, mechanical equipment, generators, and similar components less than fifteen (15) square feet in size and located in a side or rear yard shall not be required to adhere to setback requirements provided the following criteria are met:
 - a. No portion of the unit is located further than ten (10) feet from the principal structure or closer than five (5) to a property line.
 - b. A plot plan has been provided to verify location.
 - c. For corner lots, the front yard shall apply only to the portion of the property where the main dwelling entrance is located and the general direction in which the principal building faces, as determined by the Zoning Enforcement Officer.
- 2. All such units shall comply with the Town of Newington Noise Ordinance (Chap. 291), as amended.
- 3. Any such unit which does not meet all of the criteria established herein shall conform to all applicable setback requirements for the zone in which it is to be located.

4.4.6 Cedar Mountain Ridgeline Development

Within the 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 5/20/2005)

4.4.7 Administrative Approval For Temporary Handicap Access to Single Family and Duplex Residential Ramps (Effective 10/3/2008)

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.

TABLE A: SCHEDULE OF HEIGHT, AREA AND YARD REQUIREMENTS RESIDENTIAL USES (Effective 5/11/2021)						
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: ONE- FAMILY TWO-FAMILY	12,000 S.F. 6,000 S.F. PER UNIT ¹	80' 40'garage in front or under; 45' no garage on side	35'	10'	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'
APARTMENTS ⁶	1500 Per Unit(2)	SEE TABLE B SECTION 4.5 FOR FRONTAGE, YARD AND HEIGHT REQUIREMENTS				

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

1. R-7 Zone: Two-family dwelling existing prior to 2/25/1974 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 Permit only in R-7 and R-12 Zones and PD District.
4. Maximum height 35' as defined in Section 9
5. R-D ZONE: same requirements as for R-12 and Section 3.7
6. By Special Permit in PD District. (Effective 5/11/2021)

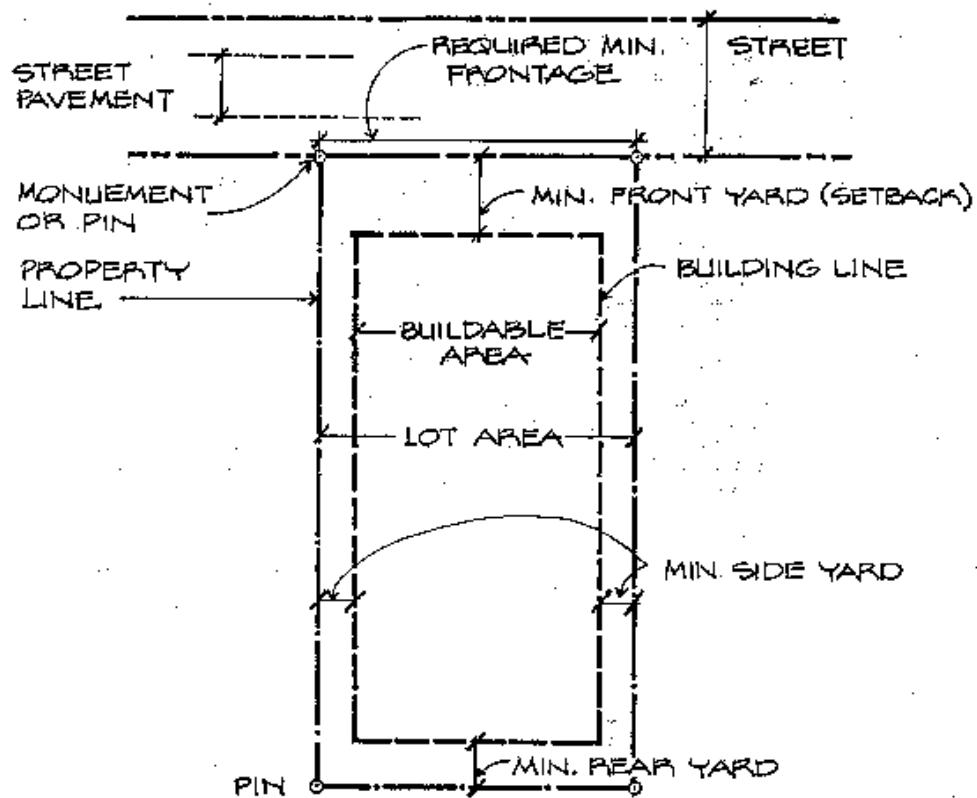
TABLE B: SCHEDULE OF HEIGHT, AREA AND YARD REQUIREMENTS (Effective 5/11/2021)

ZONE	MINIMUM LOT AREA ⁸	MINIMUM LOT FRONTAGE	MINIMUM FRONT YARD ⁸	MINIMUM SIDE YARD ⁸	MINIMUM REAR YARD ⁸	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'
<u>PD ZONE USES: See Note 7 below</u>						
Retail/Commercial	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' height except parking garages, (B) Shall be located only to the rear of or side of the principal building (Effective 12/01/2001) and (C) located at least 5' from any lot line

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 1/15/2007)
7. Except as permitted by Section 3.18.3, inclusive of residential uses (Effective 5/11/2021)
8. Except as permitted by Section 3.19.A.4.B (Effective 1/27/21)

FIGURE 1
TYPICAL BUILDING LOT
ILLUSTRATION FOR YARD SETBACKS



SECTION 5: GENERAL REGULATIONS

Section 5.1

Non-Conforming Lots, Land Use and Buildings or Structures

Within the zones established by this regulation or amendments that may later be adopted, there exist lots, structures, and uses of land and structures which were lawful before this regulation was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this regulation or future amendment.

It is the intent of this regulation to permit these non-conformities to continue until they are removed, but not to encourage their survival. Such uses are declared by this regulation to be incompatible with permitted uses in the zones involved. It is further the intent of this regulation that non-conformities shall not be enlarged upon, extended or expanded if such a change increases the non-conformity, or be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

A non-conforming use of structure, a non-conforming use of land, or a non-conforming use of a structure and land shall not be extended or enlarged after passage of this regulation by attachment on a structure or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which could be prohibited generally in the zone involved. To avoid undue hardship, nothing in this regulation shall be deemed to require a change in the plans, construction or designated use of any structure on which actual construction was lawfully begun prior to the effective date of the adoption or amendment of this regulation.

5.1.1 Non-Conforming Lot of Record

A dwelling unit or a non-residential building may be erected on a lot of less width or area or both than required and the Zoning Enforcement Officer is authorized to issue a permit provided that:

- A. Said lot was created or established as a separate building lot prior to the adoption of Zoning in the Town of Newington or, at the time of its creation or establishment as a separate building lot, complied with all lot width and area requirements then in effect, and
- B. The lot must be shown or describe as a separate and distinct building lot on a map, or in a deed or other instrument duly recorded in the Town Clerk's Office. A certified copy of such map, deed or other instrument shall be filed with the application for the zoning permit, and
- C. No owner of such lot or lots at any time since it became non-conforming shall have owned adjacent land which may be or could have been merged as part of the lot in question.
- D. The lot fronts 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, unless specifically permitted subject to the appropriate standard as set forth in these regulations, and.
- E. All other requirements are met.

5.1.2 The lawful use of land existing at the time of the adoption of these regulations or of any amendment hereto, although such use does not conform to the provisions hereof, may be continued; but if such use ceases for a period of 12 months, or is changed to a conforming use, all future use of said land shall be in conformity with these regulations.

5.1.3 The lawful use of a building or structure, existing at the time of the adoption of these regulations or of any amendment hereto, although such use does not conform to the provisions hereof, may be continued and such use may be extended throughout the building, provided that no structural alterations are made, other than those ordered by an authorized public official to assure the safety of the building or structure; and provided further that such extension does not displace any conforming use.

5.1.4 Whenever a non-conforming use of a building has ceased for a period of at least 12 months, such use shall not thereafter be re-established; and any future use shall be in conformity with the provisions of these regulations.

5.1.5 Any non-conforming building or structure which is destroyed or damaged by fire or casualty may be reconstructed and structurally altered, provided such reconstruction or alteration is commenced within 6 months of the date of such damage or destruction. Up to an additional 6 months may be

granted by the Commission to commence reconstruction for extenuating circumstances. The repair or replacement of the structure must be completed within one (1) year of issuance of building permits. Such restoration, repair or replacement must be of the same dimension, floor area, cubic volume, density and footprint on the property existing prior to the damage or destruction. (Effective 4/6/2011) (Corrected 12/14/2012)

5.1.6 When a building or structure is non-conforming only in regard to height, area or yard requirements, the reconstruction or structural alteration will be permitted if said building or structure is destroyed or damaged by fire or casualty. No such reconstruction or structural alteration shall increase the non-conformity. (Effective 12/01/2001)

Section 5.2 Procedures and Standards for All Special Permits

5.2.1 Uses specified in these regulations as special permits are declared to possess such special characteristics that each must be considered a special case. The following general procedures, requirements and standards apply and must be followed; in addition to the standards and conditions particular to the proposed use and specifically set forth in these in these regulation. Those conditions and standards are hereby determined to be necessary to protect the public health, safety, convenience and property values.

5.2.2 Petitions for special permits must be heard by the appropriate commission or board as required in the section relating to the permit or permit.

5.2.3 A public hearing is required on the proposed special permit with due notice as provided by Connecticut General Statute.

5.2.4 After the hearing, the commission or board may approve, disapprove or approve with conditions.

5.2.5 To permit proper review, the commission or board may, in accordance with Section 5.3, require that a site plan be submitted, and may require any other information deemed necessary to determine if the use is in harmony with the intent of the regulation, and the character of the area in which it is located.

5.2.6 In reviewing the proposed special permit, the Commission shall consider the following criteria as well as any specific standards pertaining to the requested special permit or special permit and record its findings in the record of the meeting:

- A. The need for the proposed use in the proposed location.
- B. The existing and probable future character of the neighborhood in which the use is located.
- C. The size, type and location of main and accessory buildings in relation to one another, and in relation to other structures in the vicinity.
- D. Traffic circulation within the site; amount, location and access to parking, and traffic load or possible circulation problems on existing streets or proposed streets and driveways considering impact on existing streets are effected. For large scale retail developments in excess of 40,000 square feet of gross floor area a traffic impact analysis report with proposed mitigation measures shall be submitted with the application.
- E. Availability of public water and sewer, and possible overloading of water and sewage systems and the adequacy of the existing off site storm water system serving the property to safely accommodate any increase in drainage. (Effective 12/01/2001)
- F. Location and type of display signs, lighting and landscaping and the impact of type signs on adjacent properties.
- G. Safeguards to protect adjacent property, and the neighborhood in general, from detriment including, but not limited to proper buffering.

5.2.7 Following an approval of a special permit, such approval shall become null and void if the use proposed under the special permit changes. Amendments to the conditions of a Special Permit or substantial changes shall require a new petition and public hearing as required by the Connecticut General Statutes. (Effective 12-01-01)

5.2.8 No special permit granted according to these regulations shall be effective until a copy of the special permit, signed by the Chairman of the Commission or Board, whichever is applicable, is filed by the applicant in the Town Clerk's office in accordance with State Statutes which require recording in the Land Records.

5.2.9 The Commission may attach a time limit to a Special Permit when it determines that such a condition will protect adjacent property and the character of the neighborhood. If a time limit is made a condition of approval the Special Permit may be revoked for due cause after a public hearing.

Section 5.3

Procedures and Requirements for Site Plans

5.3.1 Permits and Certificates

No building permits shall be issued in any zone or for any use where a site plan is required, unless a site plan, prepared in accordance with these regulations, has been approved by the Commission and has been filed by the applicant with the Town Planner. No Certificates of Zoning Compliance shall be issued unless the requirements of such site plans have been fulfilled.

5.3.2 Procedure

When required, a site plan shall be submitted to the Commission in accordance with these regulations. The site plan shall be approved, denied, or approved with modifications in accordance with the standards and conditions contained in these regulations.

5.3.3 Commission Review

In reviewing site plans, the Commission shall consider the following, as well as the conditions and standards herein. Applicants should also refer to Section 7.4, Design Standard and Site Plan Checklist.

1. The existing and planned future character of the adjacent property.
2. Traffic circulation within the site; amount, location and access to parking; traffic generated and possible traffic hazard or circulation problems on existing or proposed drives or streets.
3. Availability and adequacy of public utilities serving the site and the adequacy of the existing and proposed stormwater system to accommodate any increased drainage. (Effective 12/01/2001)
4. The location of signage, lighting and natural or landscape features.
5. Safeguards to protect adjacent property and the neighborhood in general from detriment or depreciation.
6. The suitability of the building design to its site.
7. Safeguards to promote the convenience of travel and the orderly use of land through the safe location of driveways, the number, size and access points to a site in relationship to adjacent properties and the public roadway. (Effective 12/01/2001)

5.3.4 Contents of a Site Plan:

1. General

- A. Data block which gives required zoning information such as height, area and yard requirements, parking, spaces, green space, etc.
- B. Layout of buildings.
- C. Layout of streets and parking.
- D. Proposed open spaces and recreation area, if required.
- E. Trees with six inch (6") caliper or larger.
- F. Area identified on the Natural Diversity Database as maintained by the Connecticut Department of Energy and Environmental Protection.

- G. Context Map: An overall map drawn to a scale of 1" = 200', which can be used as an overlay on Metropolitan District Maps. This map will show the overall design of the development and surrounding property within 500 feet.
- 2. Plot Plan: A layout map of the proposed site drawn to a scale of 1" = 40', on either of the following size sheets: 24" x 36" with a 3/4" ruled margin, or 15" x 24" with a 1/2" ruled margin; containing the following data:
 - A. The plans or maps shall conform to the class A-2 requirements of the "Code of Recommended Practice for Standards of Accuracy of Maps" of the Connecticut Technical Council, Inc.
 - B. Distance and bearings of all boundary lines and acreage of site.
 - C. Proposed streets and street lines with center line stations, curve data and parking spaces.
 - D. Building setback lines in accordance with these regulations.
 - E. Proposed buildings and other structures, including signs, dumpster enclosures and mechanical equipment.
 - F. Easements noting grantors, grantees and purpose.
 - G. Monuments will be indicated at corners and angles of all streets and at all points of curvature and tangency. In areas accessible to National Geodetic Survey points, or other coordinated points, the monument points within the proposed site shall be coordinated. These coordinates shall appear in tabular form on the plot plan. The accessibility of these NGS points shall be determined by the Town Engineer.
 - H. Names of abutting property owners. Location of any buildings within 100' of all property shall be shown.
 - I. All open space or other common or public land uses shall be indicated.
 - J. Landscaping and Planting Plan, including name, size and location of plants.
 - K. Lighting Plan for all exterior light fixtures and bulb types.
 - L. Commission approval and signature block.
 - 3. Topographic and Utility Map: A map drawn to a scale of 1" = 40', see "C. Plot Plan), in addition to the requirements of the Plot Plans, show the following:
 - A. All existing and proposed buildings.
 - B. Curb lines, curb cuts, edge of pavement, and pavement width.
 - C. Existing and proposed sanitary sewers, and direction of flow.
 - D. Existing and proposed water and gas main systems, and direction of flow.
 - E. Existing and proposed contours shall be shown in not less than two-foot intervals; but in cases of relatively level land, the contours shall be one-foot intervals. Existing contours in excess of fifteen (15%) percent gradient shall be identified by shading the areas that meet this criterion. (Effective 3/4/2011)
 - F. Proposed storm drainage system, showing all proposed techniques (such as swales, rain gardens, infiltration trenches, etc.) and any structural measures (such as catch basins, end walls, manholes, lengths and sizes of pipes, with invert elevations of each inlet and outlet).
 - G. Connections of all springs into proposed storm drainage system as needed.
 - H. Location and indications of existing brook channels, and 100-year flood limits.
 - 4. Erosion Control Plan: The disturbance of any area exceeding one-half acre shall require an Erosion and Sediment Control Plan to conform with P.A. 83-388 of the Connecticut General Assembly, and Section 8-25 of the General Statutes as amended, and the following requirements:

- A. Existing and proposed boundary and lot lines, with dimensions given in feet and areas given in square feet. Existing and proposed easements and right-of-way for public utilities and other public uses with dimensions given in feet.
- B. Location of all wetlands and watercourses on the property and within sufficient distance beyond the property line and the extent of proposed changes in their configurations. The 100' upland review area boundary shall also be shown.
- C. Location of proposed activities.
- D. Elevation at two-foot contour intervals. If deposition, removal or grading of material is proposed, resulting elevations shall be shown by two-foot contour intervals.
- E. Identification of soils, including locations of any soil borings or test holes. Soil types shall be identified in accordance with categories established by the National Cooperative Soil Survey of the United States Department of Agriculture, Soil Conservation Service.
- F. A general delineation of the vegetative cover of any regulated area.
- G. Bodies of water and high water level for all inundated areas.
- H. All drainage appurtenances existing and proposed together with erosion control measures or temporary or permanent soil erosion control measures to be constructed in connection with, or as part of, the proposed work.
- I. Details of erosion control measures.
- J. Proposed limits of disturbance / compaction and the method of ensuring same.
- K. Once construction begins, weekly reports on the erosion and sediment control devices will be submitted to the Zoning Enforcement Officer.

5. Architectural Elevations: Plans of the proposed buildings drawn to a scale of 1/8" = 1'0", showing the elevations of all sides of the proposed buildings in sufficient detail to show architectural styling. The plans shall be prepared on mylar for filing with the site development plan and shall have a signature block for signing by the Commission Chairman.

- A. Samples of all exterior building materials proposed to be used.
- B. For existing buildings, photographs of all sides of the building may be submitted in lieu of architectural elevations.

6. Access Management Plan: All existing and proposed streets and driveways within 500 feet of the boundaries of the proposed development shall be shown on the 200' scale Key Map. The Commission will review the number and location of all proposed access points to ensure that public safety and welfare are promoted and that the proposed development will not adversely impact public roadways. When the Commission determines that it is in the best interest of public safety, and to promote orderly development, the applicant may be required to modify the site development plan to achieve the following access management standards:

- A. Reduce curb cuts and provide shared access with an abutting property.
- B. Establish inter site connections using internal driveways.
- C. Provide access using a service road.
- D. Direct left turning vehicle movements to an abutting roadway with the least intensity of current and projected traffic volume.
- E. On corner properties locate driveways no closer than 200' to the intersection or as may be approved by the Commission. (Effective 12/01/2001)

5.3.5 Improvements

Street improvements, drainage, sewer and water supply, landscaping, recreation areas, parking and loading facilities and any other improvements required by the Commission shall be installed according to the specifications of the Town of Newington before final acceptance is given and a Certificate of Occupancy is issued. The developer, with the approval of the Commission, may install improvements in a portion of the plan and receive final acceptance of that portion only. Any

unfinished portion of the site plan shall be bonded prior to the issuance of a Certificate of Occupancy and Certificate of Zoning Compliance. Improvements related to the safe use of the site, such as but not limited to, lighting, fire lanes, and fire hydrants, shall be completed and will not be bonded. (Effective 12/01/2001)

5.3.6 Surety

The Town Manager, acting for the Commission, may accept surety in lieu of actual site improvements in accordance with Section 7.3. The surety that can be accepted by the Town Manager shall be limited to certified check, pass book/certificate of deposit, or a letter of credit. No insurance bond will be acceptable. For existing buildings where site plan approval is required, a cash bond in the amount of 10% of the total site improvement costs shall be posted with the Town Manager prior to the issuance of a building permit. In no case shall the bond posted with the Town Manager be less than \$2500. (Effective 12/01/2001)

5.3.7 Approval

To be effective, the approved site plan must be signed by the Chairman of the Commission and shall show the date of the Commission approval. The applicant shall file with the Town Planner a mylar of the approved site plan, with the Commission's Certificate of Action affixed, and a mylar showing the buildings' elevations.

5.3.8 Time Limit

The Commission may grant additional extensions provided that all work in connection with such site plan approved on or after October 1, 1989 shall be completed within five (5) years after the date of approval of the site plan. Failure to complete all work within such five (5) year period shall result in automatic expiration of the approval of such site plan. The Commission may grant one or more extensions of such five year period, provided the total extension shall not exceed ten years from the date such site plan is approved. "Work" for purposes of this subsection means all physical improvements required by the approved plan (CGS Section 8-3(i)).

For site plans approved on or before October 1, 1989 approval shall be void if substantial construction is not started within seven years from the date of approval.

5.3.9 Change in Use and Site Design

- A. A change in use of land or in the use of a structure or building will require site plan approval if any one of the following occurs:
 1. Increases the amount of parking;
 2. Changes the loading or access;
 3. Increases the building's gross floor area by more than 10 percent;
 4. Alters the site's parking lot green space, landscaping, or increases the amount of buffering required in Section 6.10.
- B. Minor changes not requiring additional parking, loading, access or structural addition of less than 10 per cent to the rear or side areas of buildings will not require site plan approval.
- C. For the purposes of this section examples of a change of use would include but are not limited to the conversion or addition of floor space from industrial/warehouse use to retail floor space or office floor space. the conversion of retail floor space to recreation use or public assembly use, such as a school or sports complex, church, etc. (Effective 12/01/2001)
- D. Changes only to the architecture of the building will not require the submission of a new site plan to the Commission. (Effective 12/01/2001)

Section 5.4

Public Hearings

For special permit, zone map change, or resubdivision public hearings, the Town of Newington will be responsible for mailing a Notice of Public Hearing to abutting property owners, and if a condominium complex is an abutter or across the street, to all officers of the condominium complex. The applicant shall be responsible for placing on the property subject to the public hearing a sign provided by the Town of Newington giving notice of the scheduled hearing. This sign shall be placed in a location that is easily

visible to the public at least ten (10) calendar days prior to such hearing and shall remain until the petition is acted upon by the Commission.

SECTION 6: SPECIAL REGULATIONS

Section 6.1 Street Parking and Loading Regulations

6.1.1 Parking

There shall be provided, at the time of application for a building permit for the erection, alteration, enlargement or change in use of any building or land for which off-street parking is required, a plan showing functional required parking space, including the means of access and interior circulation and landscaping.

A. Area Requirements

Area requirements for parking spaces and lots are specified in the Newington Site Plan Checklist. Handicapped accessible parking spaces shall be 15 feet wide with a cross hatch access aisle of 5 feet wide. Two accessible spaces may share a common aisle. The access aisle must connect directly to an accessible route. Accessible parking spaces must be the closest spaces to a building's or uses' accessible entrance. The required number of accessible spaces per total parking lot shall not be less than the standards set forth in the State Building Code. (Effective 12-01-01) Once painted or marked in accordance with the international symbol of accessibility the property owner shall be required to maintain such marked or painted spaces so that they are easily visible to a patron seeking accessible parking. The accessible parking spaces must be designated by a clearly visible sign mounted on a solid base or permanently fixed at the place marked with the symbol and legend "Handicapped Parking State Permit Required Violators Will be fined."

B. Parking Spaces for Buildings Used for Residence

At least two permanently maintained durable, adequately cleared and surfaced off-street parking spaces shall be provided for every dwelling unit, except as otherwise stated in these regulations. All parking of vehicles shall be on the surfaced area not on the lawn. The surfaced area shall not exceed 50% of the front lawn, the area between the street line to the front exterior wall of the residence. No vehicles shall park between the curb or edge of pavement and the boundary of the Town or State right of way. (Effective 8-15-07)

C. Parking Spaces for All Other Uses

Permanently maintained and appropriately surfaced (see Section 6.1.1.K below) off-street parking spaces shall be provided as follows:

		Minimum Required Parking Spaces
OFFICE-TYPE USES	(may be pervious or impervious surface)	
Business offices, financial institutions	5 spaces for each 1,000 square feet of gross floor area	
Business and professional offices located on upper floors	4 spaces for each 1,000 square feet of gross floor area	
Medical and dental offices	6 spaces for each 1,000 square feet of gross floor area	
Corporate headquarters and office parks	<p>5 spaces for each 1,000 square feet of gross floor area up to 10,000 square feet</p> <p>Plus 4 ½ spaces for each 1,000 square feet of gross floor area between 10,000 and 50,000 square feet</p> <p>Plus 4 spaces for each 1,000 square feet of gross floor area over 50,000 square feet</p>	

Minimum Required Parking Spaces	
RETAIL- AND SERVICE-TYPE USES	(may be pervious or impervious surface)
Retail stores, personal service shops	5 spaces for each 1,000 square feet of gross floor area up to 10,000 square feet. Plus 4 ½ spaces for each 1,000 square feet of gross floor area between 10,000 and 50,000 square feet. Plus 4 spaces for each 1,000 square feet of gross floor area over 50,000 square feet.
Indoor Retail Showrooms	2.5 spaces for each 1,000 square feet of gross floor area up to 10,000 square feet Plus 1.5 spaces for each 1,000 square feet of gross floor area over 10,000 square feet
Shopping centers of not less than 50,000 square feet gross floor area	4 spaces for each 1,000 square feet of gross floor area, irrespective of the particular uses .
Eating establishments; taverns, cocktail lounges	20 spaces for each 1,000 square feet of floor area open to the public.
Theaters, places of assembly, amusement, recreation and education	1 space for each 4 seats, or 9 linear feet of fixed benches, or 300 square feet of gross floor area.
Hotel, motel, tourist home	1 space for every guest room, plus 1 for every two employees.
Undertaking establishments	4 spaces for each 1,000 square feet of gross floor area.
Bowling alley or similarly-configured activity	4 spaces per alley, plus 1 space for each two employees.
Fitness center, dance studio, gymnastics school	1 space for each 200 square feet of exercise area, or 1 space for each 4 students as determined by TPZ.

Minimum Required Parking Spaces	
RESIDENTIAL-TYPE USES	(may be pervious or impervious surface)
Dwelling – studio and one (1) Bedroom	1 space per dwelling unit (Effective 11/24/2021)
Dwelling – two (2) or more bedrooms	2 spaces per dwelling unit (Effective 11/24/2021)
Housing for the elderly	0.5 spaces per dwelling unit
Boarding and rooming house	1 space for each 2 guests or persons residing on premises
Hospital, sanitarium, convalescent home or nursing home	1 space for every 3 beds, plus 1 for every 2 employees

Minimum Required Parking Spaces	
OTHER USES	(may be pervious or impervious surface)
Municipal parking lot	Any property which is a part of the Municipal Parking Lot will be permitted to use the 4 ½ spaces per 1,000 square foot gross floor area without regard to the business use of the building
Industrial, manufacturing, warehouse, and/or distribution	1 space per employee on the largest shift or 3 spaces per 1,000 square feet or whichever is more applicable as determined by the Commission.
Home occupations, office in residence (medical/dental)	5 spaces for each 1,000 square feet or fraction thereof of building floor area devoted to such use, but for medical/dental at least 5 spaces plus 1 for each doctor
Road side stands	3 minimum, plus dwelling lot requirements
Uses not listed	As determined by the Commission

FIGURE 2
TYPICAL PARKING LOT LAYOUT DESIGNS

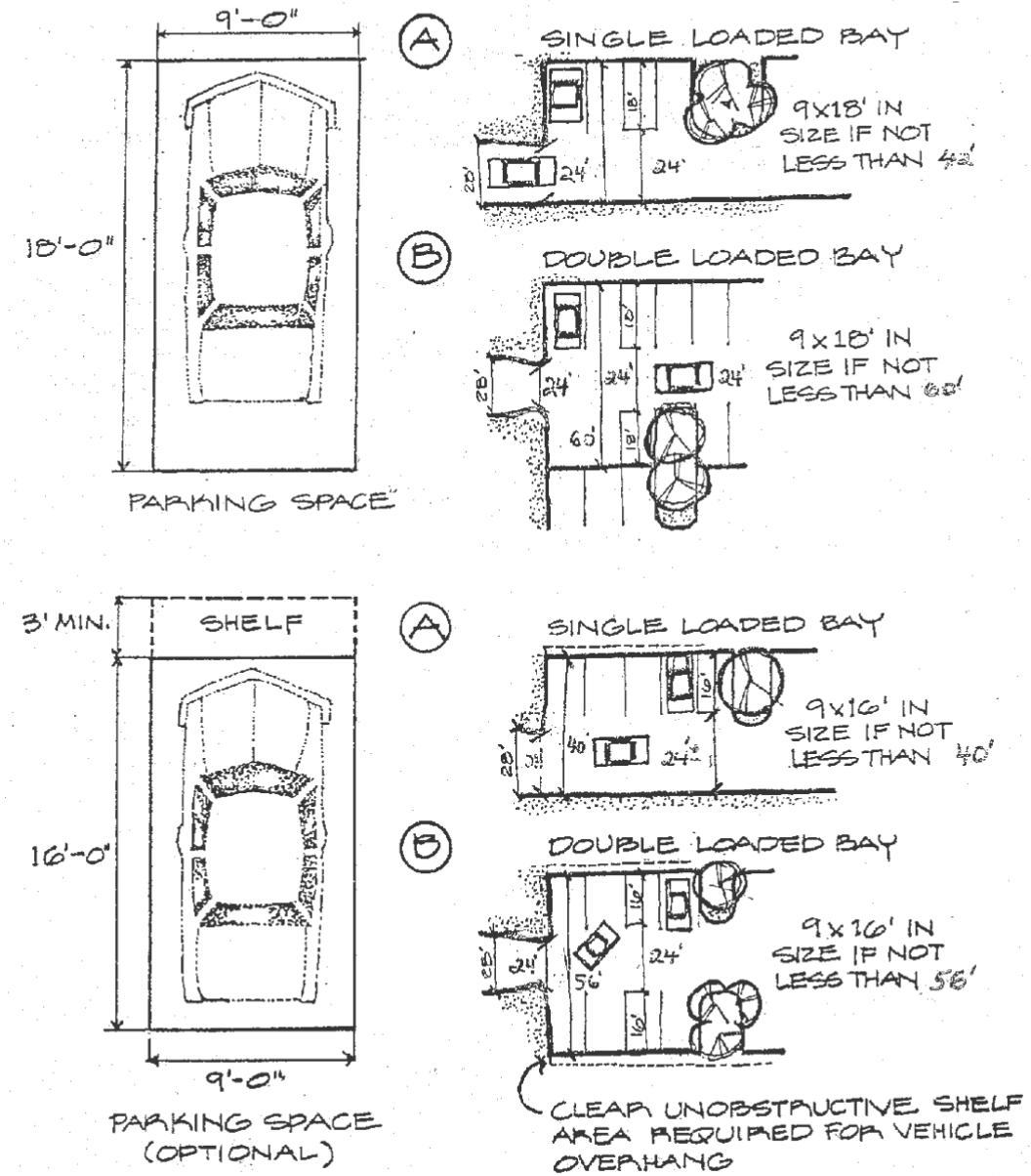
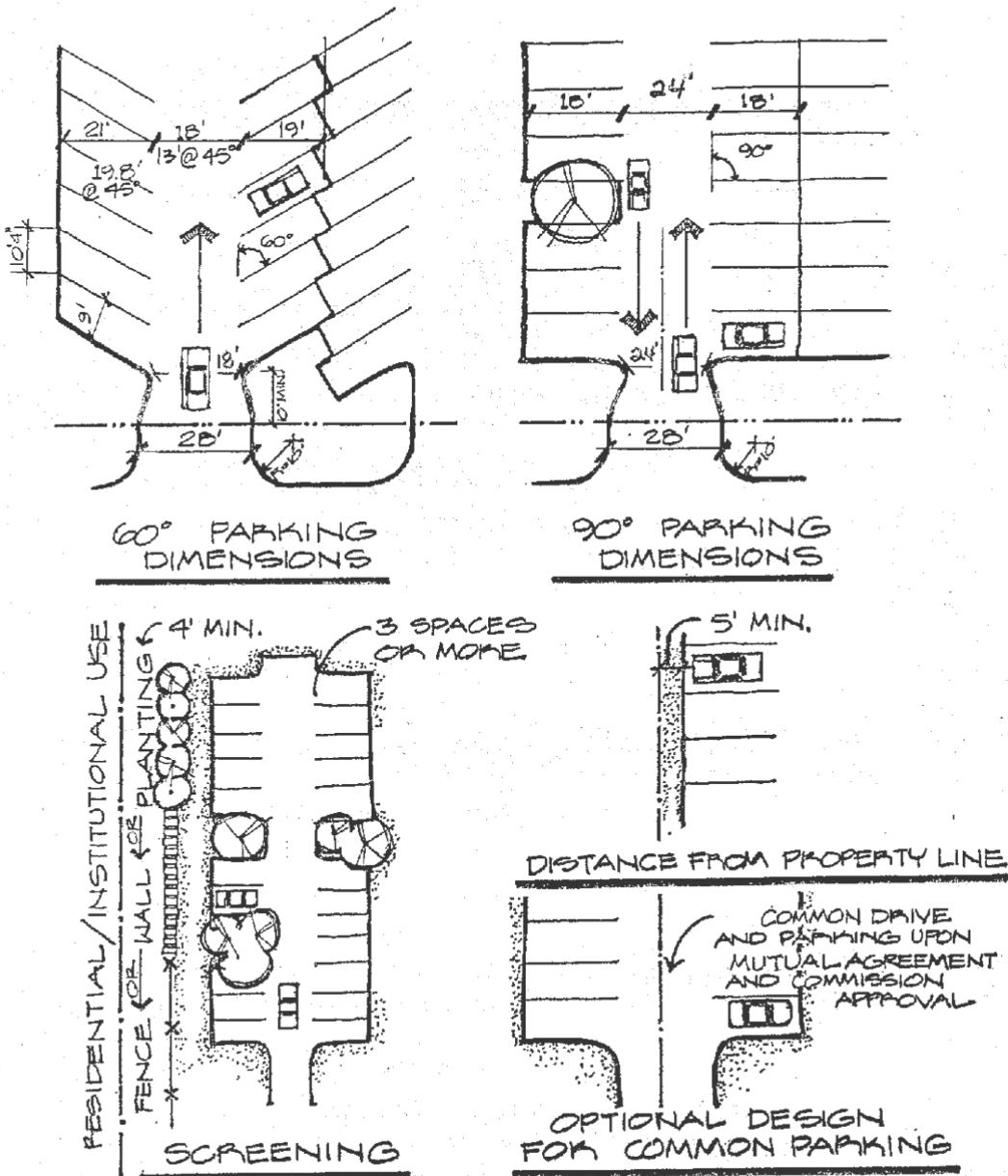


FIGURE 3

TYPICAL PARKING LOT LAYOUT DESIGNS



D. Distance from Lot

1. On site parking spaces shall be located within 400 feet walking distance to a public entrance in the building which they are intended to serve.
2. Off-site parking may be permitted on land owned or under a long term lease controlled by the owner of the principal use to which the parking is accessory when approved by the Commission. Off-site parking spaces shall be within a radius of 600 feet walking distance to a public entrance in the building which they are intended to serve.
3. Employee parking shall be shown on the site development plan and shall be located at the rear or sides of commercial buildings or remote parts of the site or as permitted in paragraph 2 above where it will not usurp public spaces.

E. Joint Use

Joint use of off-street parking facilities may be permitted provided that the area of such facilities shall not be less than the sum of the requirements of the various users computed in accordance with the schedule in this section. Shared use of the same off-street parking facilities may be permitted by the Commission by uses which have different, non-competing times of operation. The Commission may permit a reduction of up to 25% of the required parking spaces due to shared use of parking facilities when the parking needs of the joint users occur at different hours of the day. Such joint or shared use of facilities must be guaranteed to the Commission by reason of agreements or conditions to which the Commission is a party, so that such joint use may not be terminated without the consent of the Commission.

F. Screening

More than 3 spaces shall be screened by a wall, fence, or compact planting when abutting the side or rear lot line of residential or institutional premises. Such screening shall be at least 4 feet high.

G. Lighting

All parking areas having more than 10 spaces shall be adequately lighted and all lighting fixtures shall be so arranged as to direct light away from residential lots. In general, lighting shall be designed to direct light upon the parking area and not upward or onto adjoining property.

H. Distance from Property Line

Except as limited by specific design standards contained in these regulations parking and drives shall not be closer than 5 feet from the property line, except that common drives and connecting parking may be permitted upon the written agreement between the subject parties, and approved by the Commission, and filed in the land records of the Town.

I. Suspension

At any time that a parking area shall cease to be available for the purposes of off-street parking, the occupancy or use permit for the main use served by such area shall be suspended until such time as the required off-street space is provided, unless the Commission, after hearing, modifies or waives parking space requirements.

J. Surface Materials

Parking areas required under Section 6.1.1.C shall be surfaced with one or more of the following materials as approved by the Commission and in accordance with specifications established by the Town of Newington:

1. Bituminous concrete.
2. Pervious bituminous concrete.
3. Pervious concrete.
4. Pervious pavers.
5. Other pervious surface approved by the Commission on recommendation of the Town Engineer.

K. Deferral of Immediate Installation

The Commission may defer the immediate installation of up to 25% of the required parking spaces where sufficient evidence has been presented, in the judgment of the Commission, to show that the reduced parking facilities will adequately serve the proposed use. Before approval of a waiver by the Commission, the applicant shall show upon the Site Development Plan the complete layout for the full parking requirements. The owner shall file that plan in the Office of the Town Clerk, stipulating that the owner, or the successor and assigns of the owner, will install as many of the waived parking spaces as the Commission deems necessary within 6 months of the Commission's request, when, in the opinion of the Commission, such installation is needed.

- L. Electric Vehicle Parking Requirements. Off -street parking spaces shall be dedicated to the electric vehicles as follows:
 - 1. Electric Charging Infrastructure. Any new commercial or multi-family development, including mixed-use development, with 30 or more designated parking spaces for cars or light duty trucks shall include electric vehicle charging infrastructure that is capable of supporting Level 2 electric vehicle charging stations or level 3 fast charging stations, in at least 10% of such parking spaces. Such infrastructure includes, but is not limited to, underground conduit, junction boxes, and adequate electrical design. Adequate electrical design includes dedicated locations for required electrical components including, but not limited to, transformers and electrical switchgear with the capacity to supply power to the charging stations.
 - 2. Applicability: For the purpose of this section, new commercial or multi-family development, including mixed-use development, shall include re-development of an existing property that disturbs more than 50% of the existing developed area of the site or increases the overall floor area, number of parking spaces, or impervious surface of the site by more than 50%.

6.1.2 Off-Street Loading Requirements

In connection with every building or part thereof hereafter erected, having a gross floor area of 5,000 square feet or more, which is to be occupied by manufacturing, storage, warehouse, goods, display, retail stores, wholesale stores, markets, hotels, laundries, dry cleaners or other uses similarly requiring the receipt or distribution by vehicles of material or merchandise, there shall be provided and maintained on the same lot with such building at least one off-street loading space plus one additional such loading space for each 20,000 square feet or major fraction thereof of gross floor area so used in excess of 10,000 square feet.

- A. Each loading space shall be not less than 10 feet in width, 25 feet in length, and 14 feet in height.
- B. No such space shall be located closer than 50 feet to any lot in any residential zone unless wholly within a completely enclosed building.
- C. Loading docks and overhead doors shall not be located on the front side of the building facing the public street. (Effective 12/01/2001)
- D. Such loading space(s) shall be constructed and maintained in accordance with Section 6.1.1.K of these Regulations.

6.1.3 Landscape Requirements

- A. Not less than 10% of the interior of a parking lot containing five or more parking spaces shall be landscaped with trees and continuously maintained. For large retail developments in excess of 40,000 sq. ft. of gross floor space not less than 15% of the interior of the parking area shall be landscaped.
- B. Planting along the perimeter of a parking area, whether for screening, landscaping buffering, or stormwater management, will not be considered part of the 10% interior landscaping.

- C. Where a parking area abuts the buildings on the subject property, the adjacent border plantings are not considered part of the interior landscaping.
- D. Planting beds shall have an area of not less than 25 square feet, excluding curbing.
- E. Planting beds must be distributed as evenly as possible throughout the parking area.
- F. The parking lot landscaping plan shall show a satisfactory method of storm drainage and planting beds shall be protected by curbing.
- G. The parking lot landscaping plan shall be drawn to scale, and shall show the plant list giving common names, caliper, height, eventual spread, the quantity of each and, when appropriate, the spacing.
- H. Ground cover alone is not acceptable. Trees selected will be checked for suitability in regard to eventual spread and adaptability to drainage, soil and climate conditions.
- I. Preparation of beds for trees shall be specified. Mulched planting beds shall be provided around all trees and shrubs.
- J. Gravel or stone shall not be used for ground cover unless approved by the Commission and only when suitably contained within the intended area.
- K. Trees and bushes planted within 5 feet of any parking area shall be of a variety capable of withstanding salt damage.
- L. Whenever possible, existing trees shall be saved by appropriate welling or mounding.
- M. In order to improve ground and surficial water quality, the applicant is encouraged to integrate water infiltration areas and water retention areas within the overall design of the parking lot.
- N. The Commission reserves the right to determine the need for, and may require the installation of, irrigation systems to ensure the vitality of landscaped areas of the site. (Effective 12-01-01) Irrigation systems using rain barrels and cisterns may be required by the Commission to the extent practicable.

Section 6.2 Signs

6.2.1 General

- A. No billboards are permitted and are non-conforming uses that shall be removed and not replaced. (Effective 12-01-01)
- B. No advertising signage is permitted which does not refer to a business or activity located on the same premises. Merchandise and/or products displayed for sale are considered signage under this section except as permitted in 6.2.1 (F).
- C. No signs shall be located above the parapet or roof peak.
- D. The placement and erection of any signs shall require a zoning permit and a building permit, except that directional signs not exceeding 3 square feet in area per side may be located within the street right of way without zoning or building permits upon the approval of the Town's Traffic Authority.
- E. As defined in Section 9, a sign which has intermittent internal illumination, mechanical or digital controls that produce an illusion of movements such as, but not limited to, flashing, running, rotating, video graphics, change in color and brightness or scrolling advertisement message shall not be permitted except:
(Effective 6-8-2011)
 - 1) Time and/or temperature sign by means of intermittent lighting, provided that the largest dimension of such a sign does not exceed 6 square feet. (Effective 6-8-2011)
 - 2) Digital menu board signs which are located at and utilized in connection with an accessory drive through lane. One digital menu board sign shall be permitted per each accessory drive through lane limited to fifty (50) square feet as well as one digital pre-browse menu

board sign per permitted principal use on the premises limited to fifteen (15) square feet. (Effective 07/15/2020)

- F. No illuminated sign shall be lighted or placed so as to provide glare or blinding effects upon automotive traffic or adjoining residential zones, nor shall such sign diminish or detract from the effectiveness of any traffic signal.

6.2.2 Temporary Signs

The intent of this regulation is to promote public safety, protect property values, create an attractive business climate, enhance the physical appearance of the community, and protect the quality of life from the impact of excessive temporary signage. TPZ-approval of temporary signs must be obtained in accordance with this Section prior to installation.

- A. Permits for temporary ground signs in any commercial zone and in any building may be approved by the Town Plan and Zoning Commission for a three month period, and may be renewed for one or more additional three month period. Permits for other temporary signage in any commercial zone may be approved by the Town Plan and Zoning Commission in accordance with Section 6.2.2.I.
- B. Temporary ground signs are not permitted in the front yard setback area of any parcel with frontage on the Berlin Turnpike.
- C. In a multi-tenant building, temporary ground signs may be permitted on the walkway or sidewalk in front of the applicant's leased portion of the building on privately-owned property where the Town Plan and Zoning Commission finds that such signs will not create excessive clutter nor impede pedestrians. Temporary ground signs may be permitted on a Town-owned sidewalk when the applicant has obtained prior approval from the Town Manager and agrees to provide proof of commercial liability insurance that names the Town of Newington as an additional insured. All other provisions of this Section shall apply.
- D. Temporary ground signs shall be "A-Frame" or "tent" style only. "H" or "I" frame signs and "wind waver" signs are prohibited. Temporary ground sign material may be wood, metal or plastic.
- E. Temporary ground signs shall have no more than 12 square feet of message area (e.g. 2' x 3' x two sides) and be no more than four feet in total height.
- F. Temporary ground signs shall be placed not more than 5 feet from the main entrance to the business, shall be not less than 25' apart, and shall not impede pedestrian traffic.
- G. Temporary ground signs shall be displayed during normal business hours only, and shall not be placed in any street right-of-way except as provided in Section 6.2.2.C. Temporary ground signs in a street right-of-way except as approved under Section 6.2.2.C are subject to immediate confiscation by the Town.
- H. Temporary ground signs shall not be lighted, flashing, digital or rotating, and may be denied if determined by the Town Plan and Zoning Commission to be a hazard to the public.
- I. "Other temporary signage" includes cold air inflatables and banners attached to the building, not to exceed two in number. Banners shall be no larger than one square foot for each linear foot of building frontage, and may be displayed for not more than fifty days per year in increments of not more than twenty-five days. Not more than one ground mounted cold air inflatable sign, not to exceed 18 feet in height, is permitted. No roof mounted sign or cold air inflatable sign tethered to the roof is permitted. Other temporary signage may be permitted on multi-tenant buildings where not otherwise prohibited by these regulations.
- J. Temporary sign permit applications must be signed by the property owner as well as by the applicant, if different.
- K. One "for sale" or "for rent" sign not larger than 6 square feet is allowed in any residential zone. One "for sale" or "for rent" sign not larger than 9 square feet is allowed in any commercial zone. Such signs must be no closer than 10 feet to any property line, and must be removed within 30 days of sale or being under contract for sale or lease.

6.2.3 Residential Signs

In residential zones, the following signs are only permitted on a lot:

- A. One sign not over one square foot in area, giving the name of the occupant of the premises.
- B. Not more than 2 "for sale" or "for rent" signs not over 6 square feet in area and located at least 10 feet from the lot line.
- C. One bulletin board on church or school property not over 36 square feet in area and located at least 10 feet from the front lot line.
- D. Building contractors signs on buildings under construction limited to a total area for all such signs of 60 square feet or temporary on site ground sign not over 6 square feet in area. All such signs must be removed within 5 days after the completion of the building.
- E. For a residential development approved by Special Permit Section 3.7 a monument sign not more than 75 square feet in area on one side, nor more than 150 square feet in area on both sides and located within the building setback lines shall require Special Permit Approval of the Commission. (Effective 8/15/2007).

6.2.4 Non-Residential Wall Mounted Business Signs

B. Business Signs

The following signs only are permitted on a lot:

1. All signs permitted in residential zones.
2. Business signs provided that the gross area of all such signs be less than 1 square foot for each linear foot of building frontage. Building frontage shall mean the side of the building with a public entrance facing the abutting public street. (Effective 8/15/2007)
3. Business signs on buildings fronting on the Berlin Turnpike are permitted up to 2 square feet for each linear foot of building frontage on the Berlin Turnpike and 1 square foot for each linear foot of building side perpendicular to the Berlin Turnpike used for business with a public entrance. Total sign area displayed on the building frontage shall not exceed 2 square feet for each linear foot of building frontage.
4. Business signs on buildings, located within the B-TC District that have deeded land to the Municipal Parking Lot are permitted 1 square foot of sign area for each linear foot of building frontage on a public street and on the municipal lot provided that not more than 50 percent of the total gross sign area is displayed on the building walls fronting on the public street.
5. Business signs on buildings located on corner lots shall not exceed 1 square foot for each linear foot of building frontage on the intersecting public streets, except buildings on the Berlin Turnpike may increase sign area as set forth in Section 6.2.A.3.
6. Business signs on buildings which provide off- street parking behind the building and provide public access from such off-street parking are permitted an additional .75 square feet of sign area for each linear foot of building frontage provided that this additional signage shall be displayed only on the rear building walls.
7. All business signs on structures containing two (2) or more commercial uses or business office uses shall be of uniform size, dimension, composition and location of horizontal sign band. No roof mounted signs are permitted. All signs must attach to a wall within a uniform sign band. (Effective 12/01/2001)

C. Industrial Signs

The following signs only are permitted:

1. Any sign permitted in residence or business zones.
2. Signs provided that the gross area of all signs be not more than one square foot for each linear foot of building frontage displaying such signs, and no signs shall be larger than 900 square feet.

D. Public Land Zone Signs

In Public Land Zones the following signs only are permitted:

1. The sign size restriction which most closely matches the use shall be used.

6.2.5 Free Standing Business Signs

In any non-residential zone, Free Standing Business Signs may be permitted by the commission as a special permit subject to the following conditions:

- A. The sign may not exceed 18 feet in height nor be greater than 150 square feet in area on one side nor 300 square feet on both sides. Only one (1) free standing sign may be permitted per property.

The aggregate square footage of a site's wall mounted business signs and Free Standing Business Signs shall not exceed the square footage permitted in Section 6.2.3.

Only one(1) free standing sign may be permitted per property except on corner lots under one ownership the Commission may grant a second free standing sign when it finds that the frontage length of each intersecting street is at least 500 feet and that the distance between signs, as measured along the street right of way, is not less than 400 feet.

- B. Free standing business signs shall not be located in the right-of-way of any street. Written authorization for a sign location must be presented if the applicant is other than the owner of the proposed sign.
- C. A plan of the sign shall be presented showing size, layout, materials, color and lighting. Such design specifications shall be appropriate to the location and the general neighborhood.

6.2.6 Directory signs

In any non-residential zone, off site directory signs may be permitted by the Commission as a special permit subject to the following conditions:

- A. The sign may not exceed 12 feet in height nor be greater than 100 square feet in area on one side nor 200 square feet on both sides.
- B. The sign shall not be located in the right-of-way of any street. Written authorization for a sign location must be presented if the applicant is other than the owner of the proposed sign.
- C. A plan of the sign shall be presented showing size, layout, materials, color and lighting. Such design specifications shall be appropriate to the location and the general neighborhood.

6.2.7 Maintenance

All signs shall be maintained in a safe condition. The Zoning Enforcement Officer shall notify the owner of any sign which is found to be in a hazardous or unsafe condition. If repairs are not made within 60 days the Zoning Enforcement Officer may request the Building Official to order the removal of the unsafe sign. (Effective 12/01/2001)

Section 6.3 Flood Plain Regulations

6.3.1 Purpose

The flood hazard areas of Newington are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

These flood losses are aggravated by the cumulative effect of obstructions in areas of special flood hazard which increase flood heights and velocities, and, when inadequately anchored, damage uses in other areas. Uses that are inadequately flood proofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

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

- A. To protect human life and health;

- B. To minimize expenditure of public money for costly flood control projects;
- C. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. To minimize prolonged business interruption;
- E. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
- F. To help maintain a stable tax base by providing for the use and development of areas of special flood hazard so as to minimize future flood blight areas;
- G. To insure that potential buyers are notified that property is in an area of special flood hazard; and
- H. To insure that those who occupy the areas of special flood hazard assume responsibility for their actions.

6.3.2 Reducing Flood Losses

In order to accomplish its purpose, this regulation includes methods and provisions for:

- A. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- B. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- C. Controlling the alteration of natural flood plain stream channels, and natural protective barriers which help accommodate or channel flood waters;
- D. Controlling filling, grading, dredging, and other development which may increase flood damage; and
- E. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters which may increase flood hazards in other areas.

6.3.3 Establishment of Areas of Special Flood Hazard (Effective 9/20/2008)

The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study (FIS), dated 9-26-08, with accompanying Flood Insurance Rate Maps (FIRM) 9/26/2008 and other supporting data, and any subsequent revision thereto, are adopted by reference and declared to be a part of this regulation. Since mapping is legally adopted by reference into this regulation it must take precedence until such time as a map amendment is obtained. The Flood Insurance Study is on file at the Office of the Town Planner.

6.3.4 Warning and Disclaimer of Liability

The degree of flood protection required by this regulation is considered reasonable for regulatory purposes, and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This regulation does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damage. This regulation shall not create liability on the part of the Town of Newington, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this regulation or any administrative decision lawfully made hereunder.

6.3.5 Coordination

Before the issuance of a permit, the Commission will determine that the requirements of this regulation are satisfied, that all necessary permits have been obtained from federal and state agencies and the Greater Hartford Flood Commission from which prior approval is required, and shall find that the permit will not adversely affect the flood-carrying capacity of the area of special flood hazard. The applicant shall be responsible for submitting an application to the Newington Conservation Commission, acting as the Town Inland Wetlands Agency. The Commission will not

take any action on an application submitted until after the Conservation Commission has rendered a decision. The Commission will consider the report of the Inland Wetlands Agency when deciding activities affecting flood hazard areas. For the purposes of this regulation, "adversely affect" means that the cumulative effects of the proposed development when combined with all other existing and anticipated development increases the water surface elevation of the base flood more than one foot at any point. The applicant shall be responsible for submitted supporting technical data, certified by a Professional Engineer, that no adverse affects will result.

6.3.6 Permit Required

A special permit shall be obtained before construction or development begins within any area of special flood hazard established in these regulations. Application for a development permit shall be made on forms furnished by the Commission and may include, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

- A. Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures.
- B. Elevation in relation to mean sea level to which any structure has been flood proofed.
- C. Certification by a registered professional engineer or architect that the flood proofing methods for any non-residential structure meet the flood proofing criteria in Section 6.3.7.
- D. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
- E. A statement as to whether or not the proposed alterations to an existing structure meets the criteria of the substantial improvement definition.
- F. When base flood elevation data or floodway data has not been provided in accordance with this section, the Town shall obtain, review, and utilize any base flood elevation and floodway data available from a Federal, State, or other source in order to administer the specific standards of these Regulations.

6.3.7 General Standards

In all areas of special flood hazard, the following standards are required.

- A. Anchoring
 1. All new construction and substantial improvements shall be anchored to prevent floatation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. (Effective 9/20/2008)
 2. The storage of materials and supplies that would block the flow in any area of Special Flood Hazard is not permitted.
- B. Construction Materials and Methods
 - a. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
 - b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
- C. Utilities
 1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
 2. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into the flood waters.
 3. On-site disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

- 4 Electrical, heating, ventilation, plumbing, air conditioning, equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- 5 Above-ground storage tanks (oil, propane, etc.) which are located outside or inside of the structure must either be elevated above the base flood elevation (BFE) on a concrete pad, or be securely anchored with tie-down straps to prevent flotation or lateral movement, have the top of the fill pipe extended above the BFE, and have a screw fill cap that does not allow for the infiltration of flood water (Effective 9/20/2008)

D. Compensatory Storage – The water holding capacity of the floodplain, except those areas that are tidally influenced, shall not be reduced. Any reduction caused by filling, new construction, or substantial improvements involving an increase in footprint to the structure shall be compensated for by deepening and/or widening of the floodplain. Storage shall be provided on-site, unless easements have been gained from adjacent property owners; it shall be provided within the same hydraulic reach and a volume not previously used for flood storage; it shall be hydraulically comparable and incrementally equal to the theoretical volume of flood water at each elevation, up to and including the 100-year flood elevation, which would be displaced by the proposed project. Such compensatory volume shall have an unrestricted hydraulic connection to the same waterway or water body. Compensatory storage can be provided off-site if approved by the municipality. (Effective 9/20/2008).

E. Equal Conveyance – Within the floodplain, except those areas which are tidally influenced, as designated on the Flood Insurance Rate Map (FIRM) for the community, encroachments resulting from filling, new construction or substantial improvements involving an increase in footprint of the structure, are prohibited unless the applicant provides certification by a registered professional engineer demonstrating, with supporting hydrologic and hydraulic analyses performed in accordance with standard engineering practice, that such encroachments shall not result in any (0.00 feet) increase in flood levels (base flood elevation). Work within the floodplain and the land adjacent to the floodplain, including work to provide compensatory storage shall not be constructed in such a way so as to cause an increase in flood stage or flood velocity. (Effective 9/20/2008).

F. Specific Standards

1. Residential Construction

New construction and substantial improvement of any residential structure shall have the lower floor, including basement, elevated to at least one (1) foot above the base flood elevation.

2. Non-Residential Construction

New construction and substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor, including basement, elevated to at least (1) foot above the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

- a) Be flood proofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water.
- b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
- c) Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied.

3. Manufactured Homes (Effective 9/20/2008)

All manufactured homes to be placed or substantially improved in an area of special flood hazard shall be elevated so that the lowest floor is at least one (1) foot above the base flood elevation.

All manufactured homes within a special flood hazard area shall be placed on a permanent foundation which itself is securely anchored and to which the structure is securely anchored so that it will resist flotation, lateral movement and hydrostatic

pressures. Anchoring may include, but not be limited to, the use of over-the-top or frame ties to ground anchors.

4. Recreational Vehicles (Effective 12/4/2002)

Recreational vehicles, trailers, campers and similar type vehicles are prohibited from the special flood hazard area unless the vehicle is registered and ready for highway use so that it can be quickly relocated.

5. New Construction or Substantial Improvements (Effective 9/20/2008)

For fully enclosed areas below the lowest floor that are usable solely for the parking of vehicles, building access, or limited storage in an area other than a basement, and which are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following criteria: a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade.

G. Maintenance of Flood Carrying Capacity

Should data be requested and/or provided, adopt a regulatory floodway based on the principal that the floodway must be able to convey the waters of the base flood without increasing the water surface elevation more than one (1) foot at any point along the watercourse.

6.3.8 Records

The Building Code Administrator shall maintain records of all permits issued, including:

- A. The actual elevation (in relation to the mean sea level, National Geodetic Vertical Datum (NGVD) to the lowest habitable floor (including basement) of all new or substantially improved structures.
- B. For all new or substantially improved flood proofed structures:
 1. Verify and record the actual elevation, in relation to mean sea level, National Geodetic Vertical Datum (NGVD); and
 2. Maintain the flood proofing certifications required in this regulation.
- C. Maintain for public inspection all records pertaining to the provisions of this regulation.

6.3.9 Alteration of Watercourses

Adjacent communities, the Newington Conservation Commission, the Department of Environmental Protection Water Resources and the Greater Hartford Flood Commission shall be notified of any proposed alteration of watercourses and evidence of such notification shall be made part of the record and hearing.

- A. A maintenance agreement of surety shall be required within the area of the altered or relocated watercourse so that the flood carrying capacity is not diminished.

6.3.10 Interpretation of FIRM Boundaries

The Commission shall determine, where needed, the exact location of the boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The Commission shall refer such interpretation questions to the Town Engineer for technical advice and shall use such base maps and other data which are available to it in making such interpretations.

6.3.11 Floodways

Located within areas of special flood hazard established in this regulation are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

- A. There shall be no encroachment, including fill, new construction, substantial improvements or other developments within the floodway, except for duly authorized and approved flood control measures by state, federal or regional agencies.
- B. In A zones where base flood elevations have been determined, but before a floodway is designated, no new construction, substantial improvement, or other development (including fill) shall be permitted which will increase base flood elevations more than one (1) foot at any point along the watercourse when all anticipated development is considered cumulatively with the proposed development.
- C. The Town may request floodway data of an applicant for watercourses without FEMA-published floodways. When such data is provided by an applicant or whenever such data is available from any other source, the Town shall adopt a regulatory floodway based on the principle that the floodway must be able to convey the waters of the base flood without increasing the water surface elevation more than one (1) foot at any point along the watercourse.

6.3.12 Uses Permitted and Interpretation (Effective 9/20/2008)

- A. Nothing in these restrictions shall prevent the use of land under flood plain designation for parks, playgrounds, wildlife sanctuaries, any farming use, and for unpaved areas for parking of motor vehicles as accessory to a permitted use.
- B. If any portion of a structure lies within the Special Flood Hazard Area (SFHA), the entire structure is considered to be in the SFHA. The entire structure must meet the construction requirements of the flood zone. The Structure includes any attached additions, garages, decks, sunrooms, or any other structure attached to the main structure. Decks or porches that extend into a more restrictive flood zone will require the entire structure to meet the standards of the more restrictive zone.
- C. If a structure lies within two or more flood zones, the construction standards of the most restrictive zone apply to the entire structure (i.e., V zone is more restrictive than A zone; structure must be built to the highest BFE). The structure includes any attached additions, garages, decks, sunrooms, or any other structure attached to the main structure. (Decks or porches that extend into a more restrictive zone will require the entire structure to meet the requirements of the more restrictive zone.)
- D. New construction, substantial improvements and repair to structures that have sustained substantial damage cannot be constructed or located entirely or partially over water.

6.3.13 Variance Procedures (Effective 9/20/2008)

The Newington Zoning Board of Appeals, established under Article VI, Section 602 of the Town Charter, and authorized by Section 8-6 of the Connecticut General Statutes, shall hear and decide appeals for variances of the requirements of these Flood Plain Regulations in accordance with Section 8.1 of the Zoning Regulations.

6.3.14 Severability (Effective 9/20/2008)

If any section, subsection, paragraph, sentence, clause, or phrase of this regulation should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this regulation which shall remain in full force and effect; and to this end the provisions of this regulation are hereby declared to be severable.

Section 6.4

Removal of Earth Products

6.4.1 General

Except as otherwise provided in this section, there shall be no removal, in any zone, of soil, sand, gravel, stone or other earth products.

6.4.2 As of Right

Excavation for basements of structures to be erected on the land forthwith, and grading or landscaping incidental to the development of the land, and grading for public improvements. The applicant shall submit a site plan of the area where removal is proposed, prepared by a registered professional engineer, showing the existing and proposed finished grades.

6.4.3 Special Permit

The Commission may grant a permit for the removal of soil, sand, gravel, stone or other earth products not incidental to the above purposes, subject to the following conditions and the provisions of Sections 5.2 and 5.3.

- A. The applicant shall submit a site plan of the area where removal is proposed, prepared by a registered professional engineer, meeting the provisions of Section 5.2 and also showing the existing and proposed finished grades at the conclusion of operations, provisions for drainage, proposed landscaping and type of cover crop, the location of rock faces and exposed bedrock outcropping, and any other features considered necessary by the Commission for adequate study of the proposal. (Effective 3/4/2011)
- B. The plan shall provide for proper drainage of the area after completion. No bank shall exceed a slope of one foot of vertical rise in 2 feet of horizontal distance. No removal shall take place within 50 feet of a property line. This prohibition on removal may be waived by the Commission by a two-thirds vote for the purpose of allowing such removal where it will not impact adjacent property. To be eligible for such a waiver there must be no improvement or planned improvement on the adjacent property within 50' of the property line.
- C. At the conclusion of operations, the whole area where removal has taken place shall be covered with not less than 4 inches of topsoil and seeded with a suitable cover crop. This requirement shall not apply to exposed area that is ledge or bedrock.
- D. No equipment not required for actual removal of the material shall be allowed. The processing of earth product is prohibited except when permitted by the Commission and approved by a two thirds vote. (Effective 8/15/2007)
- E. The property shall be maintained in safe condition, no ponding of water, steep slopes or any potentially hazardous condition.

6.4.4 Approval

In passing upon applications for special permits under this section, the Commission shall consider the effects of such removal on surrounding property and the future usefulness of the premises when the operation is completed. The Commission may require the applicant to post surety with the Town Manager in an amount approved by the Commission as sufficient to guarantee conformity with the provisions of this section. The Commission may place a time limit upon any special permit granted, which in no case shall exceed 2 years. Upon approving a special permit, the Commission shall file with the Town Engineer at least one copy of the approved plan of operations, so that no removal may take place except in conformity with this section.

Section 6.5 Filling of Land

6.5.1 General

The purposes of this section are to:

- A. Conserve and preserve water storage areas by helping to maintain the ground water level and stream flow,
- B. Secure the safety of traffic movement, and
- C. Control any fill operations that may create a safety or health hazard to the public or adjacent property owners, or be detrimental to the immediate neighborhood or the Town.

6.5.2 As of Right

- A. Construction of a building for which a building permit application has been submitted.
- B. Agricultural operations. The applicant shall submit a site plan of the area where the fill is proposed prepared by a registered professional engineer.

- C. Where such filling operations have been approved by the Commission as a part of a subdivision or a site plan. No filling of land shall commence until a building permit for the project has been issued.
- D. Regrading of a residential lot to improve the property. The applicant shall submit a site plan of the area where the fill is proposed, prepared by a registered professional engineer, showing the existing and proposed finished grades.

6.5.3 Special Permit

The Commission may grant a permit for the filling of land not incidental to the above purposes, subject to the following conditions and the provisions of Sections 5.2 and 5.3.

- A. The applicant shall submit a site plan of the area to be filled, prepared by a registered professional engineer, meeting the provisions of Section 5.2 and also showing finished grades at the completion of filling, type of fill material, and proposed access for vehicles and hours of operation, as well as any other information considered necessary by the Commission for adequate study of the proposal.
- B. The plan shall provide for proper drainage of the operation, during and after completion. No bank shall exceed a slope of one foot of vertical rise in two feet of horizontal distance. Necessary precaution against erosion shall be shown.
- C. At the conclusion of filling operation, the disturbed area shall be covered with not less than 4 inches of top soil and seeded with a suitable cover crop.

6.5.4 Approval

In passing upon applications for special permits under this section, the Commission shall consider the effects of such filling on surrounding property and the future usefulness of the premises when the operation is completed. The Commission may require the applicant to post surety with the Town Manager in an amount approved by the Commission as sufficient to guarantee conformity with the provisions of this section. The Commission may place a time limit upon any special permit granted, which in no case shall exceed 2 years. Upon approving a special permit, the Commission shall file with the Town Engineer at least one copy of the approved plan of operations, so that no filling may take place except in conformity with this section.

Section 6.6 Regulations Governing Uses Which Sell Alcoholic Beverages

6.6.1 General

Permitted uses which sell or serve alcoholic beverages are declared to possess such special characteristics that each must be considered an individual case.

6.6.2 Special Permit

The Commission may grant a permit to sell or serve alcoholic beverages in buildings permitted in non-residential zones, subject to the following conditions, and the provisions of Section 5.2 and 5.3.

6.6.3 Conditions

- A. No use on a lot shall be permitted which is within a 500-foot radius of any part of a lot used for a college, school, church or hospital. No college, school, church or hospital shall be located within a 500' radius of any part of a lot of a business with a valid liquor permit. (Effective 12/01/2001)
- B. Except as provided in Section 6.6.3.c, a building in which alcoholic beverages are sold under any class of liquor permit shall meet the following distance requirements in relation to any other location with the same class of permit. Distance shall be measured from the radius of the front door to front door of each establishment. (Effective 07/14/2018)

1	B Zone	1,500 feet
2	B-TC Zone	100 feet
3	B-BT Zone	500 feet

4	PD & CD Zones	500 feet
5	I Zone	1,500 feet
6	PL Zone	No Distance Requirement

- C. There shall be no distance requirement for restaurants (Effective 11-16-2018). Brew pubs, brew pub restaurants, distillery pubs and distillery restaurants shall be considered "Restaurants and the like" for the purposes of Section 6.6.3.D (effective 07-14-2020).
- D. Class of permit is to be regulated with distance requirement:

1	Club and the like
2	Store and the like
3	Bar and the like
4	Restaurant and the like

- E. A retail use or outlet selling alcoholic liquor having a lawfully existing location may be relocated within 1,000 feet of its existing location even though the new location is within 500 feet of other locations of such use in a building licensed under the same class of permit.
- F. Nothing contained herein, however, shall authorize any use serving or selling alcoholic beverages located in a residence zone.
- G. No other sale, service or public consumption of alcoholic beverages is permitted.

6.6.4 Approval

In passing upon applications for permits under this section, the Commission shall consider the effect of any individual permit on the maintenance of public order, safety and the protection of property.

The Commission may vary or waive the minimum distance requirements by a vote of two-thirds of the full membership if the Commission finds that such decrease

- A. Will not cause undue concentration of liquor outlets in the area;
- B. Will be in harmony with the general purpose of the zoning plan for the area;
- C. Will not result in such proximity of the proposed outlet to schools, churches, public playgrounds or residential zones so as to adversely affect the health, safety and morals of people in the area; and
- D. Will not create traffic hazards.

Section 6.7 Interior Lots

- A. The purpose of this regulation is to enable the subdivision of existing lots of relatively large size which, due to their limited frontage and unusual character or topography and the historic pattern of land division, practical difficulty exists in meeting the setback and area requirements of Section 4.5 of the Zoning Regulations.
- B. Interior lots may be authorized in accordance with Section 3.4.9.

Section 6.8 Open Space Subdivisions

The purpose of this section is to provide for controlled flexibility of lot sizes in single-family residential zones so the number of dwelling units contemplated by the minimum lot requirements is maintained on an overall basis and desirable open space, tree cover, scenic vistas and other natural features are preserved. At the discretion of the Commission, a sub-divider may be allowed to reduce the lot requirements in the R-20 Zone, provided the requirements of Section 5.2 and 5.3 as well as following conditions are met.

- 6.8.1 The maximum number of lots to be permitted on a given piece of land is determined by dividing the area by the minimum lot area requirements of the R-20 Zone. Land utilized by utilities or others for easements for major facilities such as electric transmission lines and water mains, where such land is not available to the owner for development, regulated inland wetlands, and land classified as special flood hazard areas shall not be considered part of the gross acreage in computing the maximum number of lots permitted under this section.
- 6.8.2 The lots approved under this section shall conform to no less than the lot requirements of the R-12 Zone.
- 6.8.3 For a subdivision to be approved under this section, the sub-divider must dedicate for public purposes a minimum of 5 acres or the same percentage of the entire tract as that by which the lot area has been reduced, whichever figure is greater.
- 6.8.4 The area so dedicated shall be in a location, shape, topography, nature of growth and site approved by the Commission.
- 6.8.5 Such dedication shall be accomplished in accordance with any one of the following methods, and no final approval of a subdivision hereunder shall be granted, or any permit issued, until all documents required by these regulations have been submitted to and accepted by the Commission.
 - A. Such land may be dedicated to the Town of Newington in an acceptable condition and, unless said subdivision is amended as provided in Subsection B (9) or C (2), shall thereupon be retained for public use for a period of not less than 35 years. If any such land is disposed of by the Town after the expiration of said period, the Town shall provide an equivalent amount of open space elsewhere within the Town of Newington.
 - B. Such land may be deeded to a qualified homeowners' association subject to the following conditions:
 - 1. The association shall be a non-profit corporation organized under the non-stock corporation law of the State of Connecticut.
 - 2. Membership in the association shall be limited to lot owners within the subdivision.
 - 3. It shall be mandatory for the owner of any lot within the subdivision to be a member of the association, and such requirement shall be reflected in the deed conveying title to such lot.
 - 4. The deed conveying title of such open space land to the association shall contain permanent open space restrictions similar to those provided in Subsection C.
 - 5. The association shall be responsible for liability insurance, local property taxes and maintenance of such land in accordance with such open space restrictions.
 - 6. The association may make such recreational improvements and provide such recreational facilities on such land as shall not be inconsistent with such open space restrictions.
 - 7. The members of such association shall be required by its by-laws to contribute their pro rata share of the costs above-mentioned, and said by-laws shall provide that upon the failure of any member to do so, the association shall have the right to file a lien upon the property of such member.
 - 8. The constitution or by-laws of said association shall provide that in the event of dissolution, such open space land shall be first offered to the Town of Newington.
 - 9. If the method of dedication described in this section is proposed after final approval of a subdivision and as an alternative to the methods provided in Subsections A or C, the Commission, after causing a map to be prepared showing the land proposed to be deeded to said association, and after giving notice by certified mail to the owners of all lots within said subdivision, shall hold a public hearing on the amendment of said subdivision in accordance with this subsection.
 - C. Such land may be added to abutting lots within the subdivision, or deeded to abutting property owners within the subdivision in such manner as the Commission may determine provided that:

1. If the method of dedication described in this section is adopted as part of the original subdivision application, open space segments added to building lots shall be separately designated on the subdivision map as "open space" and shall be permanently subject to the restrictions herein set forth.
2. If the method of dedication described in this section is proposed after final approval of a subdivision, and as an alternative to the methods provided in Subsections A or B, the Commission, after causing a map to be prepared showing such proposed distribution, and after giving notice by certified mail to the owners of all lots within said subdivision, shall hold a public hearing on the amendment of said subdivision in accordance with this subsection.
3. No such amendment or subsequent plan of distribution of open space land shall be adopted unless each property owner to whom it is proposed to convey a portion of said land has consented in writing thereto.
4. Each deed conveying an interest in said open space land shall make reference to said map and said public hearing and shall contain permanent restrictions reserving the premises therein described as open space land, prohibiting the erection of fences and permanent structures thereon, requiring the grantee to keep said premises in a neat and orderly condition and free from the accumulation of rubbish, requiring the grantee to keep the channel of any stream, brook or open drainage ditch thereon free from obstruction, reserving to the Town of Newington the right of access for its agents, vehicles and equipment, prohibiting any change of grade thereon which would materially restrict or interfere with natural drainage, and giving the Town of Newington the right to enforce said restrictions by way of injunction.

Section 6.9 Alternative Energy Accessory Structures (AES)

6.9.1 Purpose:

The purpose of this regulation is to provide for the placement of alternative energy structures (AES) which are accessory to the primary use of a parcel. When located in a manner which is safe, efficient, and environmentally responsible, these installations can help to support local energy needs and increase grid reliability in a manner which does not disrupt adjacent properties.

6.9.2 Applicability:

In addition to any relevant provision of the CT General Statutes (as they may be amended) the provisions of this section shall apply to any alternative energy source installed or modified within the Town with a total generation, or capacity of up to 1 megawatt (MW).

The relevant portions of Section 3 (Zone Use Regulation) should be consulted for any alternative energy structure which is proposed as a primary use.

6.9.3 Permit Required:

No AES shall be constructed, located or modified unless a Zoning Permit has been obtained in accordance with Section 7.2.

6.9.4: Definitions:

A. Battery Energy Storage System (BESS): A system consisting of batteries, electric components, and associated equipment designed to store electrical energy for use at a later time.

6.9.5: Battery Energy Storage System:

A. Location:

1. Shall only be permitted on property located within the I (Industrial), B-BT (Business Berlin Turnpike), and PD (Planned Development) zones.

2. Shall be located within a side or rear yard only.
3. Shall not be located closer to the front property or street line than the principal building.
4. Shall not be located within 50ft from side or rear property lines.
5. Shall not be located within 100ft from a property containing a single, two-family, or multi-family residential use.
6. Auxiliary equipment, including required transformers, may be located closer than 50ft to a property line but shall not be located in the required yards and shall be suitably screened from public view.

B. Height and Size:

1. The maximum height of a BESS, including any supporting structures, shall not exceed 15ft.
2. The maximum system footprint, excluding the enclosure area between the required fence and system, shall not exceed 300 square feet.

C. Security and Screening:

1. Shall be substantially screened from public view using landscaping or opaque fence or wall.
2. Shall be enclosed with a fence of not less than 7ft in height. The enclosure shall be secured with a self-locking gate or other secure locking mechanism required by relevant Building and Fire Codes.
3. Shall provide a suitable vehicle mitigation barrier if located within 25ft of a parking area or driveway.
4. Security lighting shall be provided for emergency operations and shall be reasonably shielded so as not to encroach on adjacent properties.

D. Application Submission Requirements:

In addition to the permitting requirements of Section 7.2, applications shall include the following:

1. A statement prepared by a qualified licensed professional confirming that the application complies with all current and relevant Town Ordinances, Building and Electrical Codes, Connecticut State Fire Code, and other applicable fire codes and safety standards. This includes, but is not limited to, compliance with NFPA standards and relevant industry regulations.
2. A plot plan in compliance with the design standards requirements of Section 7.4.

E. Decommissioning Plan

1. Prior to the issuance of a Certificate of Completion/Compliance and before any BESS may be energized, a decommissioning plan, endorsed by both the operator and the property owner, shall be filed on the land records and provided to the Fire Marshal. Such plan should include information pertaining to:
 - i. A description of the activities necessary to allow for the BESS to be safely deenergized and readied for removal from the premises.
 - ii. A provision for the notification to all local agencies having jurisdiction prior to the commencement of any decommissioning activities.
 - iii. A statement confirming that the obligations associated with the operation of any such system shall be binding upon any future property owner (regardless of changes to the system operator) for the duration such system is energized or operational.

Section 6.10 Green Space, Landscaping and Buffer Requirements

6.10.1 Minimum Landscaped Area

Notwithstanding other portions of this regulation, no development shall be permitted in any zone which does not leave a minimum landscaped area of at least 10 percent of the total lot area free of any building, impervious surface material or other structures. Land in the front, side and rear

setback areas shall not count toward the minimum landscaped area. Such minimum landscaped areas shall be planted with grass, moss, ground cover or trees in such a way as to allow natural percolation of rainwater and not to interfere with adequate drainage of rainwater from surfaced or built-up portions, and to promote proper environmental design.

6.10.2 Location

Generally, green space will be located in the yard areas and most particularly, in the front yard.

6.10.3 Town Center

In the B-TC Zone, the green space may include the landscaped space required in the parking regulation.

6.10.4 Berlin Turnpike

On the Berlin Turnpike, the front yard green space and landscape area is most important to the public interest for the preservation and enhancement of property values, and the control of traffic function and reduction of hazards.

- A. Alteration and additions affecting 25 percent of the gross floor area or more for business and industrial uses shall make substantial effort to add green space and landscaping, particularly in the front yard.
- B. No accessory structures, above-ground utilities, or pavement shall be placed in the 35' minimum front yard.

6.10.5 Buffers

Where buffer areas are required elsewhere in this regulation, the following standards shall be met:

- A. If, in the judgment of the Commission, a buffer area is necessary to protect residential areas within or adjacent to the proposed area, the Commission may require landscaping, fencing or other appropriate screening within any required front, side or rear yard, in an amount and location appropriate to the need for such screening.
- B. A buffer area shall be not less than 25 feet in width and planted with evergreens no fewer than 2 rows nor further than 15 feet apart, with trees planted no more than 15 feet apart along each row, staggered to provide maximum screening, and using trees not less than 5 feet in height at time of planting. Suitable existing tree cover may be substituted. When the proposed new development abuts existing Town-owned open space or a designated greenway, the minimum buffer area shall not be less than 50 feet in width. Suitable existing tree cover may be substituted when approved by the Commission. (Effective 3/4/2011)

Section 6.11 Service, Sale, Repair, Rental or Storage of Motor Vehicles (effective 07/31/2019)

The Commission may grant a special permit for the service, sale, repair, rental, or storage of motor vehicles in certain zones only, subject to the following conditions and to the provisions of Section 5.2 (Procedures and Standards for All Special Permits), Section 3.11 (Special Permits Allowed in B Business Zone), and Section 3.17 (Special Permits Allowed in I Industrial Zones).

For the purpose of this section, "service, sale, repair, rental or storage of motor vehicles" include new car dealers, used car dealers, repairers and limited repairers as defined in Sec. 14-51(a) of the Connecticut General Statutes; the sale of gasoline or any other product under the provision of Sec. 14-319 of the Connecticut General Statutes; as well as car washes and car and truck rental businesses.

- 6.11.1 All structures and equipment such as fuel dispensers shall be at least 30 feet from any street right of way line.
- 6.11.2 All repairs shall be entirely within a building and at least 30 feet from any street right of way line. The replacement of disposable parts such as windshield wiper blades and starter batteries may take place outside the building.
- 6.11.3 Entrances and exits for any use approved under this section shall be at least 100 feet from a religious institution, school, playground, hospital or any residence.

- 6.11.4 No display or storage of any motor vehicle intended for sale or rent is permitted in the required front yard or in the street right-of-way.
- 6.11.5 No portion of any use relating to motor vehicles shall be within 100 feet of a residential zone.
- 6.11.6 The façade of the building shall be a combination of brick, split face block or dryvit. Wall signage shall be uniform in size, design and lighting. The architectural style and design shall provide for a good appearance and blend harmoniously with adjacent buildings, and shall be approved by the Commission.
- 6.11.7 Pursuant to Sec. 14-321 of the Connecticut General Statutes, the Town Plan and Zoning Commission shall act as the local authority in approving Certificates of Location (Gasoline and Motor Oil Sales).
- 6.11.8 Pursuant to Sec. 14-54 and Sec. 14-55 of the Connecticut General Statutes, the Town Plan and Zoning Commission shall act as the local authority in approving Certificates of Location (Dealers and Repairers Licenses).

Section 6.12 Willard Avenue Development District - Special Permit Zone

- 6.12.1 For the purposes of promoting the public health and welfare, and of conserving property values and promoting appropriate uses in the Willard Avenue area as herein defined, there is hereby established the Willard Avenue Development District Special Permit Zone. The Special Permit Zone shall be an overlay zone within the area so defined. Existing zoning categories in the underlying zone shall control for all permitted and special permit uses within such underlying zoning categories. The uses and structures under this section shall be permitted only as a special permit meeting the standards as listed below and in accordance with Section 5.2.
- 6.12.2 Special Permit uses within the Willard Avenue Development District shall be as follows:
 - A. Professional office use, providing such office use is limited to the first floor of the building, and the remainder of such building is devoted to residential use.
 - B. Multi-family use may be permitted within existing structures providing the requirements in Table A are met. Existing structures may be expanded providing such expansion does not exceed 20% of its current square footage, and that such expansion be architecturally compatible with the existing structure. Open space areas equal to 2,500 sq. ft. shall be provided for each multi-family unit created within an existing or expanded structure.
- 6.12.3 Standards. No Special Permit shall be granted unless the Commission finds that the standards of Sections 5.2 and 5.3 as well as the following are complied with:
 - A. Where the structure proposed for Special Permit use under this section is determined to be historical significance by the Commission, applications shall contain a report detailing the manner of restoration of such structure. The standard for restoration of a structure shall be Standards for Rehabilitation as published by the Department of Interior.
 - B. Parking spaces in conjunction with professional office use shall not be located within any required front yard. Additionally, such parking areas shall be buffered in accordance with Section 6.10.5.
 - C. Buffers in accordance with Section 6.10.5 shall be required along the side and rear property lines of parcels granted a Special Permit under this section.
 - D. Signs utilized in conjunction with any office use permitted as a Special Permit shall not exceed (2) sq. ft.
- 6.12.4 As a condition of an approval, the Commission may require facade easements for historically significant buildings to ensure preservation of their exterior appearance. Additionally, when it is proposed to utilize existing structures for professional office use, the Commission may require deed restrictions as to the type of occupancy for such professional office use.
- 6.12.5 In approving Special Permits under this section, the Commission, in addition to other requirements of these regulations, must make the following findings:

- A. The proposed Special Permit use is in harmony with the surrounding uses and will tend to help preserve the value of the existing property.
- B. The proposed Special Permit use is suited for the building as existing or as it is proposed to be renovated.
- C. The traffic generation from the proposed Special Permit use will not be unduly disruptive to the neighborhood.

6.12.6 Applications for Special Permit under this section shall be on forms as required elsewhere in these regulations. Such applications shall be accompanied by a completed site plan as well as by a rendering of the structure as it is proposed to be renovated. The approved site plan shall be controlling for all uses of the property which are granted a Special Permit. All uses, other than those shown on the approved site plan, shall require an additional review and approval by the Town Plan and Zoning Commission.

Section 6.13 Accessory Apartments (Effective 2/20/2009)

The Commission may grant a special permit for one accessory apartment in an existing or proposed single-family dwelling located only in an R-20 or R-12 zone, subject to the following standards and conditions and the provisions of Section 5.2.

- 6.13.1 The owner of the property subject to the permit shall reside on the property throughout the duration of the permit. The accessory apartment shall be limited to a maximum occupancy of two persons. The owner of the property may reside in the accessory apartment or in the principal residence.
- 6.13.2 The building shall be determined to be capable of being added to in a safe manner. An applicant for an accessory apartment special permit shall submit a Zoning Location Survey, Class A-2, verifying compliance with Section 4: Height, Area and Yard requirements.
- 6.13.3 An accessory apartment shall contain at least 500 square feet. Additions may be made to the side or rear of the single-family dwelling, but the new floor area for the accessory apartment shall not exceed 300 square feet. The accessory apartment shall not exceed 30% of the gross livable floor area of the entire structure excluding garages and basements. The remaining living area of the principal residence shall not be less than 900 sq. ft. Basements and garages shall not be used for an accessory apartment living unit.
- 6.13.4 The apartment shall have at least one means of its own outside access and at least one internal doorway connection into the principal dwelling unit. A floor plan layout showing the proposed means of access shall be submitted to the Building Official for review and approval. The outside access to the accessory apartment shall not front the adjacent public street unless otherwise approved by the Commission.
- 6.13.5 The architectural style of the single family residence shall be maintained. Exterior stairs for a second floor living space shall not be visible from the street. Photos of the existing single family residence and drawings of proposed exterior changes shall be submitted as part of the application.
- 6.13.6 The accessory apartment shall not have more than one bedroom and shall be equipped with its own bath and kitchen. The accessory apartment shall have common utilities and shall not have separate metering devices. A floor plan showing the living area of both the principal residence and the accessory apartment identifying alterations, the location of internal doorway connection, additions and the sizes of each residence shall be submitted with the application.
- 6.13.7 Not more than three parking spaces shall be provided for the use of the principal dwelling unit and the accessory apartment unless otherwise approved by the Commission. This parking shall be in Section 6.1.1 (B).
- 6.13.8 An affidavit certifying ownership and occupancy signed by the owner of the premises stating that the owner will occupy one of the dwelling units shall be submitted with the application. The Commission may attach a time limit to a special permit when it determines that such a condition will protect adjacent property and the character of the neighborhood. If a time limit is made a condition of approval the special permit may be revoked for due cause after a public hearing.
- 6.13.9 A request to renew the accessory apartment use or transfer it to another property owner shall require the approval of a new special permit.

Statement of Purpose: To further the housing production policies of the Town Plan of Development the following standards and conditions are adopted to facilitate moderate cost housing compatible with neighboring properties.

The Commission may issue a Special Permit for a single family dwelling when a lot does not conform to the minimum lot standards for the district in which it is located and the lot does not meet the requirements as a legal non-conforming lot as provided in Section 5.1.1. In acting upon an application for a Special Permit the Commission shall consider all of the requirements of Section 5.3 and in addition shall apply the following standards: (Effective 12/1/2006)

- 6.14.1 The granting of the Special Permit shall not result in the creation of any other lot which will not meet the current requirements of the zone in which the lots are located.
- 6.14.2 The Commission shall set forth the minimum area and frontage requirements of the lot as part of its approval of a Special Permit under this section. These area and frontage requirements as set forth in the Special Permit approval shall supersede those requirements set forth in Table A of Section 4. All minimum yard setback requirements for the zone in which the property is located as set forth in Table A of Section 4, shall be met unless modified as provided in section 4.3.4. All minimum height requirements for the zone in which the property is located shall be met as set forth in Table A of Section 4. (Effective 12-1-06)
- 6.14.3 The longest side of any proposed house shall front the street. No house shall be positioned sideways.
- 6.14.4 The parcel proposed for Special Permit approval has remained unchanged in size and shape for a minimum of ten (10) years.
- 6.14.5 The parcel proposed for Special Permit approval has not been created by a conveyance occurring within five (5) years of the date immediately preceding the date of application for a permit.
- 6.14.6 The present owner of such parcel, at no time shall have owned adjacent land, which may or could have been merged with part of the parcel in question to render the parcel a conforming zoning lot.
- 6.14.7 In acting upon the application, the Commission shall consider:
 - A. The age of the subdivision in which the lot is located;
 - B. The size of other lots in the neighborhood;
 - C. The compatibility of the lot with the abutting properties and the street on which it is located; and
 - D. The size, height, style and bulk of the proposed house is architecturally compatible with the abutting properties.
- 6.14.8 In addition to the Application the applicant shall submit the following:
 - A. Elevations, drawn to scale, of the proposed structure
 - B. Photos of the adjacent property, including any structures visible from the street; and
 - C. Photos of existing homes across the street from the subject property
- 6.14.9 No approval of a Special Permit shall result in the creation of an interior lot.

6.16.1. **Purpose.** The purpose of this section is to regulate the location and operation of medical marijuana dispensary facilities, medical and production marijuana production facilities, and adult-use cannabis retail and cultivation. The intent of these regulations is to minimize any adverse impacts of such facilities, and to protect and preserve Newington's neighborhoods, commercial districts, property values and quality of life.

6.16.2. **Definitions.** For use in this section of the Regulations:

- A. "Cannabis" means marijuana, as defined in section 21a-240 of the general statutes;
- B. "Cannabis product" means cannabis that is in the form of a cannabis concentrate or a product that contains cannabis, which may be combined with other ingredients, and is intended for use or consumption.
- C. "Consumer" means an individual who is twenty-one years of age or older.
- D. "Cultivation" has the same meaning as provided in section 21a-408 of the general statutes;
- E. "Cultivator" means a person that is licensed to engage in the cultivation, growing, and propagation of the cannabis plant at an establishment with not less than fifteen thousand square feet of grow space.
- F. "Dispensary facility" means a place of business where medical marijuana may be dispensed or sold at retail to qualifying patients and primary caregivers and for which the Connecticut Department of Consumer Protection has issued a dispensary facility permit under CGS Sec. 21a-408 et seq. as they may be amended and Sections 21a-408-1 to 21a-408-70, inclusive, of the Regulations of Connecticut State Agencies as they may be amended;
- G. "Hybrid retailer" means a person that is licensed to purchase cannabis and sell cannabis and medical marijuana products;
- H. "Micro-cultivator" means a person licensed to engage in the cultivation, growing, and propagation of the cannabis plant at an establishment containing not less than two thousand square feet and not more than ten thousand square feet of grow space, prior to any expansion authorized by the Commissioner of Consumer Protection;
- I. "Production facility" means a secure, indoor facility where the production of medical marijuana occurs and is operated by a person to whom the Connecticut Department of Consumer Protection has issued a production facility permit under CGS Sec. 21a-408 et seq. as amended and Sections 21a-408-1 to 21a-408-70, inclusive, of the Regulations of Connecticut State Agencies as they may be amended.
- J. "Retailer" means a person, excluding a dispensary facility and hybrid retailer, that is licensed to purchase cannabis from producers, cultivators, micro-cultivators, product manufacturers and food and beverage manufacturers and to sell cannabis to consumers and research programs.

6.16.3. **Applicability:**

- A. Medical marijuana dispensary facilities and production facilities shall be governed by CGS Sec. 21a-408 et seq. as amended and Sections 21a-408-1 to 21a-408-70, inclusive, of the Regulations of Connecticut State Agencies as they may be amended and permitted only in the following zone, subject to special permit approval in accordance with Section 5.2 of these Regulations, site plan approval in accordance with Section 5.3 of these Regulations, and the requirements of this section.
- B. Cannabis retail and hybrid-retail facilities shall be governed by The Responsible and Equitable Regulation of Adult-Use Cannabis Act ("RERACA"), the Public Act 21-1 / Senate Bill 1201 as amended inclusive of the Regulations of Connecticut State Agencies as they may be amended and permitted only in the following zone, subject to special permit approval in accordance with Section 5.2 of these Regulations, site plan approval in accordance with Section 5.3 of these Regulations, and the requirements of this section.
- C. Adult-use cannabis cultivator and micro-cultivator facilities shall be governed by the RERACA, the Public Act 21-1 / Senate Bill 1201 as amended inclusive of the Regulations of Connecticut State Agencies as they may be amended and permitted only in the following zone, subject to special permit approval in accordance with Section 5.2 of these Regulations, site plan

approval in accordance with Section 5.3 of these Regulations, and the requirements of this section.

1. I Industrial Zone for Dispensary facilities and/or Production facilities and/or Production facilities;
2. I Industrial Zone for Adult – Use Cannabis Cultivator and Micro-cultivator facilities;
3. PD Zone for Adult – Use Cannabis Cultivator facilities and Micro-cultivator facilities; and Adult – Use Cannabis Retailer and Hybrid-retailer; and
4. B-BT zone for Adult-Use Cannabis Retailer, Hybrid-retailer and Medical Marijuana Dispensary facility only.

6.16.4 Separation Requirements. Uses identified in this section shall be subject to the following separation restrictions:

- A. No medical marijuana production, or adult-use cannabis cultivator or micro-cultivator facility shall be allowed within 100 feet of a church, temple or other place used primarily for religious worship, public building, private recreation area, or a school, playground, park or child day care facility;
- B. No medical marijuana production facility, or adult-use cannabis cultivator or micro-cultivator facility shall be allowed on a site that is less than 100 feet from any property that is zoned for single-family residential use as a permitted use;
- C. No medical marijuana dispensary facility or production facility, or adult use cannabis retailer, hybrid-retailer, cultivator, or micro-cultivator facility shall be allowed within the same building, structure or portion thereof that is used for residential purposes, or that contains another medical marijuana dispensary, production facility, or adult use cannabis retail, hybrid retail, cultivator or micro-cultivator facility;
- D. No adult-use cannabis retail or hybrid-retail shall be located less than 500 feet from another adult-use cannabis retail or hybrid-retail. Distance shall be measured from the radius of the front door to front door of each establishment.
- E. All distances contained in this section, other than those specified in the subsection “D” above shall be measured by taking the nearest straight line between the respective lot boundaries of each site.

6.16.5 Minimum Floor Area Requirements.

- A. No medical marijuana production facility shall be allowed in a building with less than 25,000 square feet of gross floor area.

6.16.6 Sign and exterior display requirements:

- A. Exterior signage for Medical Marijuana Dispensary facilities shall be in compliance with the Regulations of Connecticut State Agencies Sec. 21a-408-70 as amended.
- B. Exterior signage for an Adult Use Cannabis Retailer, Hybrid-retailer, Cannabis Cultivator, and Micro-cultivator shall be in compliance with Section 6.2 and Connecticut General Statutes Chapter 21a-420h.

6.16.7 Off-Street Parking requirements:

- A. Required off-street parking shall be in compliance with Section 6.1 of these regulations.

6.16.8 Security Requirements:

- A. All medical marijuana dispensary facilities and production facilities shall have an adequate security system to prevent and detect diversion, theft or loss of marijuana utilizing commercial grade equipment meeting at least the minimum requirements of Sec. 21a-408-62 of the State of Connecticut Regulations;
- B. The hours of operation for medical marijuana dispensary facilities shall be limited to between 7:00 a.m. and 7:00 p.m., all days of the week;

- C. There shall be no limitation on the hours of operation for medical marijuana production facilities, all days of the week.

6.16.9 Conditional Approval:

- A. Special Permits shall be approved with the condition that the applicant obtains the appropriate Dispensary or Production Facility license issued by the State of Connecticut Department of Consumer Protection (or other State agency as regulatory changes occur);
- B. The conditional approval shall become finalized upon the receipt by the Town Planner of a copy of the Department of Consumer Protection-issued license;
- C. The conditional approval shall expire if the applicant fails to provide the Town Planner with a copy of the Department of Consumer Protection-issued license within six months of the date of the TPZ's conditional approval;
 - 1. A six month extension of such conditional approval shall be granted to the applicant upon written notification to the Town Planner that an application for a Department of Consumer Protection license has been filed, indicating the expected decision date of the Department of Consumer Protection license.
- D. No entity shall operate without a valid, current license.

6.16.10 Connecticut Department of Consumer Protection Approval:

- A. The applicant shall provide the Town Planner with a copy of the appropriate Dispensary or Production Facility license issued by the State of Connecticut Department of Consumer Protection, and any subsequent renewed license.

SECTION 7: ADMINISTRATION

Section 7.1 Enforcement

7.1.1 Zoning Enforcement Officer

The Town Manager shall appoint a Zoning Enforcement Officer, and may appoint one or more Deputy Zoning Enforcement Officer(s) who shall have the responsibility and authority to enforce the provisions of these regulations. Such Officer may cause any building, land or use to be inspected and may order in writing any person to correct or abate any condition violating these regulations. He shall keep on file for public inspection a full and accurate record of all applications, permits, certificates and other records pertaining to his duties.

7.1.2 Penalties

Any person, firm or corporation, violating any of the provisions of this regulation shall for each violation upon conviction thereof pay a penalty as set forth in the Connecticut General Statutes.

7.1.3 Zoning Citation Ordinance

In addition to the enforcement procedures and penalties set forth in the Connecticut General Statutes, any person, firm or corporation, violating any of the provisions of the Zoning Regulations may be cited and fined pursuant to Chapter 13, Article IV, and Chapter 2 Article XVI, Section 2 of the Newington Code of Ordinances, Zoning Citation, adopted in accordance with Section 8-12(a), Connecticut General Statutes.

Section 7.2 Zoning Permits

7.2.1 Application for Zoning Permit

Prior to the construction, reconstruction, change of use, enlargement, extension, moving or structural alteration of any sign, building or other structure (other than a permitted fence), and prior to any occupancy, use or change in use of any land, building, or other structure or part thereof, an application for a Zoning Permit shall be submitted to the Zoning Enforcement Officer. If the

Zoning Enforcement Officer shall find the proposed building or other structure or use in compliance with these regulations, he shall issue a Zoning Permit, provided no such permit shall be issued for a use requiring a site plan or special permit, until such site plan or special permit has been granted by the Commission.

The Zoning Enforcement Officer may require a plot plan to indicate the location of the structure and measures to control soil erosion that shall be in place prior to the start of construction.
(Effective 3/4/2011)

7.2.2 No building permit shall be issued unless a zoning permit has been issued by the Zoning Enforcement Officer. Zoning and building permits may be issued simultaneously or separately.

7.2.3 Certificate of Zoning Compliance

Prior to the issuance of any Certificate of Occupancy by the Building Official, an application for a Certificate of Zoning Compliance shall be submitted to the Zoning Enforcement Officer. If the Enforcement Officer finds the building or other structure or use in compliance with an approved site plan, special permit or permit, and with these regulations, he shall issue a Certificate of Zoning Compliance. Certificates of Occupancy and Zoning Compliance may be issued simultaneously or separately.

A certificate of Zoning Compliance may be issued for individual buildings within a multi building complex that are in compliance with the provisions of the approved site plan, special permit or special permit even though other structures in the complex are not yet in compliance and provided bond surety has been posted pursuant to Section 7.3.

The Zoning Enforcement Officer shall provide a Statement of Zoning Compliance upon request, and upon payment of the fee established by the Town Council.

7.2.4 Permits required by this section are in addition to, and not in lieu of, all other permits and certificates required by other ordinances and regulations of the Town.

Section 7.3 Surety

The Commission may require adequate surety to insure that the improvements shown on such plan are made. Surety will not be required if all the improvements are completed prior to the application for a Certificate of Zoning Compliance.

7.3.1 Procedure

If a Certificate of Zoning Compliance is desired prior to the completion of all the site improvements shown on a site plan, the following procedure shall be followed.

- A. The site must be constructed, developed or improved to a condition adequate for safe access or movement of people and goods on the premises.
- B. The Developer shall notify the Town Planner of intention to post Surety for completion of the site plan improvements. The Town Planner shall coordinate the posting of this Surety with the Town Engineer and the Town Manager.
- C. The Developer shall provide the Town Engineer with an estimate of the cost of completion. The Town Engineer shall review the estimate and submit a recommended amount of surety to the Town Planner.
- D. The Developer shall post cash or other negotiable security with a forfeiture clause, as approved by the Town Manager, with the Manager. The negotiable security that can be accepted by the Town Manager shall be limited to certified check or a letter of credit. No insurance bond will be acceptable.
- E. The Manager will notify the Town Planner that a Certificate of Zoning Compliance may be issued for the structure or use once the Surety is posted.
- F. The time period for the completion of the site improvements covered by the posted Surety shall not exceed one year. If the work is not completed within one year, the Commission shall instruct the Manager to notify the Developer that the improvements are incomplete and that the Surety will be expended by the Town to effect completion of the improvements.

The Town Manager shall notify the Developer (and Surety Company if applicable) in writing of the default, and that if said improvements are not completed in thirty (30) calendar days, weather permitting, (first day shall be the date of the letter), the Town shall correct the deficiency (ies) and execute the Performance Bond and/or Surety to cover the cost to the Town.

The Developer may request the Commission to extend the time period for completion of the improvements for up to six (6) additional months, provided the Commission finds that unusual conditions or undue hardship justify such extension. At the completion of the extension period, the Manager shall be empowered to expend the Surety to effect completion of the improvements, or application may be made to the Commission to renegotiate a final date.

- G. When the Developer has completed the subject improvements or portions thereof, application may be made to the Town Planner requesting the Commission to reduce or release the Surety.
- H. The Commission shall approve the release and reduction of all Performance Bonds and Sureties.

Section 7.4 Design Standards, Site Plan Check List

The Commission shall use the following standards of the review of plans submitted to the Commission for review and action pursuant to Section 5.3 of these Regulations. The construction of any improvements shown on any such plan shall be in accordance with these standards.

7.4.1 Design Manual and Construction Standards

- A. The following documents shall be used for construction standards:
 - 1. The current CTDOT publication, as amended, "Standard Specifications for Road, Bridges and Incidental Construction,"
 - 2. Town of Newington, "Specifications for Construction of Roads,"
 - 3. Town of Newington Zoning Regulations,
 - 4. Town of Newington Subdivision Regulations, and
 - 5. Connecticut Landscape Contractors Association's "Standard Specifications for Planting Trees, Shrubs, Vines, etc.".

7.4.2 Map Scales and Sheet Size

All individual site plans and subdivision plans shall be drawn to a scale not to exceed 1" = 40'. The maximum sheet size shall not exceed 24" x 36".

7.4.3 Property Lines

- A. All exterior boundary lines and interior property lines or lot lines shall be shown with a length and bearing for each line. Bearings shall be for a traverse in a clockwise direction. (Class A-2, Transit Survey.) The map shall be certified by a Connecticut registered Land Surveyor.
- B. All abutting properties shall be shown with distances and names of current ownership as shown in the Office of the Town Assessor.
- C. A north arrow shall be shown on each sheet of plans and referenced as True, Magnetic, Grid, etc.
- D. The National Geodetic Vertical Datum is required. When such points are inaccessible, the Town Engineer shall approve any other points.

7.4.4 Street Lines

All street lines for either existing or new streets must be shown on maps with lengths and bearings for a traverse in a clockwise direction. All curve data shall be shown.

- A. At all principal points on street lines, such as block corners, PC's and PT's of curves shall be permanently monumented using concrete survey monuments with brass or bronze discs permanently marked or punched. Minimum monument size is 4"x 6"x 36".
- B. Front and rear property lines shall be marked using metal pins.
- C. All front building setback lines shall be shown with reference to the street lines. Indicate whether this setback line is a standard in accordance with the Zoning Regulations or if such line has been established by the Commission.

7.4.5 Rights-of-Way, Easements or Stream Encroachment Lines

- A. Lengths and bearings of the centerline and each sideline are required together with the established widths. Bearings shall be shown for a traverse in a clockwise direction.
- B. The use of the reserved space must be given, such as: sanitary, gas, water, etc. The applicant shall submit documentation of easement holder for proposed uses of the right-of-way (R.O.W.)
- C. Where a R.O.W., easement, or encroachment crosses street or property lines, the location of the centerline and sidelines must be shown together with tied distances from property corners or street monuments.
- D. In all areas where roads or streets or any other type structure is in cut or fill, show slope easement rights to provide for a minimum 2:1 slope outside of standard right-of-way widths.
- E. Stream encroachment lines where crossing property under development, must be shown and must comply with those lines as officially adopted by the State of Connecticut Environmental Protection Agency (Mill Brook and Piper Brook), or the Town of Newington (Rock Hole Brook and Webster Brook).

7.4.6 Driveway and Parking (effective 3/8/2022)

- A. For any development requiring site plan approval, all new driveways and parking areas shall be constructed in accordance with Section 6.1.1.K. Driveways shall conform to Town of Newington Specifications for Private Streets and Parking Lots. See typical cross-sections in Section 6.
- B. Each parking space shall be shown. See typical details in Section 6.
- C. Driveways shall be at least 28' in width from the face of curb and 24' or 18' in width as shown in Section 6.1.1.C. (Figure 3).
- D. Maximum permitted grade for a driveway is 10%. Maximum grade for a parking area is 5%. Cross pitch on any driveway shall not exceed 5%.
- E. No parking will be allowed within a street right-of-way unless specifically authorized by the Town in order to provide additional public parking within the B-TC district.
- F. Horizontal and vertical control for driveways shall conform to Residential Street requirements. Where driveways intersect with streets or other driveways, depending on the proposed use the radius of the gutter shall be 5' to 25' as approved by the Town Engineer and the TPZ.

7.4.7 Elevations, Grades, Existing and Proposed

- A. All elevations are to be on North American Vertical Datum, NAVD 88.
- B. Contour lines are required on all plans or maps. Both the existing ground and the proposed finish grading must be shown and clearly labeled as to each type. Contour lines shall be shown at an interval of 2 feet, except where area is almost level (less than 1%). On level areas, "spot" elevations may be used. Contour lines must extend at least 50 feet into adjacent properties to depict actual conditions. Existing contours in excess of fifteen (15%) percent gradient and rock outcroppings shall be identified by shading the area that meets this criterion. (Effective 3/4/2011)
- C. Minimum continuous slope across grass shall be 1%; minimum slope across pavement shall be 0.6%; and maximum slope across parking lot shall be 5%. The minimum and maximum slope requirements may be modified by the Commission by a two-thirds vote to allow a more

effective LID (low impact development) design. To be eligible for such a modification the site must possess severe topography.

- D. Show existing and proposed ground elevations for finishing grading at all corners of buildings and structures except for individual residences.

7.4.8 Walls and Slopes

- A. Maximum earth slopes shall not exceed 2:1 (2 feet horizontal to 1 foot vertical). Where steeper slopes are needed, retaining walls or rip-rap are required. If the difference in grade at a property line exceeds 3 feet, then a retaining wall with fence at top is required, unless sloping can be done with the property itself.
- B. Where a retaining wall is proposed it shall be topped with a suitable barrier or fence with a minimum height of four (4) feet. The back of any retaining wall shall not be closer than five (5) feet to an adjacent property boundary line.
- C. Retaining walls shall be designed to provide footings below the frost line in the ground. Where the total height of the retaining wall exceeds 4 feet or retains unbalanced fill, design calculations by a Registered Professional Engineer must be provided for approval of such walls.
- D. The regrading of the property shall not result in the removal of natural exposed rock faces and bedrock outcropping, except that the Commission may permit removal when necessary and 2:1 (2 feet horizontal to 1 foot vertical) slope can be achieved by terracing to ensure stabilization and replanting as determined by the Commission. (Effective 3/4/2011)

7.4.9 Sidewalks and Curbs

- A. Public Streets
 - 1. All sidewalks and curbs in public streets shall be constructed to the standards of the Town of Newington.
 - 2. All sidewalks shall be made of concrete or pervious concrete or pervious pavers or other materials acceptable to the Town, be at least 4 feet wide, and designed in accordance with the Town's construction standards and the American with Disabilities Act.
- B. Private Property
 - 1. Curbing in commercial developments shall be concrete or granite for entrance and exit drives and parking islands.
 - 2. A 6" continuous bituminous curb is required on the perimeter of all private parking lots.
 - 3. Curbing is not required for parking space adjacent to driveway for individual residences.

7.4.10 Street Lines and Grades

- A. The minimum right-of-way width for any proposed street is shall be in accordance with the Subdivision Regulations. Other rights-of-way may be greater in width when required by the Commission.
- B. For existing streets, the adopted street line grade shall be used. For new streets, the street line grade shall be designed in such a manner as to avoid the formation of deep cuts or high fills.
- C. A plan and profile shall be submitted to the office of the Town Engineer to a scale of 1" = 40' horizontal, and 1" = 4' vertical, for approval of new streets and main private driveways. On all plan sheets, the finish grade shall be shown at 50 foot intervals at the street line, at each side of driveways and at each property corner. Adequate site distance shall be provided.

7.4.11 Water

The water supply system of any building used for human occupancy shall be connected to Metropolitan District Commission system or, where appropriate the New Britain Water Department system.

7.4.12 Sewer

The sanitary system of any building used for human occupancy shall be connected to the public utility system, if available. A public sanitary sewer system shall be considered available to a building when the property line is located within 200 feet of an existing public sewer or when a new sewer line within 200 feet of the property line will be operational prior to the issuance of a Certificate of Occupancy.

7.4.13 Storm Drainage

All work shall be done in accordance with *Town of Newington Stormwater Drainage Manual* specifications. Hydraulic calculation must be submitted to the Town Engineer at the time of application for site plan development.

- A. Standard State of Connecticut catch basin with sump required.
- B. 12" minimum pipe size required for catch basins within the site.
- C. 0.5% minimum acceptable grade for pipe.
- D. 2.0' minimum cover over pipe except in street where 2.5' of cover is required.
- E. On state highways and Town of Newington streets, the minimum size shall be 15" R.C. pipe.
- F. Design storm system to handle the surface run-off from a storm having a 10-year frequency. Use 5 minute time of concentration for small parking lots. Large parking lots may require other standards, as determined by the Town Engineer. The computation shall consider all drainage areas contributing to the site, whether within the site or outside of it, based on upstream development from existing zoning or Town's Plan of Development for most intensive use.
- G. Show all roof drains -- type, size, location and point of connection to storm sewer. Specify invert elevation at point of connection. This requirement applies to all building structures except single-family housing. Roof leaders shall be piped (underground) into the on-site drainage system.
- H. Where the proposed storm system is to be connected to an existing State of Connecticut drainage system, computations shall meet State design standards.
- I. Drainage agreement must be signed where private connection is made into Town of Newington system.

7.4.14 Utilities

- A. All existing utilities in the street and in right-of-way shall be clearly shown. This includes both the horizontal plan and the vertical profile. Included within this group are electrical and telephone underground wires or ducts.
- B. All proposed utilities shall be located underground.
- C. All exterior mechanical equipment shall be shown whether on the roof or ground mounted.
- D. Lighting
 1. Lighting for parking areas, drives and general use shall be in fixtures with shielding or cut-off which direct the light to its intended location. No light shall be directed off the premises.
 2. Lighting attached to commercial or industrial buildings to illuminate service bays, loading docks or similar purposes, shall be in fixtures which direct the light toward the intended use area. Spotlights and bare bulbs are not permitted.
 3. Lighting for multi-family residential uses shall be located in decorative fixtures. Poles for lighting fixtures shall not exceed 17 feet in height. Lighting attached to buildings shall be decorative and intended primarily for safety. No bare bulbs or spotlights are permitted.
 4. Overall height of base, poles or standard and fixture for lighting in all non-residential uses shall not exceed 17' from the surrounding ground.

7.4.15 Cultural Features including Flood Plains, Inland Wetlands and Slopes

- A. Show location and type of trees 6" diameter and larger, either existing or proposed, and all evergreens including shrubs. For area of solid woods, show outline of forest land parts.

- B. Include location of all existing fences and structures, existing or proposed, in the site plan.
- C. Show in detail any low areas that will not self-drain (swales) and location of all swamp areas.
- D. Existing contours in excess of fifteen (15%) percent gradient and rock outcroppings shall be identified by shading the area that meets this criterion. These areas shall be kept in their natural condition and not modified unless approved by the Commission pursuant to a special permit in accordance with Section 5.2.

7.4.16 Headwalls and Channel Protection

- A. Where the storm drainage system discharges into any natural drainage course (brook, river, etc.), headwalls at the end of any pipe are required together with adequate armoring of channel banks to provide protection from water erosion; in general, equivalent to 50 S.F. of rip-rap for a 15" pipe and increase this amount proportionately for larger sizes of pipe.
- B. Designs for headwall or end walls shall be submitted to the Town Engineer for approval. Where water velocities are high (more than 3 F.P.S., aprons with energy dissipating devices may be required together with adequate armor.

7.4.17 Snow Removal

Provisions shall be made for the storage of snow from parking areas within the site, in a location which is both appropriate and not required for other purposes. The area shall be shown on the plan as "Snow Storage Area".

7.4.18 Building or Structure Elevations

On all site plans, the finished first floor or top of foundations elevation together with basement floor elevation, must be shown.

7.4.19 Fencing

- A. Substantial fencing (chain link not less than 4' high) shall be required in all areas close to pedestrian or vehicular traffic where hazardous conditions exist. This includes the top of high retaining walls, headwalls, top of steep embankments, or near vertical embankment into stream courses. The determination of any fencing requirement will be made by the Commission based upon the particular situation or location.
- B. Fencing in non-residential uses shall not exceed 4' in height in the front yard, subject to Section 4.4.2, nor 8' in height in side or rear yards. Fencing in locations outside of yard areas shall not exceed 12' in height.
- C. Fencing in residential uses shall not exceed 4' in height in the front yard, subject to Section 4.4.2, nor 6' in side or rear yards or elsewhere on the site.
- D. Fencing on corner lots shall not exceed 4' in height along the two (2) front sides of the property and may only be increased to 6' in height starting at the rear street side corner of the dwelling unit. The fence height and placement cannot impede corner visibility and shall conform to all applicable traffic standards as determined by the Town Engineer (Effective 10/3/2008).

7.4.20 Building Locations

- A. Buildings shall be located showing the required front yard setback distance from the front property line and the closest distance from the building to each side of the lot or area. Locating one building from another is not acceptable when two or more buildings are included.
- B. Overall dimensions and proposed gross floor area of each building must be shown including any irregular areas or jogs.

7.4.21 Erosion and Sedimentation Control Plan (eff. 4/16/2019)

- A. The Connecticut DEEP "2002 Guidelines for Soil Erosion and Sedimentation Control" as amended will be used as the minimum standard for the design of the Erosion and Sedimentation Control Plan.

B. If the Erosion and Sedimentation Control Plan does not display the name and contact information for the person responsible for the Plan, that information shall be provided to TPZ not less than two weeks prior to construction.

7.4.22 Certification

Residential, Commercial and Industrial Site Plans: The seals of a Professional Engineer, Land Surveyor and Landscape Architect, licensed to practice in the State of Connecticut, must be stamped or embossed on each sheet where each shall have responsibility in the development of the site plan as outlined in the Rules and Regulations of the associated Board of Registration.

7.4.23 Map Title

There shall be a Title Block which shall contain the following information:

- A. Street Address of property
- B. Owner of property, and the name of the developer if different
- C. Date
- D. Scale
- E. Name(s) or Person(s) making map

7.4.24 Actual field conditions may be different or changed from those conditions assumed in the preparation of this plan, and in such circumstances, the Town Engineer may direct that certain modifications or amendments be effected and constructed to ameliorate such changed conditions.

7.4.25 Additional requirements may be stipulated by the Commission for sidewalks, curbing, retaining walls, pavement construction, stormwater management, etc. on those site plans on which it has conditional approval, if it finds that unusual or special conditions of the property warrant such changes.

7.4.26 All work in connection with such site plan shall be completed within five years after the approval of the site plan. The Certificate of Approval of such site plan shall state the date on which such five-year period shall result in automatic expiration of the approval of such site plan. "Work" for the purposes of this Subsection, means all physical improvements required by the approved site plan.

7.4.27 Filing of Approved Site Plans

- A. Approval of site plans shall not become effective until the following steps are completed:
 1. The conditions are incorporated onto the plan;
 2. A transparency of the Certificate of Action is affixed to the original plan mylar;
 3. The original plan mylar is signed by the TPZ Chairman; and
 4. The signed original plan mylar is filed in the Town Plan and Zoning Office.
- B. Special Permits will not become effective until the Certificate of Action is filed by the applicant on the Land Records of the Town of Newington.
- C. Upon substantial completion of the project, the applicant shall submit an "as built" Improvement Location Survey showing the horizontal and vertical location of all improvements indicated on the approved site plan. Where subsurface drainage systems are involved, the survey shall be signed and sealed by a professional engineer licensed by the State of Connecticut.

7.4.28 Signature Block

Approved by the Town Plan and Zoning Commission under

Petition #_____ at meeting on _____

(Chairman's Signature)

Pursuant to Section 8-3(i) of the Connecticut General Statutes, all work in connection with this approved Site Plan shall be completed by

_____.
(date of approval + 5 years)

Section 7.5 Forms

7.5.1 Application Form

The Application Form is available at the Building and Town Planning Departments.

7.5.2 Procedures to be followed when submitting the application:

- A. The application shall be typed or neatly printed.
- B. Maps and plans, as defined in the applicable regulations, shall be submitted as follows: five full-size (24" x 36") sets, and ten half-size (11" x 17 or 18" x 24") sets.
- C. An application fee, as appropriate, shall accompany the application.
- D. Application for Zone Change shall be accompanied by a map of the subject property(s) and all properties within 500 feet, and names and addresses of all property owners within 500 feet.
- E. Application for subdivision and resubdivision shall comply with the requirements set forth in the Town of Newington Subdivision Regulations.
- F. Application for a Special Permit shall comply with this regulation.
- G. Application for a Site Plan of Development shall comply with the Site Plan Check List.
- H. In accordance with Connecticut State Statutes, all applications will be acted upon by the Town Plan and Zoning Commission, or a public hearing will be opened, within 65 days of receipt of the application unless an extension is granted by the applicant.

7.5.3 Fee Schedule

Fee for permits and copies of regulations shall be set by the Commission as it determines to be appropriate.

Section 7.6 Amendment

7.6.1 Initiation

On its own initiative or on receipt of a written application to amend any portion of these regulations, the Commission may amend the regulations or change the boundaries of the zones herein established after public hearing in accordance with the State Statutes. Any zoning amendment that would create a new principal use (either by right or by special permit) shall be the subject of a display advertisement announcing the public hearing in a newspaper of local circulation, published by the applicant in a timely manner.

7.6.2 Protest

If a protest is filed at such hearing with the Commission against such change, signed by owners of 20 percent or more of the area of lots included in such proposed change, or of the lots within 500 feet in any direction of the property included in the proposed change, such change shall not be adopted except by a vote of two-thirds of all members of the Commission.

7.6.3 Applications

Any person or persons who are property owners or residents in the Town of Newington may make written application for amendment of these regulations on prepared forms at the office of the Town Planner, to be signed by the applicant. A plan giving proposed boundaries must accompany each application for a change in zoning boundaries.

If any section, clause, provision or portion of these regulations shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect or impair any other section, clause, provision or portion of these regulations.

SECTION 8: BOARD OF APPEALS

The Zoning Board of Appeals, hereinafter called the Board, as authorized by Section 8-6 of the Connecticut General Statutes, shall have the following powers and duties:

- 8.1.1 It may adopt such rules and regulations as may be necessary to carry out these regulations.
- 8.1.2 It shall hear and decide appeals where it is alleged that there is error in any order or decision of the Zoning Enforcement Officer.
- 8.1.3 Granting a variance from the specific terms of these regulations. Such variance may be granted by the Board only if all of the following circumstances apply and the Board shall make a written finding in its minutes as a part of the record in the case.
 - A. A written application for a variance is submitted demonstrating:
 1. That special conditions and circumstances exist which are peculiar to the land, structure or building involved which are not applicable to other lands, structures or buildings in the same zone;
 2. That literal interpretation of the provisions of these regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zone under the terms of these regulations and their application would result in exceptional difficulty and unusual hardship to the petitioner.
 3. That the special conditions and circumstances do not result from the actions of the applicant;
 4. That granting the variance requested will not confer on the applicant any special privilege that is denied by these regulations to other land, structures or buildings in the same zone; and
 5. That granting of the variance will be in harmony with the general purpose and intent of these regulations, and will not be injurious to the neighborhood, otherwise detrimental to the public welfare.
 - B. No nonconforming use of neighboring lands, structures or buildings in the same zone, and no permitted use of lands, structures, or buildings in other zones shall be considered grounds for the issuance of a variance.
 - C. In granting a variance, the Board may prescribe appropriate conditions and safeguards in conformity with these regulations. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this regulation.
 - D. Under no circumstances shall the Board grant a variance to allow a use not permissible under the terms of this regulation in the zone involved, or any use expressly or by implication prohibited or otherwise regulated by special permit by the terms of this regulation in said zone.

- 8.2.1 The Board shall consist of 5 members to be appointed by the Newington Town Council. One of the original members shall be appointed to serve one year, one member for 2 years, one member for 3 years, one member for 4 years and one member for 5 years. Thereafter, one member shall be appointed to said Board annually for a term of 5 years. An appointment to fill a casual vacancy shall be only for the unexpired portion of the term.
- 8.2.2 Meetings

Meetings of the Board shall be held at such times as the Board may determine, or upon call of the Chairman. All meetings shall be open to the public. The Board shall adopt its own rules of procedure and shall keep a record of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact; and shall keep records of its examinations and other official actions. Every rule or regulation, every amendment or repeal thereof and every order, requirement, decision or determination of the Board shall immediately be filed in the office of the Board and become a public record.

8.2.3 Appeals

Appeals from the decision of the Zoning Enforcement Officer may be made to the Board of Appeals by a person aggrieved or by any officer, department, board or bureau of the Town affected by any decision of the Zoning Enforcement Officer. Such appeal shall be taken within a reasonable time as provided by the rules of the Board by filing with the Board of Appeals a notice of appeals specifying the grounds thereof. The Zoning Enforcement Officer shall forthwith transmit to the Board all papers constituting the record from which the action appealed was taken.

8.2.4 The Board shall hear appeals from alleged errors of the Enforcement Office de novo, and may in accordance with the provisions of these regulations reverse or affirm, wholly or partly, or may modify any such order, requirement, decision or determination of the Enforcement Officer, to decide in favor of the appellant or any matter upon which it is required to pass under these regulations or to permit a variance from the strict application of the provision of these regulations.

8.2.5 The Board shall hold a public hearing on all appeals and applications for variances. The Board shall fix a reasonable time for such hearings and publish a notice thereof in a newspaper of general circulation within the Town in accordance with the State Statutes. At such hearings any party may appear in person or by attorney. Such permit, variance or reversal of a decision of the Enforcement Office, shall become effective at such time as may be fixed by the Board, provided a copy thereof shall be filed in the Office of the Town Clerk, and notice of such filing shall have been published in a newspaper having substantial circulation in the municipality before such effective date.

8.2.6 The applicant shall place on the property subject to the public hearing a sign provided by the Town of Newington providing notice of the scheduled hearing. This sign shall be placed in a location that is easily visible to the public at least ten (10) calendar days prior to such hearing.

8.2.7 All determinations of the Board shall be made in accordance with the Comprehensive Plan set forth in these regulations, and in harmony with the purpose and intent as expressed in the preamble hereof and in the Connecticut State Statutes.

8.2.8 In addition to these general rules of guidance and to particular requirements specified in these regulations, no permit shall be authorized by the Board if it finds in any case that the proposed building or proposed use of land or building:

- A. Will create or increase a traffic or fire hazard;
- B. Will block or hamper the pattern of highway circulation; or
- C. Will tend to depreciate the value of property in the neighborhood, or be otherwise detrimental to the neighborhood's essential character.

SECTION 9: APPENDIX

Section 9.1 Rules

In the construction of this regulation, the rules and definitions contained in this section shall be observed and applied, except where the context clearly indicates otherwise.

- 9.1.1 Words used in the singular shall include the plural, and the plural the singular; and words used in the present tense shall include the future.
- 9.1.2 The word "shall" is mandatory and not discretionary.
- 9.1.3 The word "may" is permissive.

- 9.1.4 The word "lot" shall include the words "piece" and "parcel".
- 9.1.5 The words "zone", "zoning district" and "district" have the same meaning.
- 9.1.6 The phrase "used for" shall include the phrases "arranged for," "designed for," "intended for," "maintained for" and "occupied for".
- 9.1.7 The phrase "these regulations" shall refer to the entire Zoning Regulation.
- 9.1.8 Use of land, buildings or structures not clearly permitted in the various zones are prohibited.

Section 9.2 Definitions

ACCESSORY BUILDING OR USE: A building or use which is subordinate to and serves a principal building or use; and is subordinate in area, extent, or purpose to the principal building or principal use served; and is located on the same zoning lot as the principal building or use served.

ACCESSORY APARTMENT: A separate living unit within the principal single-family dwelling but subordinate to the principal dwelling in terms of size and appearance. The accessory apartment shall have at least one internal doorway connection into the principal dwelling. The accessory apartment shall have common utilities with the principal dwelling and shall not have separate metering devices. The provision of a second kitchen in a single-family dwelling unit without a separate living unit is not an accessory apartment and is permitted subject to the required building permits.

APARTMENT: A residential structure containing not less than 4 dwelling units, or a group of such buildings.

AREA OF SPECIAL FLOOD HAZARD: The land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year.

BANQUET HALL – A building, room, or portions thereof, that are used to provide space, whether rented, leased or otherwise made available to any person, group, or entity for an event or function, that may or may not have food and beverage service, such as a conference or meeting, party, wedding, reception, fundraiser, or other similar occasion.

BASE FLOOD: The flood having a one percent chance of being equaled or exceeded in any given year.

BUILDING: An independent structure having a roof, and including shed, garage, stable, greenhouse, or other accessory building. A detached building is one separated on all sides from adjacent buildings by open spaces from the ground up.

BILLBOARD: A sign that directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location that may be other than the premises on which the sign is located.

BUILDING LINE: A legally established line, between which and the public right-of-way no structure may be constructed.

BREWERY: A facility used for manufacturing, bottling, warehousing, and distributing beer and beer products as defined in Sec. 30-1(5) of the Connecticut General Statutes. This includes tastings, tours, and wholesale and retail sale of sealed bottles or other sealed containers of beer produced on the premises for offsite consumption.

BREW PUB: A facility used for manufacturing, bottling, warehousing, and distributing beer and beer products as defined in Sec. 30-1(5) of the Connecticut General Statutes. This includes tastings, tours, and wholesale and retail sale of sealed bottles or other sealed containers of beer produced on the premises for offsite consumption and the retail sale of beer served in open containers to be consumed on the premises with or without the sale of food.

BREW PUB RESTAURANT: A facility used for manufacturing, bottling, warehousing, and distributing beer and beer products as defined in Sec. 30-1(5) of the Connecticut General Statutes. This includes tastings, tours and wholesale and retail sale of sealed bottles or other sealed containers of beer produced on the premises for offsite consumption and the retail sale of beer served in open containers to be consumed on the premises in conjunction with the sale of food within a restaurant setting.

CEDAR MOUNTAIN TRAPROCK RIDGELINE: the line on the Cedar Mountain traprock ridge created by all points at the top of a fifty per cent slope, which is maintained for a distance of fifty horizontal feet perpendicular to the slope and which consists of surficial basalt geology, identified on the map prepared by Stone et al.,

United States Geological Survey, entitled "Surficial Materials Map Of Connecticut" The base map for traprock ridgeline topographic delineation shall be the current publicly available Metropolitan District Commission maps for the Town of Newington. (Effective 5-20-05)

CEDAR MOUNTAIN RIDGELINE SETBACK AREA: the area bounded by (A) a line that parallels the ridgeline (as defined above) at a distance of one hundred fifty feet on the more wooded area of the ridge, and (B) the contour line where a ridge of less than fifty percent is maintained for fifty feet or more on the rockier side of the slope. Manmade slopes of 50% or greater shall not be considered as a part of any traprock ridgeline. The burden of proof that such a slope area is manmade shall be on an applicant who owns or desires to use the property containing such slopes. (Effective 5/202005)

CERTIFICATE OF ZONING COMPLIANCE: A statement, signed by the Enforcement Officer, setting forth either that a building or structure complies with the zoning regulation or that a building, structure or parcel of land may be lawfully employed for specified uses, or both.

CLUB: An organization of persons incorporated pursuant to law, which is the owner, leasee or occupant of an establishment operated solely for the recreational, social, patriotic, benevolent or athletic purposes, but not for pecuniary gain, and includes the establishment so operated.

COMMISSION: The Newington Town Plan and Zoning Commission.

COUNTRY CLUB: A private membership organization for outdoor recreation.

DECK: A platform or floor which may be free standing or maybe attached to the principal structure shall be considered a part of the principal structure and shall comply with all yard setback requirements excluding decks constructed as part of an above or in ground pool.

DEVELOPMENT: Any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or permanent storage of materials or equipment.

DISTILLERY: A facility used for manufacturing, bottling, warehousing, and distributing distilled products as defined in Sec. 30-1(18) of the Connecticut General Statutes. This includes tastings, tours, and wholesale and retail sale of sealed bottles or other sealed containers of distilled products produced on the premises for offsite consumption.

DISTILLERY PUB: A facility used for manufacturing, bottling, warehousing, and distributing distilled products as defined in Sec. 30-1(18) of the Connecticut General Statutes. This includes tastings, tours, and wholesale and retail sale of sealed bottles or other sealed containers of distilled products produced on the premises for offsite consumption and the retail sale of distilled products served in open containers to be consumed on the premises with or without the sale of food.

DISTILLERY RESTAURANT: A facility used for manufacturing, bottling, warehousing, and distributing distilled products as defined in Sec. 30-1(18) of the Connecticut General Statutes. This includes tastings, tours and wholesale and retail sale of sealed bottles or other sealed containers of distilled products produced on the premises for offsite consumption and the retail sale of distilled products served in open containers to be consumed on the premises in conjunction with the sale of food within a restaurant setting.

DUPLEX HOUSES: Two dwellings under one roof at the same level. Each unit within a duplex structure shall have a minimum lot area of 4,000 square feet.

DWELLING: A building or portion thereof designed exclusively for residential occupancy; including one-family, two-family and multiple dwellings, but not including hotels, motels or boarding houses.

DAY CARE RELATED TERMS: Day Care is a program of supplementary care provided to one or more persons on a regularly recurring, but part-time basis, in a place other than the recipient's own dwelling.

Family Child Care Home is defined in C.G.S. §19a-77 as amended
Group Child Care Home is defined in C.G.S. § 19a-77 as amended
Child Care Center is defined in C.G.S. § 19a-77 as amended

ELECTRIC VEHICLE CHARGING STATION: A public or private parking space that is served by battery charging equipment with the purpose of charging an electric or hybrid vehicle.

EV Charging Station Types.

(a) Level 1, slow charging, operates on a 15 to 20 amp breaker on a 120 volt AC circuit.

(b) Level 2, medium charging, operates on a 40 to 100 amp breaker on a 208 volt or 240 volt AC circuit.

(c) Level 3, direct current fast charging, operates on a 60 amp or higher breaker on a 480 volt or higher 3-phase circuit with special grounding equipment.

FAMILY: One or more persons occupying a single housekeeping unit and using common cooking facilities, provided that unless all members are related by blood or marriage, no such family shall consist of more than 5 persons.

FARM: A parcel of land containing not less than 5 acres, used for raising crops and/or livestock and poultry, and including dairy farms, plant nurseries and green houses.

FARMERS' ROADSIDE STAND: A temporary table or bench having a maximum area of 40 square feet which must be removed as soon as the produce grown on the premises has been seasonally disposed of.

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

FLOOR AREA, RESIDENTIAL: The sum of the horizontal area of the several floors of a dwelling measured from the outside, excluding cellar floor areas, basement rooms, garages, porches, open attics or unfinished rooms. In split-level houses, the first 2 levels may be counted as one floor, provided the difference in floor levels is less than 5 feet.

FOOD TRUCK: A van, truck, towed trailer, or pushcart, from which food and beverages are sold.

FUELING STATION: A place where gasoline and other supplies for motorists are sold.

GARAGE: Every place of business where motor vehicles are, for compensation, received for housing, storage or repair.

GARAGE, PARKING: A multilevel structure which provides spaces for passenger vehicles and light trucks. A parking garage shall be located on the same lot with the principal use it serves or it may be an accessory use providing joint parking for two or more principal uses within a radius of 500 feet.

GARAGE, PRIVATE: An accessory building for housing not more than 2 motor vehicles, one of which may be a commercial motor vehicle of not over one ton registered capacity. Garage space may be provided for one additional motor vehicle for each 3,000 square feet of lot area in excess of 14,000 square feet.

HEIGHT OF BUILDING: The vertical distance measured from the average level of the finished grade at the 4 corners of the building to the highest point of the roof for flat roofs; the deck line for mansard roofs; and to the mean height (level) between eaves and ridge for gable, hip or gambrel roofs.

HELIPAD FACILITY: A privately owned and operated facility that is designated for the landing and take-off of noncommercial privately owned helicopters. Such facility shall comply with all applicable State and Federal laws and regulations.

HOME OCCUPATION: Any use customarily conducted entirely within a dwelling unit, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and carried on by the residents of the premises and no more than one non-resident employee. Such use must occupy a floor area not more than 25% of the floor area of the dwelling unit; must not create a nuisance, odor, noise, glare, vibration, or safety hazard noticeable off the premises; there shall be no outside storage of material or display of stock-in-trade; no exterior evidence of the activity carried on shall be visible from outside the building; and shall not include the sale of articles not made or assembled on the premises.

HOTEL: Any building having 10 or more sleeping rooms or where accommodations for more than 20 persons are provided; in which building, for compensation, lodging is provided with or without meals.

IMPERVIOUS SURFACE: Any material or structure on or above the ground that prevents water from infiltrating through to the underlying soil. Impervious surfaces include paved parking lots, rooftops, driveways, patios (i.e., solid or open-joint patios or decks with an underlying impervious surface), paved roads, water surfaces (i.e., pools, ponds, fountains, etc.), and highly compacted soils. Impervious surfaces exclude permeable pavement that is designed, constructed, and maintained to allow stormwater to drain through the surface, including porous asphalt, porous concrete, permeable interlocking concrete pavers, concrete grid pavers, plastic turf reinforcing grids, and similar materials or products identified as "permeable" or "pervious" by the manufacturer, however these surfaces may be considered "impervious" by the Town when calculating a

parcel's impervious coverage. An underground parking structure shall be considered an impervious surface if there is less than 3 feet of soil cover.

INDOOR RETAIL SHOWROOM(S) – A retail building where samples or patterns are displayed, and orders taken for goods, wares and merchandise for future delivery. Products are not primarily sold from the location of the showroom, products are typically ordered and shipped from another location at a later date. This may include furniture showrooms, kitchen showrooms, interior design and finishes showrooms, or other similarly defined spaces as determined by the commission.

JUNK: Any refuse, waste, or discarded material of any type or kind.

JUNKYARD: Any land or building used in whole or in part for the collecting, storage, and/or sale of waste paper, rags, scrap metal, or other similar material and including an automobile junkyard as defined by State law, but not including Town refuse disposal areas.

LOT: A parcel of land which is or may be occupied by a building, building groups and accessory buildings, including the open spaces required under these regulations.

LOT, CORNER: A lot abutting 2 or more streets at their intersection.

LOT DEPTH: The mean horizontal distance between the front lot line and the rear lot line.

LOT FRONTRAGE: That portion of a lot nearest the street as measured at the street right-of-way. Where the side lines diverge from the street toward the rear of the lot, the lot frontage may be considered the distance between the side lines measured at the front line. Where the side lines converge from the street toward the rear of the lot, the lot frontage shall be the average width measured at right angles to the lot depth. For rear lots, the rear lot line of the front lot is the frontage of the rear lot.

LOT, INTERIOR: A lot, the side lines of which do not abut the street.

LOT LINE: A line of record bounding a lot that divides one lot from another lot or from a public or private street or other public space.

LOT OF RECORD: An area of land designated as a lot on an approved plot or subdivision as described on a deed duly recorded according to statute.

LOT, THROUGH: A lot having frontage on two parallel streets.

LOT, ZONING: A single tract of land located within a single block which at the time of filing for the building permit is designed by its owner or developer as a tract to be used, developed, or built upon as a unit, under singled ownership or control, and therefore may not coincide with a lot of record. Except where specifically indicated as a lot of record, all lots referred to in these regulations are zoning lots.

MIXED OCCUPANCY: Occupancy of a building or land for more than one use.

MOTEL, EFFICIENCY UNIT: A dwelling unit which provides a sleeping room and a kitchen or other food preparation area which is equipped with facilities that may include but not limited to refrigerator, stove, microwave oven or hot plate intended to be used for housekeeping rather than transient occupancy. Such units are prohibited.

MOTELS, MOTOR COURTS, TOURIST COURTS: Any building having 2 or more sleeping rooms for the accommodation of transient guests, with a separate entrance for each rental unit.

NEW CONSTRUCTION: Structures for which the "start of construction" (see definition, following) commenced on or after the effective date of these regulations.

NONCONFORMING USE OR STRUCTURE: Any land, building or structure or their use which does not comply with all of the requirements of these regulations governing the zone in which it is located.

PASSENGER VEHICLE: Any automobile which is registered as a passenger vehicle by the Connecticut Department of Motor Vehicles.

PERSONAL SERVICES: An establishment or place of business primarily engaged in the provision of frequent or recurrent needed services of a personal nature. Typical uses include, but are not limited to, beauty and barber shops, shoe re-pair shops, and tailor shops.

PATIO HOUSES: A detached single family dwelling that is designed as part of a Residential Planned (RP) Zone development. Each patio house shall have a minimum lot area of 4,500 square feet.

PORCH: A roofed, open structure projecting from the front, side or rear wall of a building, and having no enclosed features of glass, wood or other material more than 30 inches above the floor thereof, except the necessary columns to support the roof.

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

RESTAURANT (INCLUDING CAFE AND ANY OTHER SIMILAR TYPE OF BUSINESS): A commercial structure where food is prepared and/or served for consumption within the building.

RESTAURANT- DRIVE THROUGH: A drive through restaurant is a commercial structure where food is prepared and which by design, physical facilities, and service permits customers to receive food and beverages while remaining in their motor vehicles. A drive through restaurant may but is not required to serve food for consumption within the building.

SERVICE BUILDING OR USE: A building or use which serves a principal building or use and is designed for community, health, personal and/or food service needs, provided that such uses are limited to the occupants of the principal building only.

SHOPPING CENTER: A group of three or more stores, restaurants and other businesses, in one or more buildings managed as a single entity and having a common parking lot (Effective 7-1-2013).

SIGN: Any object, device, display, or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images.

SIGN, WALL MOUNTED BUSINESS: A sign which is attached to or painted on the building and directs attention to a business, commodity, service or entertainment conducted, sold, or offered within the building where such sign is located.

SIGN, FREE STANDING BUSINESS: A sign which is located on the premises of the business, commodity, service or entertainment it advertises and is either erected on a standard or on the ground apart from the premises structures.

SIGN, MECHANICAL AND DIGITAL: A sign which has intermittent illumination by mechanical or digital controls that produce an illusion of movements such as, but not limited to flashing, running, rotating, video graphics, changes in color and brightness. All such signs are prohibited, including signs located inside windows visible to the public, except: (1) time and/or temperature sign, (2) fuel price signs and (3) digital menu board signs that comply with the standards set forth in Section 6.2.1 (E). (Effective 6-8-2011)

SIGN, DIGITAL MENU BOARD: A sign which is located at and utilized in connection with an accessory drive through land, which has intermittent illumination by mechanical or digital control that will rotate images to display products or items connected to the principal use on the premises.

SIGN, A-FRAME OR T-FRAME: A temporary sign not permanently mounted or attached to a structure or the ground.

SIGN, DIRECTIONAL: A sign which provides a notice to motorists or pedestrians directing them to the exit or entrance of a building, parking lot or public street. Directional signs shall not contain the name of the occupant or the use of the building.

SIGN, DIRECTORY: A sign which contains the listing of five (5) or more businesses or organizations elsewhere but not on the premises where such directory is located. Such directory shall state only the names of businesses or organizations and a distance, directional or street address location.

SIGNS, ADVERTISING: A sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than upon the premises where such a sign is located or to which it is affixed. Such signs are prohibited.

SINGLE FAMILY ENTRY LEVEL HOUSING: Means housing for which persons and families pay 30% or less of their gross annual income, where such income is less than or equal to 100% of the area median income for

the municipality in which such housing is located, as determined by the U.S. Department of Housing and Urban Development. Housing shall be defined to include mortgage payments, taxes and insurance.

START OF CONSTRUCTION: Includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE: A combination of materials to form a construction for use, occupancy, or ornamentation whether installed on, above, or below the surface of land or water. This includes a gas or liquid storage tank, as well as a manufactured home.

SUBSTANTIAL DAMAGE: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

SUPERMARKET GROCERY STORE: A store primarily engaged in the retail sale of grocery items as defined by Section 30-20 of the Connecticut General Statutes. "Primarily Engaged" shall mean having sales of grocery items equaling at least fifty (50%) percent by volume sales. Volume of sales shall be determined by a fraction where the numerator is the number of grocery items sold and the denominator is the total number of products sold (Effective 7-1-2013).

STREET: Any way dedicated to public use and any way over which the public has a right of vehicular travel. The term "street" shall mean the entire public right-of-way and not the paved portion only.

STRUCTURAL ALTERATION: Any change in the supporting members of a building or structure, such as bearing wall, columns, beams or girders.

SUBSTANTIAL IMPROVEMENT: Any repair, reconstruction or improvement of a structure, taking place over a ten (10) year period, the cumulative cost of which equals or exceeds 50% of the market value (as determined by the Town Assessor) of the structure either

1. Before the improvement or repair is started: or
2. If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include either:

1. Any project for improvement of structure to comply with existing state or local health, sanitary, or safety code specification which are solely necessary to assure safe living conditions; or
2. Any alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places.

TELEPHONE EXCHANGE: A structure with its equipment used or to be used for the purpose of facilitating transmission and exchange of telephone messages between subscribers.

TERRACE: A nature or artificial embankment between a structure and its lot lines.

TOWN HOUSES: Attached dwelling units, generally having at least two floors and attached to other similar units via party walls. Townhouses designed as part of a Planned Residential Zone development shall comply with this zone's overall density standards and shall provide a minimum of 2,000 square feet lot area per unit.

TRAFFIC AUTHORITY: The Town of Newington Traffic Authority.

USE, CHANGE OF: A change in occupancy or activity on land, building or structure from one type of lawful use to another lawful use, such as a change from retail use to wholesale, warehouse use to industrial use, or industrial use to office use.

VARIANCE: Permission to depart from the literal requirements of the zoning regulations.

VEHICLE: Any device suitable for the conveyance, drawing or other transportation of persons or property, whether operated on wheels, runners, cushion of air between it and the surface or by any other means, except those propelled or drawn by human power, or those used exclusively upon tracks.

VEHICLE, PARKED: A car which occupies the same space for less than 24 hours.

VEHICLE, STORED: A car whether or not in operating condition, which occupies the same space, or space on the same lot or in the same building for more than 24 hours.

YARD: The open space that lies between the main exterior wall of the principal building and the nearest lot line.

SPECIAL DEFINITIONS FOR ADULT ORIENTED BUSINESS, ESTABLISHMENTS, USES, ACTIVITIES

1. ADULT ORIENTED ESTABLISHMENT:

Shall include, without limitation, "adult bookstores", adult motion picture theaters", adult mini-motion picture theaters" and further means any premises to which the public patrons or members are invited or admitted and which are so physically arranged as to provide booths, cubicles, rooms, studios, compartments or stalls separate from the common areas of the premises for the purpose of viewing adult-oriented motion pictures, adult cabaret, or herein an entertainer provides adult entertainment to a member of the public, a patron or a member, when such adult entertainment is held, conducted, operated or maintained for a profit, direct or indirect. An "adult-oriented establishment" further includes, without limitation, any "adult entertainment studio" or any premises that are physically arranged and used as such, whether advertised or represented as an adult entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, modeling studio or any other term or like import.

2. ADULT BOOKSTORE:

An establishment having a substantial or significant portion of its stock and trade in books, films, video cassettes, or magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "Specified Sexual Activities" as defined below, and in conjunction therewith has facilities for the presentation of adult material, as defined below, and including adult-oriented films, movies or live entertainment, for observation by patrons therein.

3. ADULT MOTION PICTURE THEATER:

An enclosed building with a capacity for fifty (50) or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas", as defined below, for observation by patrons therein.

4. ADULT MINI-MOTION PICTURE THEATER:

An enclosed building with a capacity for less than fifty (50) persons regularly used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas", for observation by patrons therein.

5. ADULT CABARET:

An establishment such as but not limited to a nightclub, bar, restaurant, or similar establishment that regularly features live performances, that are characterized by the exposure of "Specific Anatomical Areas" or by "Specified Sexual Activities", or films, motion pictures, video cassettes, slides or other photographic reproductions in which a substantial portion of the total presentation time is devoted to the showing of material that is characterized by any emphasis upon the depicting, describing or

relating to "Specified Sexual Activities" or "Specified Anatomical Areas", for observation by patrons therein.

6. ADULT MATERIAL:

Shall include but is not limited to accessories, books, films, video cassettes, or live entertainment, for observation by patrons therein, or magazines and other periodicals or any combination thereof which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" as defined herein.

7. SUBSTANTIAL OR SIGNIFICANT ADULT MATERIAL IN STOCK OR TRADE:

Shall be defined as an adult oriented establishment having more than twenty five percent (25%) of its stock or trade devoted to adult material as defined herein.

8. SPECIFIED ANATOMICAL AREAS:

A. Less than completely and opaquely covered:

- Human genitalia and pubic region;
- Buttocks, anus;
- Female breast below a point immediately above the top of the areola.

B. Human genitalia in a discernibly turgid state, even if completely and opaquely covered.

9. SPECIFIED SEXUAL ACTIVITIES:

- A. Human genitalia in a state of sexual stimulation or arousal;**
- B. Acts of human masturbation, sexual intercourse or sodomy;**
- C. Fondling or other erotic touching of human genitalia, pubic region, buttocks, anus or female breast.**

10. SEXUAL ACTIVITIES:

As used in these regulations, this term is not intended to include any medical publications or films or bona fide educational publication or films, nor does it include any art or photography publications which devote at least twenty five percent (25%) of the lineage of each issue to articles and advertisements dealing with subjects of art or photography. Nor does this definition apply to any news periodical which reports or describes current events and which, from time to time, publishes photographs of nude or semi-nude persons in connection with the dissemination of the news. Nor does this definition apply to publications or films which describe and report different cultures and which from time to time publish or show photographs or depictions of nude or semi-nude persons when describing cultures in which nudity or semi-nudity is indigenous to the population.

SPECIAL SECTION FLOOD INSURANCE PROGRAM DEFINITIONS:

(Effective 9/20/2008)

1. **Base Flood Elevation (BFE)** - The elevation of the crest of the base flood or 100-year flood. The height in relation to mean sea level expected to be reached by the waters of the base flood at pertinent points in the floodplains of coastal and riverine areas.
2. **Basement** - That portion of a building, the ceiling of which is entirely below, or less than 4 feet above, adjoining grade. No basement or portion thereof shall be used as a complete dwelling unit and a basement shall not be included in floor area or height measurement requirements of these regulations. For flood plain management purposes, a basement means any area of a building having its floor sub-grade (below ground) on all sides.
3. **Cost** - As related to substantial improvements, the cost of any reconstruction, rehabilitation, addition, alteration, repair or other improvement of a structure shall be established by a detailed written contractor's estimate. The estimate shall include, but not be limited to: the cost of materials (interior finishing components, structural components, utility and service equipment); sales tax on materials; building equipment and fixtures, including heating and air conditioning and utility meters; labor; built-in appliances; demolition and site preparation; repairs made to damaged parts of the building worked on at the same time; contractor's overhead; contractor's profit; and grand total. Items to be excluded include: cost of plans and specifications; survey costs; permit fees; outside improvements such as septic systems, water supply

wells, landscaping, sidewalks, fences, yard lights, irrigation systems, and detached structures such as garages, sheds, and gazebos.

4. Existing Manufactured Home Park or Subdivision - A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, as a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.
5. Expansion to an Existing Manufactured Home Park or Subdivision - The preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
6. Federal Emergency Management Agency (FEMA) - The federal agency that administers the National Flood Insurance Program (NFIP).
7. Finished Living Space - Finished living space can include, but is not limited to, a space that is heated and/or cooled, contains finished floors (tile, linoleum, hardwood, etc.), has sheetrock walls that may or may not be painted or wallpapered and other amenities such as furniture, appliances, bathrooms, fireplaces and other items that are easily damaged by floodwaters and expensive to clean, repair or replace. A fully enclosed area below the base flood elevation (BFE) cannot have finished living space and needs to be designed for exposure to flood forces. These spaces can only to be used for parking, building access or limited storage.
8. Flood or Flooding: A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - A. The overflow of inland or tidal waters; and/or
 - B. The unusual and rapid accumulation or runoff of surface waters from any source.
9. Flood Insurance Rate Map (FIRM): The official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.
10. Flood Insurance Study: The official report provided by the Federal Emergency Management Agency that includes flood profiles, the flood boundary-floodway map, and the water surface elevation of the base flood.
11. Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.
12. Highest Adjacent Grade (HAG) - The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
13. Historic Structure - Any structure that is: (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historic significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (1) By an approved state program as determined by the Secretary of the Interior or (2) Directly by the Secretary of the Interior in states without approved programs.
14. Lowest Floor- means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistance enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area is not considered a building's lowest floor.
15. Manufactured Home Park or Subdivision - A parcel or contiguous parcels of land divided into two (2) or more manufactured home lots for rent or sale.

16. Market Value - Market value of the structure shall be determined by an independent appraisal by a professional appraiser.
17. Mean Sea Level (MSL) - The North American Vertical Datum (NAVD) of 1988 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map (FIRM) are referenced.
18. New Manufactured Home Park or Subdivision - A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date, [please enter effective date of floodplain regulations (date of initial adoption)], of the floodplain management regulation adopted by the community.
19. Special Flood Hazard Area (SFHA) - The land in the floodplain within a community subject to a one (1) percent or greater chance of flooding in any given year. SFHAs are determined utilizing the base flood elevations (BFE) provided on the flood profiles in the Flood Insurance Study (FIS) for a community. BFEs provided on Flood Insurance Rate Map (FIRM) are only approximate (rounded up or down) and should be verified with the BFEs published in the FIS for a specific location. SFHAs include, but are not necessarily limited to, the land shown as Zones A, A1-30, AE, AO, AH. The SFHA is also called the Area of Special Flood Hazard.
20. Violation - Failure of a structure or other development to be fully compliant with the Community's floodplain management regulations. A structure or other development without required permits, lowest floor elevation documentation, flood-proofing certificates or required floodway encroachment calculations is resumed to be in violation until such time as that documentation is provided.
21. Water Surface Elevation - The height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

NEWINGTON STATION

TRANSIT VILLAGE DESIGN DISTRICT

TRANSIT-READY FORM-BASED CODE

Town of Newington, Connecticut

TRANSIT VILLAGE DESIGN DISTRICT

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INTRODUCTION

1. Purpose and Initial Requirements:

A Hartford Line train station in Newington south of Cedar Street creates the potential for transformational development in the areas near the train station. That development should inspire a Transit Village, unique in design for Newington, but still consistent with the overall character of the community.

This Transit Village Design District code applies to approximately forty-four acres south of Cedar Street and approximately twenty acres north of Cedar Street as delineated in the map at Appendix D. This development method is optional and overlays the existing zones and regulations contained in the Town of Newington Zoning Districts map, the Town of Newington Zoning Regulations and the Town of Newington Subdivision Regulations.

Entities seeking to use this code must meet all the following conditions:

- a. The applicant must control the development rights for either the entire approximately forty-four acres south of Cedar Street (TVDD South Neighborhood) or the approximately twenty acres north of Cedar Street (TVDD North Neighborhood) or both. Control can be by ownership, option, one hundred year ground lease or other means that will assure the Town Plan and Zoning Commission that approvals provided to the applicant will be implemented throughout a Neighborhood.
- b. To develop the property as a TVDD, the applicant must submit a master plan for the entire Neighborhood that will ensure development of individual parcels will tie together in a cohesive, consistent manner. Master plans must show the locations of streets, infrastructure, expected lots and buildings and their use types, parking and Civic Zones.
- c. The applicant must agree to demolish all the existing structures in the Neighborhood, which is necessary to ensure that all development will be new and in keeping with the master plan.
- d. The applicant must agree that all streets, infrastructure and parking within a Neighborhood will be privately owned, with the applicant or other acceptable private entity responsible for the construction, maintenance and replacement of same.

Full Development of an entire Neighborhood is not required on a single site plan. Once approval of a Neighborhood master plan is granted, site plan applications for development of individual lots and buildings can proceed at any time and any schedule, provided that individual site plans are in conformance with the Neighborhood master plan and these regulations. Similarly, streets, infrastructure, parking and other appurtenances may be built out when the master plan is approved but are not required to be. Rather, streets, infrastructure, parking and other appurtenances may be constructed in connection with the lots and buildings they will serve.

2. The Structure of the Transit Village Design District Code:

- 2.3. **Chapter 1 (Instructions)** contains the general instructions pertaining to all other Chapters.
- 2.4. **Chapter 2 (Neighborhood Plans)** provides the master planning requirements for two types of Neighborhood suitable for the North or South parcels, including the Mixed (MX) Zones that make up each type. Master planning includes Thoroughfares and Civic Zones in areas for future development under this Code.
- 2.5. **Chapter 3 (Lot and Building Plans)** provides private site standards within each MX Zone. This is essentially the zoning code for the areas that have been mapped with MX Zones after master planning.
- 2.6. **Chapter 4 (Tables)** contains the table for the Intent and Purpose of the Code, and tables for the elements required for Neighborhoods, such as the measurements and types allowed for each MX Zone. The Table numbers refer to the Chapter to which they apply. For example, "Table 3B" applies to certain standards in Chapter 3.
- 2.7. **Chapter 5 (Definitions)** contains terms and definitions supporting the other Chapters, with a page of Definitions Illustrated.

In the master planning process, supplementary modules and their associated definitions may be consulted as needed. Modules provided include: Thoroughfare Assemblies, Bicycling, Sustainable Commerce, Light Imprint Matrix for stormwater and landscaping systems, Shading of Glazing, Surface-to-Volume Ratios, and more.

3. Overview of the Transit Village Design District Code:**3.3. Transit Village Design District Zones:**

The Transit Village has two integrated zones that differ in character, and a Civic Zone that conforms to or adorns those contexts. The MX-1 Zone is primarily residential with some lower intensity retail and office uses, and the MX-2 is higher density and has more mixed use. The MX-2 Zone is intended to be adjacent to the rail station itself, while the MX-1 Zones are within walking distance to the station and the higher variety of uses. A more detailed version of the following descriptions can be found on Table 1A, as part of the Intent and Purpose section of Chapter 1.

- **MX-1 (Mixed Use 1) Zone** consists of a wide range of building types and medium density. Setbacks and landscaping are variable. Streets have curbs and sidewalks. Greens, pocket parks, and dog parks are appropriate here.
- **MX-2 (Mixed Use 2) Zone** consists of higher density mixed use buildings that accommodate retail, offices, civic uses and apartments. It has a tighter network of streets, with wide sidewalks, steady street tree planting and buildings set close to the sidewalks. MX-2 is the heart of the Transit Village Design District, adjacent to Newington Station and Cedar Street.

- **Civic Zone** consists of Civic Buildings and/or Civic Spaces appropriate to their MX Zones. Civic Spaces include greens, squares, pocket parks, playgrounds, dog parks, and plazas.

4. Responsibilities for Implementation:

The Transit Village Design District Code requires the preparation of Plans at the Neighborhood scale that will then guide the Plans for the private sites.

- **Neighborhood Plans** for new Neighborhoods, including new and existing thoroughfares and civic spaces. Prepared on behalf of the land owner, the developer, or the Town Plan and Zoning Commission.
- **Lot & Building Plans** for individual lots. Prepared by or on behalf of a builder or the property owner. This is essentially the zoning code for the adopted Neighborhood Plans.

CHAPTER 1. GENERAL INSTRUCTIONS

1.1 AUTHORITY

- 1.1.1** The action of the Newington, Connecticut Town Plan and Zoning Commission in the adoption of this Code is authorized under the General Statutes of the State of Connecticut and the Town Charter, Section X and local ordinance, and Title 30-A, Chapter 187, § 4301 forward. Chapter 2 is authorized as the subdivision standards for Neighborhood Plans in lands regulated by this Code under Subchapter 4, §§ 4401-4407 and the Newington Subdivision Regulations.
- 1.1.2** This Code was adopted as one of the instruments of implementation of the public purposes and objectives of the 2010-2020 Plan of Conservation and Development adopted pursuant to Section 8-23 of the Connecticut General Statutes.
- 1.1.3** This Code was adopted to promote and to protect the public health, safety, and welfare of the inhabitants of the Town of Newington, Connecticut and of the public generally, including protection of the environment, conservation of land, energy and natural resources, reduction in vehicular traffic congestion, more efficient use of public funds, health benefits of a pedestrian environment, education and recreation, reduction in sprawl development, and improvement of the built environment.

1.2 APPLICABILITY

- 1.2.1** **PROVISIONS OF THIS CODE ARE ACTIVATED BY “SHALL” WHEN REQUIRED; “SHOULD” WHEN RECOMMENDED; AND “MAY” WHEN OPTIONAL.**
- 1.2.2** The provisions of this Code, when in conflict, shall take precedence over those of other codes, ordinances, regulations and standards except the State Building and Energy Code.
- 1.2.3** The existing Town of Newington subdivision and zoning regulations (“Existing Local Codes”) shall continue to be applicable to issues not covered by this Code except where the Existing Local Codes would be in conflict with Section 1.3 (Intent and Purpose) of this Code.
- 1.2.4** Chapter 5 (Definitions) contains regulatory language that is integral to this Code. Those terms not defined in Chapter 5 shall be accorded their commonly accepted meanings. In the event of conflicts between these definitions and those of the Existing Local Codes, those of this Code shall take precedence.
- 1.2.5** The metrics of the text standards and tables are an integral part of this Code. However, the diagrams and illustrations that accompany them should be considered guidelines.
- 1.2.6** The Appendices are regulatory. They provide options within each MX Zone, that when selected become regulatory.
- 1.2.7** Where in conflict, numerical metrics shall take precedence over graphic metrics.

1.3 INTENT AND PURPOSE

THE INTENT AND PURPOSE OF THIS CODE IS TO ENABLE, ENCOURAGE AND QUALIFY THE IMPLEMENTATION OF THE FOLLOWING POLICIES:

1.3.1 THE TOWN OF NEWINGTON

- a. That the area should retain its natural infrastructure and visual character derived from topography, woodlands, farmlands, and riparian corridors.
- b. That growth strategies should encourage infill, redevelopment, and retrofit to the extent possible.
- c. That new development should be organized in the pattern of complete neighborhoods and/or villages to encourage walking and bicycling and to preserve open lands.
- d. That workforce housing should be distributed throughout the area to match job opportunities.
- e. That transportation corridors should be planned and reserved in coordination with land use.
- f. That green corridors should be used to define and connect the developed areas.
- g. That the area should include a framework of transit, pedestrian, and bicycle systems that provide alternatives to the automobile.

1.3.2 NEWINGTON NEIGHBORHOODS

- a. That neighborhoods should be compact, pedestrian-oriented and mixed use.
- b. That complete neighborhoods should be the preferred pattern of development, and that districts specializing in a single use should be the exception.
- c. That ordinary activities of daily living should occur within walking distance of most dwellings, allowing independence to those who do not drive.
- d. That interconnected networks of thoroughfares should be designed to disperse traffic and reduce the length of automobile trips.
- e. That within neighborhoods, a range of housing types and price levels should be provided to accommodate diverse ages and incomes.
- f. That appropriate building densities and land uses should be provided within walking distance of transit stops.
- g. That civic, institutional, and commercial activity should be embedded in neighborhoods, not isolated in remote single-use complexes.
- h. That a range of open space including parks, squares, playgrounds and/or community gardens should be distributed within neighborhoods.

1.3.3 THE BLOCK AND THE BUILDING

- a. That buildings and landscaping should contribute to the physical definition of thoroughfares as civic places.

- b.** That development should adequately accommodate automobiles while respecting the pedestrian and the spatial form of public areas.
- c.** That the design of streets and buildings should reinforce safe environments, but not at the expense of accessibility.
- d.** That architecture and landscape design should grow from local climate, topography, history, and building practice.
- e.** That buildings should provide their inhabitants with a clear sense of geography and climate through energy efficient methods.
- f.** That civic buildings and public gathering places should be provided as locations that reinforce community identity and support self-government.
- g.** That civic buildings should be distinctive and appropriate.
- h.** That the harmonious and orderly evolution of developed areas should be secured by the use of this Code and its successional elements.

1.3.4 MIXED (MX) ZONES

- a.** That neighborhoods should provide meaningful choices in living arrangements as manifested by distinct physical environments.
- b.** That the Mixed (MX) Zone descriptions on Table 1A (Intent and Purpose) shall constitute the Intent and Purpose of this Code with regard to the general character of each of these environments.

1.3.5 CIVIC ZONES

- a.** That neighborhoods should contain area dedicated for public use.

1.4 PROCESS

- 1.4.1** The Town of Newington hereby creates a Design Review Committee (DRC), consisting of the Town Planner, architects, designers, landscape architects, engineers, contractors and other experts to advise the Town Plan and Zoning Commission (TPZ) on both Neighborhood Plans (see Chapter 2) and Lot and Building Plans (see Chapter 3). The TPZ shall determine the schedule for advisory plan review.
 - a.** The DRC shall review all horizontal and vertical elements of each plan for form, function and aesthetics.
 - b.** The DRC shall review all ancillary components of each plan, including but not limited to bumper guards, bollards, guard rails, traffic medians and islands, security features, loading doors, dock bumpers, service doors, benches, and waste receptacles.
- 1.4.2** Master Planners shall follow the regulations of Chapter 2 (Neighborhood Plans) to propose the precise locations of the Mixed (MX) Zones and their associated thoroughfares and Civic Zones.
- 1.4.3** The standards for the MX Zones have been determined through a process of public consultation, as set forth in Table 1A (Intent and Purpose), and in Chapter 3 (Lot and Building Plans).

1.4.4 Should a violation of an approved Lot and Building Plan occur during construction, or should any construction, site work, or development be commenced without an approved Lot and Building Plan, the Code Enforcement Officer has the right to require the owner to stop, remove, and/or mitigate the violation.

1.5 SPECIAL PERMITS

1.5.1 Elements that deviate from the specific requirements of this Code, or are considered Secondary Uses, are available for Special Permits. These elements are marked as such in this Code and shall be processed by the Town Plan and Zoning Commission.

1.5.2 A Special Permit may be granted according to Section 5.2 of the Town of Newington Zoning Regulations for "Procedures and Standards for All Special Permits."

1.6 INCENTIVES

1.6.1 The TPZ may grant the following incentives to achieve the goals of this Code:

- a.** The municipality may increase density by the Transfer of Development Rights to achieve more civic space.
- b.** The municipality may increase density for projects containing Affordable Housing.
- c.** The municipality may reduce parking requirements for Affordable Housing units.

CHAPTER 2. NEIGHBORHOOD PLANS

2.1 INSTRUCTIONS

- 2.1.1** Chapter 2 applies to the delineation of MX and Civic zones and the allocation of all public areas including thoroughfares. An applicant must have control over all parcels within either TVDD North or TVDD South, or both.
- 2.1.2** Neighborhood Plans may be prepared by an owner or by the Town Plan and Zoning Commission.
- 2.1.3** Neighborhood Plans shall include maps showing the following, in compliance with the provisions of Chapter 2:
 - a.** Regulating Plan (zoning map) showing MX Zones, Civic Zones, Thoroughfare network, and Special Requirements.
 - b.** Public Utilities, including locations of hydrants. All public utilities shall be underground.
 - c.** Stormwater Management plan, using appropriate Light Imprint techniques in Appendix C.
 - d.** Permanent streetscape amenities in the Public Frontage.
 - e.** Requests for Special Permits, if any.
- 2.1.4** Neighborhood Plans shall meet the requirements for each MX Zone, as provided by Table 2A (Standards for Neighborhood Plans) and any supporting documents, plans, fees, and notification requirements required to address Section 5.2 of the Zoning Regulations that are not superseded by this Code.
- 2.1.5** Once the Town Plan and Zoning Commission approves a Neighborhood Plan, the Transit Village Design District Code shall be the exclusive and mandatory zoning regulation for that area, and the provisions of this Code shall be applied in their entirety.

2.2 SEQUENCE OF NEIGHBORHOOD DESIGN

- 2.2.1** The site shall be structured using Mixed Use (MX) Zones applicable to the Neighborhood type as required in Section 2.3. Neighborhoods should be designed according to existing conditions, such as traffic intersections, adjacent development, transit stops, and natural features.
- 2.2.2** Areas of MX Zones shall be allocated within the boundaries of each Neighborhood according to Section 2.3 and Table 2A (Standards for Neighborhood Plans).
- 2.2.3** Civic Zones shall be assigned according to Section 2.7. Permitted types of civic space are listed on Table 2F.
- 2.2.4** The thoroughfare network shall be laid out according to Section 2.6 and Table 2B, Table 2C, Table 2D, and/or Table 2E, or Appendix A (Thoroughfare Assemblies). Permitted maximum block sizes are listed on Table 2A.
- 2.2.5** Density shall be calculated according to Section 2.8 and Table 2A (Standards for Neighborhood Plans).

2.3 TRANSIT VILLAGE NEIGHBORHOOD TYPES

2.3.1 NORTH NEIGHBORHOOD

- a.** The North Neighborhood is located north of Cedar Street and shall be planned as a whole, approximately 20 acres. For smaller sites, see Section 2.5 (Participating Parcels).

- b. The North Neighborhood shall include primarily the MX-1 Zone and a smaller amount of the MX-2 Zone as allocated on Table 2A (Standards for Neighborhood Plans).

2.3.2 SOUTH NEIGHBORHOOD

- a. The South Neighborhood is located south of Cedar Street and shall be planned as a whole, approximately 44 acres.
- b. The South Neighborhood shall include both the MX-1 Zone and MX-2 Zone as allocated on Table 2A (Standards for Neighborhood Plans).

2.4 MIXED USE (MX) ZONES

- 2.4.1** MX Zones shall be assigned and mapped on each Neighborhood Plan according to the percentages allocated on Table 2A (Standards for Neighborhood Plans).
- 2.4.2** A MX Zone may include any of the elements indicated for its zone number throughout this Code, in accordance with Intent and Purpose described in Table 1A and the metric standards on Table 3F and Table 3G.

2.5 PARTICIPATING PARCELS

- 2.5.1** The owner of a parcel at least 4 acres but smaller than a full Neighborhood may submit a Participating Parcel Plan and may request the allocation of one or more MX Zones based on (1) the location of the parcel and (2) the permitted allocation percentages within the requested Neighborhood.
- 2.5.2** Participating Parcel Plans follow the same process as a Neighborhood Plan.
- 2.5.3** Upon approval by the TPZ, the assigned MX Zones for the Participating Parcel(s) shall be recorded on the official Regulating Plan. Subsequent applications for Participating Parcels or Neighborhood Plans shall complement, in their allocation calculations, the MX Zones of the already recorded Participating Parcels.

2.6 THOROUGHFARE STANDARDS

- 2.6.1** Thoroughfares are intended for use by vehicular, bicycle, and pedestrian traffic and to provide access to lots and Civic Spaces. Thoroughfares shall generally consist of Vehicular Lanes and Public Frontages. Permitted thoroughfare types for each MX Zone are listed on Table 2B, Table 2C and Appendix A.
- 2.6.2** Thoroughfares and Civic Spaces shall be designed in context with the physical form of their MX Zones. Thoroughfares shall be designed for the design speed of the MX Zones through which they pass. The Public Frontages of thoroughfares that pass from one MX Zone to another should be adjusted accordingly. See Table 2D and Table 2E.
- 2.6.3** Within the MX-1 and MX-2 Zones, pedestrian comfort shall be a primary consideration of the thoroughfare. Design conflict between vehicular and pedestrian movement generally shall be decided in favor of the pedestrian.

2.6.4 All new thoroughfares shall terminate at other thoroughfares, forming a network. Cul-de-sacs, dead-ends, and hammerheads shall be subject to approval by Special Permit to accommodate specific site conditions only. Such conditions are limited to impassable or uncrossable hillsides, utilities, or existing infrastructure that block the connection to another vehicular thoroughfare. Vehicular thoroughfares that cannot connect by virtue of the aforementioned site conditions shall be connected to another vehicular thoroughfare by a bikeway, path, or trail. Easements shall be provided for this purpose.

2.6.5 Each lot shall enfront a vehicular thoroughfare or Civic Space, except that 20% of the lots within each MX Zone may enfront a Passage.

2.6.6 A bikeway network consisting of Bicycle Trails, Bicycle Routes and/or Bicycle Lanes shall be provided throughout each Neighborhood. The TVDD bikeway network should be connected to existing or proposed regional networks wherever possible. See Appendix B for approved Bikeway Assemblies and Bicycling Facilities.

2.6.7 Exemptions to standards for Bikeways may be approved by Special Permit.

2.6.8 Where Rear Alleys are provided, they should be paved to accommodate vehicular travel, with drainage by inverted crown at the center or with roll curbs at the edges.

2.6.9 **VEHICULAR LANES**

- a.** Thoroughfares may include vehicular lanes in a variety of widths for parked and for moving vehicles, including bicycles. The standards for vehicular lanes shall be as shown in Table 2B and Table 2C.
- b.** Retrofit of an existing thoroughfare may be accomplished in the Vehicular Lanes by techniques including but not restricted to: restriping, inserting bikeways, changing one-way thoroughfares to two-way, reducing curb radii, adding onstreet parking, changing parallel parking to diagonal, adding planted medians, raising crosswalks, and/or removing pavement width by adding bioretention areas.

2.6.10 **PUBLIC FRONAGES**

- a.** The Public Frontage contributes to the character of the MX Zone, and includes sidewalks, curbs, planters, offstreet bikeways, public lighting, and street trees.
- b.** Public Frontages shall be designed as shown in Table 2D and Table 2E.
- c.** Within the Public Frontages, the prescribed types of Public Planting shall be as shown in Table 2D, Table 2E, and Table 2G. The spacing may be adjusted by Special Permit to accommodate specific site conditions.
- d.** Retrofit of an existing thoroughfare may be accomplished in the Public Frontage by techniques including but not restricted to: widening sidewalks, creating bumpouts, adding trees, and/or adding bioretention areas as medians or planting strips.
- e.** Vehicular thoroughfares with a design speed of 15 mph or less may have walkways on only one side. Such thoroughfares that are less than 15 feet right-of-way shall be exempt from walkway requirements.
- f.** The introduced landscape shall consist primarily of durable species tolerant of soil compaction, as provided on Table 2G (Public Planting).

- g. The Public Frontage shall include trees planted in a regularly-spaced allee pattern of single or alternating species with shade canopies of a height that, at maturity, clears at least one story. At retail frontages, the spacing of the trees may be irregular, to avoid visually obscuring the storefronts.
- h. Streets with a right-of-way width of 20 feet or less shall be exempt from the tree requirement.
- i. Lighting fixtures in the Public Frontage shall have full cutoff luminaires.

2.7 CIVIC ZONES

2.7.1 GENERAL

- a. Civic Zones dedicated for public use are designated on the Regulating Plan as Civic Space (CS), Civic Building (CB), or more generally Civic Zone (CZ).
- b. Parking requirements for Civic Zones shall be determined by Special Permit.

2.7.2 CIVIC SPACE (CS) GENERAL TO ZONES MX1, MX2

- a. Civic Spaces are intended primarily for use by pedestrians and bicyclists.
- b. Each Neighborhood shall assign at least 10% of its developed area to Civic Space.
- c. Civic Spaces shall be designed as generally described in Table 2F.
- d. The North Neighborhood and the South Neighborhood shall each contain at least one main Civic Space. A main Civic Space shall conform to Table 2F (Civic Space) standards for green, square, or plaza.
- e. Each Civic Space, except for playgrounds and pocket parks, should have a minimum of 50% of its perimeter fronting a thoroughfare.
- f. Civic Spaces should include outdoor fitness, water features, public art and sculpture and/or outdoor performance venues.

2.7.3 CIVIC BUILDINGS (CB) GENERAL TO ZONES MX1, MX2

- a. Civic Building sites should be located within or adjacent to a Civic Space, or at the visual termination of a significant thoroughfare.
- b. The requirements of Chapter 3 may be modified for Civic Buildings by Special Permit.

2.8 DENSITY CALCULATIONS

- 2.8.1 All areas of the Neighborhood Plan site shall be considered cumulatively the Net Site Area. The Net Site Area shall be allocated to the various MX Zones according to the parameters specified in Table 2A (Standards for Neighborhood Plans).
- 2.8.2 Density shall be expressed in terms of housing units per acre as specified for the area of each MX Zone by Table 2A (Standards for Neighborhood Plans). For purposes of density calculation, the MX Zones include the thoroughfares but not land assigned to Civic Zones. Ten percent (10%) of the housing units shall be in the Affordable Housing range.

2.9 SPECIAL REQUIREMENTS

- 2.9.1 Neighborhood Plans may designate any of the following provisions on the Regulating Plan or by geographic description:

- a. A differentiation of the Thoroughfares as A-Grid and B-Grid. Buildings along the A-Grid shall be held to the highest standards of this Code in support of pedestrian activity. Buildings along the B-Grid may be more readily considered for Special Permits allowing automobile-oriented design. The frontages along the B-Grid shall not exceed 30% of the total length of frontages in each TVDD Neighborhood.
- b. Mandatory (or Recommended) Retail Frontage, requiring (or advising) that a building provide a Shopfront at sidewalk level along the entire length of its Private Frontage.
- c. Mandatory (or Recommended) Gallery Frontage, requiring (or advising) that a building provide a permanent cover over the sidewalk, either cantilevered or supported by columns. The Gallery Frontage designation may be combined with a Retail Frontage designation.
- d. Mandatory (or Recommended) Arcade Frontage, requiring (or advising) that a building overlap the sidewalk such that the first floor facade is accessed through a series of arches. The Arcade Frontage designation may be combined with a Retail Frontage designation.
- e. Mandatory (or Recommended) Porchfront, requiring (or advising) that a porch be included in the Private Frontage.
- f. Build-to Line, requiring the placement of the building facade along a line (within the applicable setbacks as shown on Table 3F and Table 3G).
- g. Coordinated Frontage, requiring that the Public Frontage (Table 2D Public Frontages—General) and Private Frontage (Table 3B Building Form—Private Frontages) be coordinated as a single, coherent landscape and paving design.
- h. Mandatory (or Recommended) Visual Termination locations, requiring (or advising) that the building have architectural distinction appropriate to the location, as approved by Special Permit.
- i. Mandatory (or Recommended) View Corridor, requiring that new development not impede the sight line shown on the Regulating Plan, as judged from the centerline of the thoroughfare on which the View Corridor is marked.
- j. Cross Block Passages that are perpendicular to alleys, requiring that a minimum 8-foot-wide pedestrian access be reserved between buildings.
- k. Others as approved by Special Permit.

CHAPTER 3. LOTS & BUILDING PLANS

3.1. INSTRUCTIONS

- 3.1.1.** Lots and buildings located within a Regulating Plan governed by this Code shall be subject to the requirements of this Chapter.
- 3.1.2.** Building and site plans submitted under this Chapter shall meet the requirements of the application form, Site Plan Review fee in Section 5.3 (Procedures and Requirements for Site Plans) of the zoning regulations, and show the following in compliance with the standards described in this Chapter:
 - a.** For preliminary site and building approval:
 - Building Placement, in plan and elevation
 - Building Form, in plan and elevation
 - Building Function and Specific Use
 - Parking Location
 - b.** For final approval, in addition to the above:
 - Landscape
 - Stormwater Management
 - Signs
 - Lighting
 - Architecture
 - Special Requirements, if any
- 3.1.3.** The requirements of this Chapter may be modified for Civic Buildings by Special Permit.

3.2. SPECIAL REQUIREMENTS

- 3.2.1.** To the extent that a Regulating Plan or geographic description designates one or more of the following Special Requirements, standards shall be applied as follows. See Table 3B Private Frontages.
 - a.** A-Grid: Buildings along the A-Grid shall be held to the highest standards of this Code in support of pedestrian activity. B-Grid: Buildings may be more readily considered for Special Permits allowing automobile-oriented design.
 - b.** Retail Frontage: The building shall provide a shopfront at sidewalk level along the entire length of its Principal Frontage. The shopfront shall be glazed in clear glass no less than 50% of the first story area between 2 and 12 feet above the sidewalk. It may be shaded by an awning overlapping the sidewalk as generally illustrated in Table 3B (Building Form Private Frontages). Awnings, if present, shall be 3 feet minimum depth. Retractable awnings are encouraged. For calculating glazing, include the muntins as part of the glass but not the mullions, and include the sides of an alcove entrance as façade area. Corner stores with a Secondary Frontage on streets of less than 30 feet right-of-way may reduce the glazing requirement on the Secondary Frontage to apply only to 30% of the depth of the retail space, as measured from the building corner.

- c. **Gallery Frontage:** The building shall provide a permanent cover over the sidewalk, either cantilevered or supported by columns. The Gallery Frontage designation may be combined with a Retail Frontage designation.
- d. **Arcade Frontage:** The building shall overlap the sidewalk such that the first floor facade is accessed through a series of arches. The Arcade Frontage designation may be combined with a Retail Frontage designation.
- e. **Porchfront:** A porch of a minimum 6 feet depth shall be included in the Private Frontage.
- f. **Build-to Line:** The building facade shall be placed along a line as shown on the Regulating Plan
- g. **Coordinated Frontage:** The Public Frontage and Private Frontage shall be coordinated as a single, coherent landscape and paving design.
- h. **Visual Termination:** The building shall have architectural distinction appropriate to its prominent axial location, as approved by Special Permit.
- i. **View Corridor:** Development shall not impede the sight line shown on the Regulating Plan, as judged from the centerline of the thoroughfare on which the View Corridor is marked.
- j. **Cross Block Passages:** A minimum 8-foot-wide pedestrian access shall be reserved between buildings.
- k. **Others as designated.**

3.3. BUILDING PLACEMENT

3.3.1. GENERAL TO ALL ZONES MX1, MX2

- a. Newly platted lots shall be dimensioned according to Table 3F and Table 3G.
- b. Buildings shall be placed wherever possible for maximum energy efficiency, per Appendix C: Building Orientation.
- c. One Principal Building at the frontage, and one outbuilding to the rear of the Principal Building, may be built on each lot as shown in Definitions Illustrated.
- d. Facades shall be built parallel to a rectilinear Principal Frontage Line or to the tangent of a curved Principal Frontage Line. Facades shall occupy a minimum percentage of the frontage width at the setback, specified as Frontage Buildout on Table 3F and Table 3G.
- e. Setbacks for Principal Buildings shall be as shown on Table 3F and Table 3G.
Setbacks for buildings next to existing development shall be determined by Special Permit.
- f. Rear setbacks for outbuildings shall be a minimum of 12 feet measured from the centerline of the Rear Alley easement. In the absence of a Rear Alley, the rear setback shall be as shown on Table 3F and Table 3G.
- g. For through lots, there shall be two Principal Frontages that shall comply with Table 3B (Private Frontages) and Section 3.4. Alleys are not considered frontages.
- h. The principal entrance shall be on a Frontage Line.
- i. Public entrances on commercial or mixed-use buildings should be no more than 32 feet apart, including entrances on adjacent attached buildings.

3.4. BUILDING FORM

3.4.1. GENERAL TO ZONES MX1, MX2

- a. The Private Frontage of buildings shall conform to and be allocated in accordance with Table 3B (Private Frontages) and Table 3F and Table 3G.

- b. Buildings shall be configured whenever possible for maximum energy efficiency, per Appendix C (Surface to Volume Ratio).
- c. Retail and mixed-use buildings shall be configured whenever possible according to Appendix C (Retail Typology Form-based Graphics).
- d. Shopfronts shall conform to the standards in Section 3.10.1b. Galleries shall be a minimum of 5 feet deep.
- e. Buildings on corner lots shall have two Private Frontages. Standards for the second and third Lot Layers pertain only to the Principal Frontage. Standards for the first Lot Layer pertain to both frontages. See Definitions Illustrated.
- f. For each residential front unit there shall be a habitable room (as defined in the State Building and Energy Code) and window facing the Principal Frontage.
- g. Building heights, stepbacks, and expression lines shall conform to Table 3A (Building Form – Height).
- h. Stories may not exceed 16 feet in height from finished floor to finished floor, except for a first floor Commercial Function, which shall be a minimum of 14 feet with a maximum of 27 feet. A single floor level exceeding 16 feet, or 27 feet at ground level, shall be counted as 2 stories. Mezzanines extending beyond 33% of the floor area shall be counted as an additional story.
- i. In a parking structure or garage, each above-ground level counts as a single story regardless of its relationship to habitable stories.
- j. Height limits do not apply to masts, belfries, clock towers, chimneys, water tanks, pilot houses, or elevator bulkheads that occupy less than 20% of the roof area.
- k. Height limits do not apply to attics within pitched roofs. Attics may be habitable per the State Building and Energy Code.
- l. Habitable space within a mansard roof is considered a story.
- m. Utility meters shall be hidden from the public frontage.
- n. Loading docks and service areas shall be allowed on frontages only by Special Permit, including car share and autonomous vehicle pickup and dropoff areas.
- o. In the absence of a building facade along any part of a frontage line, a streetscreen shall be built in alignment with the facade. Streetscreens shall be between 3.5 and 8 feet in height. The streetscreen may be replaced by a hedge or fence by Special Permit. Streetscreens shall have openings no larger than necessary to allow automobile and pedestrian access.
- p. A first level Residential or Lodging Function may be raised from average sidewalk grade if fully accessible from another entrance. If at grade, the building should be set back at least 6 feet from the sidewalk for privacy, with a low wall, fence, or hedge at the frontage line.
- q. Corner buildings with shopfronts shall have chamfered corners on the first story.

3.4.2. ENCROACHMENTS IN ZONES MX-1 AND MX-2

- 3. Awnings, Arcades, and Galleries may encroach the sidewalk to within 2 feet of the curb but must clear the sidewalk vertically by at least 8 feet.
- 4. Balconies, porches, bay windows, stoops, lightwells, and terraces may encroach the first Lot Layer by Special Permit.
- 5. Maximum encroachment heights for Arcades shall be as shown on Table 3A.

3.5 BUILDING FUNCTION

3.5.1 GENERAL TO ZONES MX1, MX2

- a. Buildings in each MX Zone shall conform to the functions on Table 3C (Building Function) and Table 3D (Specific Function & Use). Secondary Uses requiring Special Permits are listed on Table 3D.
- b. Light Manufacturing may be allowed by Special Permit.
- c. Home Occupations are permitted that (1) are clearly incidental to and comparable with the residential use of the property and surrounding residential uses; and (2) employ no more than 1 person, other than family members residing in the home.
- d. Home Occupation work quarters may be visible from the frontage.
- e. Retail Functions should generally follow Appendix C: Retail Typology Form-Based Graphics.

3.6 PARKING MINIMUMS

3.6.1 GENERAL TO ALL ZONES MX1, MX2

- a. Numbers of parking spaces shall be provided per Table 3C (Building Function and Parking).
- b. Dedicated parking spaces within 1000 feet of the building Principal Entrance shall count toward the parking minimum.
- c. On-street parking along the building frontages shall count toward the parking minimum.
- d. Required parking spaces may be reduced by Special Permit according to the Shared Parking Factors on Table 3C.

3.7 PARKING LOCATION

3.7.1 GENERAL TO ZONES MX1, MX2

- a. Parking structures or tuck-under parking are preferred over surface parking.
- b. Parking structures shall have Liner Buildings lining the first and second stories.
- c. All parking lots, garages, and parking structures shall be located at the third Lot Layer.
- d. Parking shall be accessed by Rear Alleys or B Streets, when such are available, or side streets.
- e. Open parking areas shall be masked from the frontage by a building or streetscreen.
- f. Vehicular entrances to parking lots, garages, and parking structures shall be no wider than 24 feet if two-way or 12 feet if one-way.
- g. Pedestrian exits from all parking lots, garages, and parking structures should be directly to a frontage line (i.e., not directly into a building) whenever possible.
- h. A minimum of one space on a bicycle rack shall be provided within the Public Frontage or Private Frontage for every ten vehicular parking spaces. See Appendix B.

3.8 SIGNS

3.8.1 GENERAL TO ZONES MX1, MX2

- a. Specific sign standards are listed and illustrated on Table 3E.
- b. The address number shall be no more than 6 inches high and shall be attached to the building in proximity to the Principal Entrance or at a mailbox or as designated by the USPS or Fire Marshal.

- c. Illuminated signage shall be externally illuminated only, except that signage within shopfront glazing may be neon lit.

3.8.2 SPECIFIC TO ZONE MX1

- a. One blade sign for each business may be permanently installed perpendicular to the facade within the first Lot Layer. Such a sign shall not exceed 4 square feet and shall clear 8 feet above the sidewalk.
- b. One single- or double-post yard sign for each business may be permitted by Special Permit, provided it is set back at least 6 feet from the Frontage Line, does not exceed 6 square feet excluding posts, and does not exceed 6 feet high measured from the ground at the post location.

3.8.3 SPECIFIC TO ZONE MX2

- a. Blade signs, not to exceed 6 square ft. for each separate business entrance, may be attached to and should be perpendicular to the facade, and shall clear 8 feet above the sidewalk.
- b. A single external permanent sign band may be applied to the facade of each building, providing that such sign not exceed 3 feet in height by any length.

3.9 LIGHTING

3.9.1 SPECIFIC TO THE ZONE MX-1

- a. Lighting fixtures in the Private Frontage shall have full cutoff luminaires, with dimmers, time switches, or motion sensors.
- b. Maximum permitted Initial Lamp Lumens shall be 3.3 - 4.2 lumens per square foot.
- c. Maximum Lamp Allowance shall be 24,000 lumens.
- d. Lighting curfew for non-residential Functions is 10 PM or close of business, whichever is later.

3.9.2 SPECIFIC TO ZONE MX-2

- a. Lighting fixtures in the Private Frontage shall have full cutoff luminaires or low-wattage non-full cutoff luminaires, with dimmers, time switches, or motion sensors.
- b. Maximum permitted Initial Lamp Lumens shall be 7.6 - 9.7 lumens per square foot.
- c. Maximum Lamp Allowance shall be 44,000 lumens.
- d. Lighting curfew for non-residential Functions is 12 Midnight or close of business, whichever is later.

3.10 ARCHITECTURE

3.10.1 GENERAL TO ALL BUILDINGS IN ZONES MX1, MX2

- a. Building wall materials shall be combined on each facade only horizontally, with the heavier below the lighter.
- b. All openings, including porches, galleries, arcades and windows, with the exception of shopfronts and ganged windows in loft buildings, shall be square or vertical in proportion. Loft buildings may have three vertical windows side by side in a horizontal opening, or paired windows in a square opening.
- c. Total combined area of openings above the first story of all buildings other than loft buildings shall not exceed 40% of the total building wall area, with each facade being calculated independently.
- d. Shutters, if provided, shall be proportioned as if they could cover the window.

- e. Sliding doors are prohibited on the first story along frontages.
- f. Gabled roofs, if provided, shall be symmetrically sloped no less than 4 in 12. Hipped roofs, if provided, shall be symmetrically sloped no less than 3 in 12. Roofs for porches and attached sheds shall be no less than 2 in 12.
- g. The exterior finish material on all facades shall be limited to stone, stone veneer, brick, brick veneer, wood clapboard, wood shingles, cementitious siding and / or lime-based stucco.
- h. Flat roofs shall be enclosed by parapets a minimum of 42 inches high, or as required to conceal mechanical equipment from the ground and from neighboring buildings.
- i. Balcony and porch railings shall be made of painted wood or metal.
- j. Fences or walls at the first Lot Layer shall be brick, brick veneer, stone, stone veneer, lime-based stucco, painted metal or painted wood. Stone walls shall be laid so that most stones and the predominant visual pattern are horizontal.

3.10.2 SPECIFIC TO COMMERCIAL, MIXED USE AND MULTI-FAMILY BUILDINGS OVER 7500 SQUARE FEET IN ZONES MX1, MX2

- a. Building design should use the shared principles of Connecticut's dominant architectural traditions: Colonial, Federal, Greek Revival, Victorian, Colonial Revival, American Foursquare, and New England mill and loft buildings.
- b. No more than 5 materials shall be used on one facade, including the trim, roof and foundation.
- c. Windows other than shopfront windows or ganged windows in a loft building shall be vertically proportioned and double-hung, with vertically proportioned panes or divisions.
- d. Windows shall align vertically and horizontally. Alignment may be centered or along edges.
- e. Chimneys visible from frontages shall be brick, brick veneer, stone or stone veneer.
- f. Shading of glazing techniques shall be utilized wherever possible. See Appendix C.

CHAPTER 4. TABLES

TABLE 1A. INTENT AND PURPOSE: MX ZONE

MX-1

The Mixed-1 Zone consists of a mixed use but primarily residential fabric of attached building types. These may be apartment buildings, courtyard buildings, or townhouses. Setbacks and landscaping are variable. Streets with curbs and sidewalks create medium-sized blocks.

General Character: Mix of townhouses and small apartment buildings with scattered commercial activity; balance between landscape and buildings; presence of pedestrians. The MX-1 Zone generally provides residential support for the commercial destinations of MX-2, and is walkable to Newington Station. Parking is behind buildings or in structured parking wrapped with residential uses.

Building placement: shallow to medium front and side yard setbacks

Frontage types: porches, low fences, stoops, front gardens, galleries, occasional shopfronts

Building heights: 2-3 story with a few 4-story mixed-use buildings

Civic Space types: greens, squares, playgrounds, pocket parks, dog parks

MX-2

The Mixed-2 Zone consists of higher density mixed use buildings that accommodate retail, offices, rowhouses, and apartments. Building types are attached, which may be apartment buildings, courtyard buildings, perimeter blocks, or townhouses. This zone has a tight network of streets with wide sidewalks, steady street tree planting, and buildings close to the sidewalk. Parking is in structured parking wrapped with residential or commercial uses, and bicycle parking.

General Character: Shops mixed with townhouses, larger apartment buildings, offices, workplace buildings; predominantly attached buildings; trees within the public right-of-way, substantial pedestrian activity. The MX-2 Zone is close to Newington Station and along Cedar Street, providing commercial destinations for commuters and visitors as well as residents of the TVDD.

Building placement: shallow setbacks or none; buildings oriented to street defining a street wall

Frontage types: shopfronts, stoops, galleries, arcades

Building heights: 2-6 story

Civic Space types : greens, squares, plazas, playgrounds, pocket parks

TRANSIT VILLAGE DESIGN DISTRICT CODE

CHAPTER 4. TABLES

Town of Newington, CT

TABLE 2A. STANDARDS FOR NEIGHBORHOOD PLANS

	MX-1 ZONE	MX-2 ZONE
a. ALLOCATION OF ZONES per Neighborhood		
North Neighborhood	70-90%	10-30%
South Neighborhood	20-40%	60-80%
b. NET RESIDENTIAL DENSITY* (see Section 2.8)		
Density by Zone	40 units / ac. Net	80 units / ac. net
c. BLOCK SIZE		
Block Perimeter	2400 ft max	2000 ft max

*Net Density calculation includes Thoroughfare area, but not Civic Space or already preserved lands.

TRANSIT VILLAGE DESIGN DISTRICT CODE
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TABLE 2B. THOROUGHFARES – VEHICULAR LANE DIMENSIONS

TABLE 2B: Vehicular Lane Dimensions. This table assigns lane widths to MX Zones. The Design ADT (Average Daily Traffic) is the determinant for each of these sections. The most typical assemblies are shown in Table 2C and complete assemblies, if preferred, in Appendix A. Specific requirements for truck and transit bus routes and truck loading shall be decided by Special Permit.

DESIGN SPEED	TRAVEL LANE WIDTH	MX1	MX2
Below 20 mph	8 feet	<input type="checkbox"/>	<input type="checkbox"/>
20-25 mph	9 feet	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
20-25 mph	10 feet	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
20-25 mph	11 feet	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

■ BY RIGHT
 BY SPECIAL PERMIT

DESIGN SPEED	PARKING LANE WIDTH
20-25 mph	(Angle 18 feet)
20-25 mph	(Parallel) 7 feet
20-25 mph	(Parallel) 8 feet

DESIGN SPEED	EFFECTIVE TURNING RADIUS
Below 20 mph	5-10 feet
20-25 mph	10-15 feet

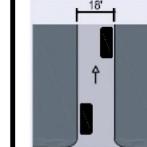
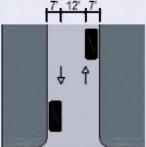
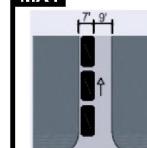
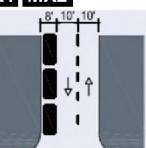
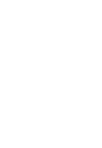
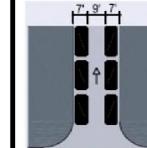
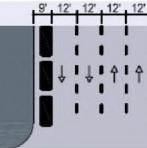
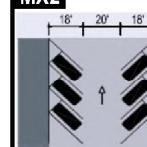
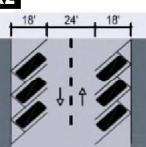
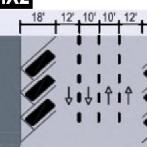
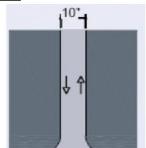
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Town of Newington, CT

TABLE 2C. THOROUGHFARES – VEHICULAR LANE & PARKING ASSEMBLIES

TABLE 2C: Vehicular Lane/Parking Assemblies. The projected design speeds determine the dimensions of the vehicular lanes and turning radii assembled for Thoroughfares.

	ONE WAY MOVEMENT	TWO WAY MOVEMENT		
a. YIELD PARKING	MX1 	MX1 		
Design ADT	1,000 VPD	1,000 VPD		
Pedestrian Crossing	5 Seconds	7 Seconds		
Design Speed	20-25 MPH	20-25 MPH		
b. PARKING ONE SIDE PARALLEL	MX1 	MX1 MX2 	MX1 MX2 	MX1 MX2 
Design ADT	5,000 VPD	18,000 VPD	16,000 VPD	15,000 VPD
Pedestrian Crossing	8 Seconds	8 Seconds	11 Seconds	
Design Speed	20-25 MPH	20-25 MPH	20-25 MPH	20-25 MPH
c. PARKING BOTH SIDES PARALLEL	MX1 	MX1 MX2 	MX1 MX2 	MX2 
Design ADT	8,000 VPD	20,000 VPD	15,000 VPD	22,000 VPD
Pedestrian Crossing	7 Seconds	10 Seconds	10 Seconds	13 Seconds
Design Speed	Below 20 MPH	20-25 MPH	20-25 MPH	20-25 MPH and above
d. PARKING BOTH SIDES DIAGONAL	MX2 	MX2 	MX2 	MX2 
Design ADT	18,000 VPD	20,000 VPD	15,000 VPD	22,000 VPD
Pedestrian Crossing	15 Seconds	17 Seconds	17 Seconds	20 Seconds
Design Speed	Below 20 MPH	20-25 MPH	20-25 MPH	20-25 MPH
e. PARKING ACCESS		MX2 	MX2 	
Design ADT	n/a	n/a	n/a	
Pedestrian Crossing	3 Seconds	6 Seconds	n/a	
Design Speed	n/a	n/a	n/a	

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TABLE 2D. THOROUGHFARES – PUBLIC FRONTAGE, GENERAL

TABLE 2D: Public Frontages General: The Public Frontage is the area between the private lot line and the edge of the vehicular lanes. Dimensions are given in Table 2C and Appendix A.

PLAN	
LOT	R.O.W.
PRIVATE FRONTAGE	PUBLIC FRONTAGE
a. (ST) For Street: This frontage has raised curbs drained by inlets and sidewalks separated from the vehicular lanes by individual or continuous planters, with parking on one or both sides. The landscaping consists of street trees of a single or alternating species aligned in a regularly spaced allee, with the exception that Streets with a right-of-way (R.O.W.) width of 40 feet or less are exempt from tree requirements.	<p>MX1 MX2</p>
b. (DR) For Drive: This frontage has raised curbs drained by inlets and a wide sidewalk or paved path along one side, related to a park or waterfront. It is separated from the vehicular lanes by individual or continuous planters. The landscaping consists of street trees of a single species or alternating species aligned in a regularly spaced allee.	<p>MX1 MX2</p>
c. (AV) For Avenue: This frontage has raised curbs drained by inlets and wide sidewalks separated from the vehicular lanes by a narrow continuous planter with parking on both sides. The landscaping consists of a single tree species aligned in a regularly spaced allee.	<p>MX1 MX2</p>
d. (CS) (AV) For Commercial Street or Avenue: This frontage has raised curbs drained by inlets and very wide sidewalks along both sides separated from the vehicular lanes by separate tree wells with grates and parking on both sides. The landscaping consists of a single tree species aligned with regular spacing where possible but clearing the storefront entrances.	<p>MX2</p>
e. (BV) For Boulevard: this frontage has Access Lanes on both sides. It consists of raised curbs drained by inlets and sidewalks along both sides, separated from the vehicular lanes by planters. The landscaping consists of double rows of a single tree species aligned in a regularly spaced allee.	<p>MX1 MX2</p>

TABLE 2E. THOROUGHFARES – PUBLIC FRONTAGES, SPECIFIC

TABLE 2E: Public Frontages - Specific. This table assembles prescriptions and dimensions for the Public Frontage elements - curbs, walkways and planters - relative to specific Thoroughfare types within MX Zones. Appendix A assembles all of the Public Frontage and Vehicular Lane elements. Locally appropriate planting species and lighting types are listed on Table 2G and Table 2H.

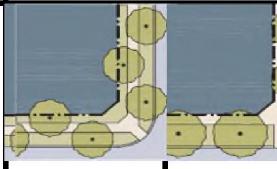
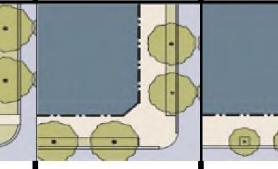
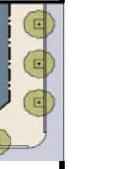
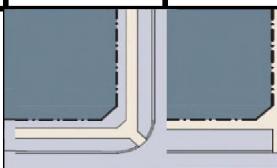
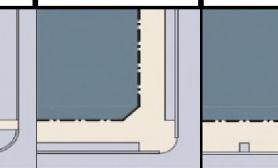
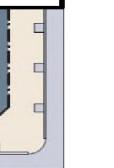
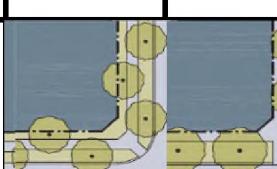
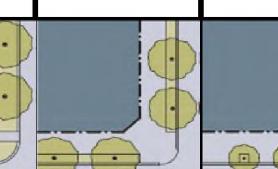
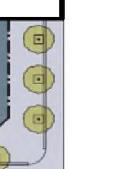
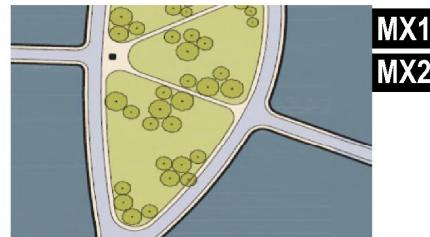
MX ZONE Public Frontage Type	MX1 ST-DR-AV	MX1 ST-DR-AV-BV	MX2 CS-DR-AV-BV	MX2 CS-DR-AV-BV
a. Assembly: The principal variables are the type and dimension of curbs, walkways, planters and landscape.				
Total Width	12-18 feet	12-18 feet	18-24 feet	18-30 feet
b. Curb. The detailing of the edge of the vehicular pavement incorporating drainage.				
Type	Raised Curb	Raised Curb	Raised Curb	Raised Curb
Radius	5-20 feet	5-20 feet	5-20 feet	5-20 feet
c. Walkway. The hard surface dedicated exclusively to pedestrian activity.				
Type	Sidewalk	Sidewalk	Sidewalk	Sidewalk
Width	4-8 feet	4-8 feet	12-20 feet	12-30 feet
d. Planter: The layer that accommodates street trees and other landscape materials.				
Arrangement	Regular	Regular	Regular	Opportunistic
Species	Alternating	Single	Single	Single
Planter Type	Continuous Planter	Continuous Planter	Continuous Planter	Tree Well
Planter Width	8 feet - 12 feet	8 feet - 12 feet	4 feet - 6 feet	4 feet - 6 feet
e. Landscape. The recommended plant species. See Table 2G.				
f. Lighting. The recommended Public Lighting. See Table 2H.				

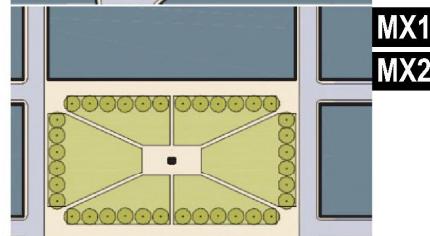
TABLE 2F. CIVIC SPACE STANDARDS

TABLE 2F. Civic Space. This table indicates the general character of public open space appropriate for each MX Zone and some basic standards. Greens, Squares, Plazas and Playgrounds may include water features.

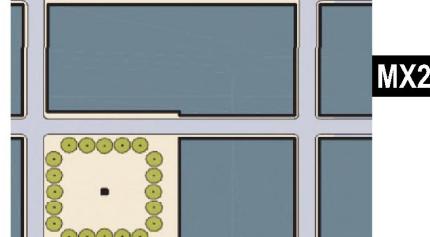
a. Green: An open space, available for unstructured recreation. A green may be spatially defined by landscaping rather than building frontages. Its landscape shall consist of lawn and trees, naturalistically disposed, and may include water features. The minimum size shall be 1/2 acre and the maximum shall be 8 acres.



b. Square: An open place available for unstructured recreation and civic purposes. A square is spatially defined by building frontages. Its landscape shall consist of paths, lawns and trees, formally disposed, and may include water features. Squares should be located at the intersection of important thoroughfares. The minimum size shall be 1/2 acre and the maximum shall be 5 acres.



c. Plaza: An open space available for civic purposes and commercial activities. A Plaza shall be spatially defined by building frontages. It shall consist primarily of pavement, and may include water features. Trees are optional. Plazas should be located at the intersection of important streets. The minimum size shall be 1/2 acre and the maximum shall be 2 acres.



d. Playground: An open space designed and equipped for the recreation of children. A playground should be fenced and may include an open shelter. Playgrounds shall be interspersed within residential areas and may be placed within a block. Playgrounds may be included within parks and greens. There shall be no minimum or maximum size.



e. Pocket Park: A small open space suitable for socializing, eating and resting. Pocket parks shall be equipped with benches and plantings, with tables and public art optional. They may be placed alongside thoroughfares or as intimate spaces within blocks, but should be visible from a thoroughfare. The maximum size shall be 1/2 acre.



f. Dog Park: A fenced space for the recreation of dogs accompanied by humans. A dog park shall be allocated and designed by Special Permit.

TABLE 2G. PUBLIC PLANTING

TABLE 2G: Public Planting. This table shows five common types of street tree shapes and their appropriateness within the MX Zones. The landscape architect preparing the plan selects species appropriate for the bioregion.

	MX1	MX2	Specifications
Oval			
	■	■	
Ball			
	■	■	
Pyramid			
	■		
Umbrella			
	■		
Vase			
	■		

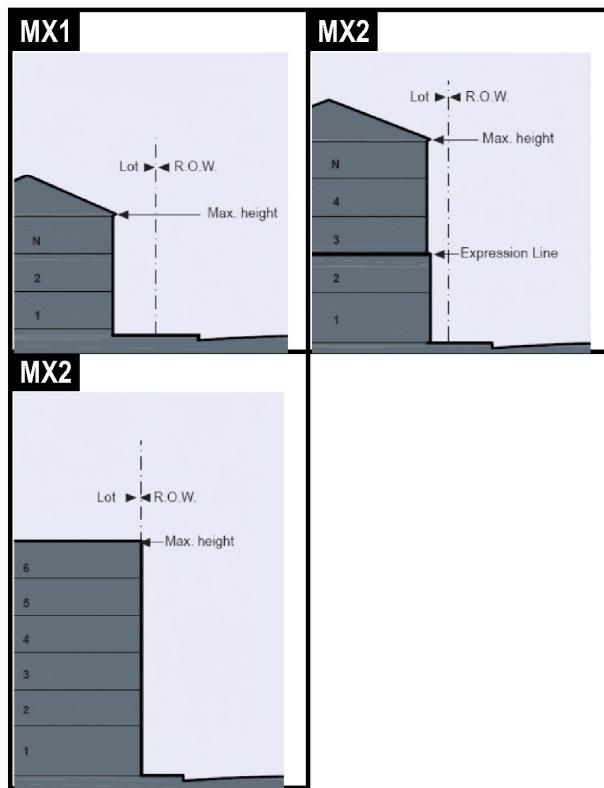
TABLE 2H. PUBLIC LIGHTING

TABLE 2H: Public Lighting. Lighting varies in brightness and also in the character of the fixture according to its context. The table shows common types. A lighting specialist selects products appropriate for each placement.

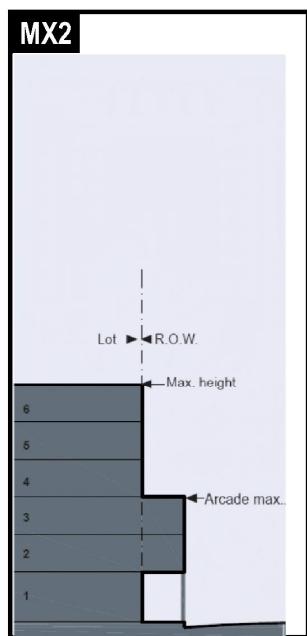
	MX1	MX2	Specifications
Post			
		■	
Column			
		■	
Double Column			
		■	

TABLE 3A. BUILDING FORM - HEIGHT

TABLE 3A: Building Form - Height. This table shows the configurations for different building heights for each MX Zone. Recess Lines and Expression Lines shall occur on higher buildings as shown. N = maximum height as specified in Table 3A.



Stepbacks/Arcade Heights. The diagrams below show Arcade Frontages. Diagrams above apply to all other Frontages.



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TABLE 3B. BUILDING FORM - PRIVATE

TABLE 3B: Private Frontages. The Private Frontage is the area between the building facade and the front lot line.

	SECTION	PLAN	
	LOT ► R.O.W. PRIVATE ► PUBLIC FRONTAGE FRONTAGE	LOT ► R.O.W. PRIVATE ► PUBLIC FRONTAGE FRONTAGE	
a. Porch & Fence: a planted frontage where the façade is set back from the Frontage Line with an attached porch permitted to encroach. A low fence, wall, or hedge at the Frontage Line maintains street spatial definition. Porches should be no less than 8 feet deep. Dooryard is a permitted at-grade variant, with or without an at-grade porch.			MX1
b. Terrace or Lightwell: a frontage where the façade is set back from the Frontage Line by an elevated Terrace or sunken Lightwell. This type buffers residential use from urban sidewalks and removes the private yard from public encroachment. Terraces are suitable for conversion to outdoor cafés.			MX1 MX2
c. Forecourt: a frontage where the façade is close to the Frontage Line and the central portion is set back. The Forecourt created is suitable for vehicular drop-offs. This type should be allocated in conjunction with other frontage types. Large trees within the Forecourts may overhang the sidewalks.			MX1 MX2
d. Stoop: a frontage for ground-floor residential use where the façade is aligned close to the Frontage Line. The first story should be elevated from the sidewalk sufficiently to ensure privacy for the windows. The entrance is usually an exterior stair and landing. Stoops may be covered or uncovered.			MX1 MX2
e. Shopfront: a frontage where the façade is aligned close to the Frontage Line with the building entrance at sidewalk grade. This type is conventional for retail use. It has substantial glazing on the sidewalk level and an awning that should overlap the sidewalk should overlap the sidewalk a minimum of 3 feet to within 2 feet of the curb. Syn: Retail Frontage .			MX1 MX2
f. Gallery: a frontage where the façade is aligned with the Frontage Line with an attached cantilevered shed or lightweight colonnade overlapping the sidewalk. This type is conventional for retail use. The Gallery should be no less than 10 feet wide and should overlap the sidewalk to within 2 feet of the curb.			MX1 MX2
g. Arcade: a colonnade supporting habitable space that overlaps the sidewalk, while the facade at sidewalk level remains at or behind the Frontage Line. This type is conventional for retail use. The Arcade shall be no less than 12 feet wide and should overlap the sidewalk to within 2 feet of the curb. See Table 3A.			MX2

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TABLE 3C. BUILDING FUNCTION & PARKING

TABLE 3C: Building Function and Parking Calculations. This table categorizes Building Functions within the TVDD. Parking requirements are correlated to functional intensity. For Specific Function and Use, see Table 3D.

	MX1	MX2
a. RESIDENTIAL	Limited Residential: The number of dwellings on each lot is limited by the requirement of 1.5 parking spaces for each dwelling, a ratio which may be reduced according to the the shared parking standards (see below).	Open Residential: The number of dwellings on each lot is limited by the requirement of 1.0 parking places for each dwelling, a ratio which may be reduced according to the shared parking standards (see below).
b. LODGING	Limited Lodging: The number of bedrooms available on each lot for lodging is limited by the requirement of 1.0 assigned parking place for each bedroom, up to twelve, in addition to the parking requirement for the dwelling. The Lodging must be owner occupied. Food service may be provided. The maximum length of stay shall not exceed ten days.	Open Lodging: The number of bedrooms available on each lot for lodging is limited by the requirement of 1.0 assigned parking place for each bedroom. Food service may be provided at all times. The area allocated for food service shall be calculated with parking according to Retail Function.
c. OFFICE	Limited Office: The building area available for office use on each lot is limited to the first Story of the Principal Building and/or the Accessory Building, and by the requirement of 3.0 assigned parking places per 1,000 square feet of net office space in addition to the parking requirement for each dwelling.	Open Office: The building area available for office use on each lot is limited by the requirement of 2.0 assigned parking places per 1,000 square feet of net office space.
d. RETAIL	Limited Retail: The building area available for Retail use is limited to the first story of buildings at corner locations, not more than one per block, and by the requirement of 4.0 assigned parking places per 1,000 square feet of net Retail space in addition to the parking requirement of each dwelling. The specific use shall be further limited to neighborhood store or food service seating no more than 60.	Open Retail: The building area available for Retail use is limited by the requirement of 3.0 assigned parking places per 1,000 square feet of net Retail space. Retail spaces under 1,500 square feet are exempt from parking requirements.
e. CIVIC	See Specific Use Table	See Specific Use Table
f. OTHER	See Specific Use Table	See Specific Use Table

Parking Calculations. The Shared Parking Factor for two Functions, when divided into the sum of the two amounts as listed on the Required Parking table below, produces the effective parking needed for each site involved in sharing. Conversely, if the Sharing Factor is used as a multiplier, it indicates the amount of building allowed on each site, given the parking available.

REQUIRED PARKING			SHARED PARKING FACTOR		
	MX1	MX2	Function	with	Function
RESIDENTIAL	1.5 / dwelling	1.0 / dwelling	RESIDENTIAL		RESIDENTIAL
LODGING	1.0 / dwelling	1.0 / dwelling	LODGING		LODGING
OFFICE	3.0 / 1,000 sq.ft.	2.0 / 1,000 sq.ft.	OFFICE	1	OFFICE
RETAIL	4.0 / 1,000 sq.ft.	3.0 / 1,000 sq.ft.	RETAIL	14 1 14 12	RETAIL
CIVIC	To be determined by Special Permit			11 11	
OTHER	To be determined by Special Permit			12 17 13 12 1 12 13	

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TABLE 3D. SPECIFIC FUNCTION & USE

TABLE 3D: Specific Function and Use. This table expands the categories of Table 3C to delegate specific functions and uses within MX Zones.

a. RESIDENTIAL	MX1	MX2	f. OTHER: AGRICULTURE	MX1	MX2
Mixed Use Block		■	Grain Storage		
Flex Building	■	■	Livestock Pen		
Apartment Building	■	■	Greenhouse		
Live/Work Unit	■	■	Stable		
Row House	■	■	Kennel	□	□
Duplex House	■	■	Pet Daycare	■	■
Courtyard House	■	■			
Sideyard House	■	■			
Townhouse	■				
House					
Villa					
Accessory Unit	■	■			
b. LODGING					
Hotel (no room limit)		■	Outdoor Dining	□	■
Inn (up to 12 rooms)	■	■	Outdoor Heaters	□	■
Bed & Breakfast (up to 5 rooms)	■	■	Umbrellas	□	■
S.R.O. Hostel	□	□	Rooftop Dining	□	■
School Dormitory			Valet Parking	□	■
c. OFFICE					
Office Building	■	■	Truck/RV Parking		□
Innovation and Maker Spaces	□	■	Outdoor Merchandise Display	□	■
Co-Working Spaces	□	■	Seasonal Outdoor Sales	□	■
Live/Work Unit	■	■	Street Vendor		■
d. RETAIL					
Open-Market Building	■	■	Automatic Teller Machine	■	■
Retail Building	■	■	Refuse Collection Facility	■	■
Display Gallery	■	■			
Restaurant	■	■			
Personal Service	■	■			
Fitness Center	□	■			
Entertainment	□	■			
Kiosk	■	■			
Food Truck, Push Cart		■			
Liquor Selling Establishment		■			
Adult Entertainment					
e. CIVIC					
Bus Shelter	■	■			
Convention Center					
Conference Center		□			
Exhibition Center					
Fountain or Public Art	■	■			
Library	■	■			
Live Theater		■			
Movie Theater		■			
f. OTHER: AGRICULTURE					
Grain Storage					
Livestock Pen					
Greenhouse					
Stable					
Kennel	□	□			
Pet Daycare	■	■			
f. OTHER: ANCILLARY					
Outdoor Dining	□	■			
Outdoor Heaters	□	■			
Umbrellas	□	■			
Rooftop Dining	□	■			
Valet Parking	□	■			
Truck/RV Parking		□			
Outdoor Merchandise Display	□	■			
Seasonal Outdoor Sales	□	■			
Street Vendor		■			
Automatic Teller Machine	■	■			
Refuse Collection Facility	■	■			
f. OTHER: AUTOMOTIVE					
Gasoline					
Automobile Service					
Truck Maintenance					
Vehicle Charging Station	■	■			
Drive-Through Facility					
Rest Stop					
Roadside Stand					
Billboard					
Shopping Center					
Shopping Mall					
f. OTHER: CIVIL SUPPORT					
Fire Station					
Police Sub Station	■	■			
Cemetery					
Funeral Home					
Hospital					
Medical Clinic	□	■			
f. OTHER: EDUCATION					
College		■			
High School					
Trade School					
Elementary School					
Other - Childcare Center	■	■			

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TABLE 3D. SPECIFIC FUNCTION & USE (cont)

e. CIVIC (continued)	MX1	MX2	f. OTHER: INDUSTRIAL	MX1	MX2
Museum		■	Heavy Industrial Facility		
Outdoor Auditorium		■	Light Industrial Facility		
Parking Structure		■	Truck Depot		
Passenger Platform		□	R&D/Laboratory Facility	□	■
Dog Park	□	□	On-Site Power Generation	□	■
Pavillion/Gazebo	■	■	Water Supply Facility		
Bus Shelter	■	■	Sewer and Waste Facility		
Monument	■	■	Electric Substation		
Spire	□	■	Wireless Transmitter	□	□
Clock/Weather Display	□	■	Cremation Facility		
Flagpole	■	■	Warehouse		
Playground	■	■	Produce Storage		
Sports Stadium			Mini-Storage		
Surface Parking Lot	□	□			
Religious Assembly	■	■			

□ By Special Permit

■ By Right

TABLE 3E. SIGNS

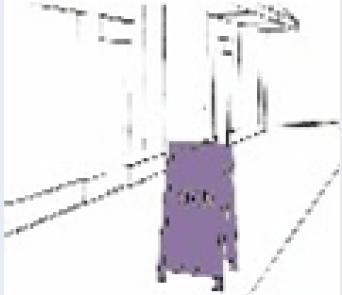
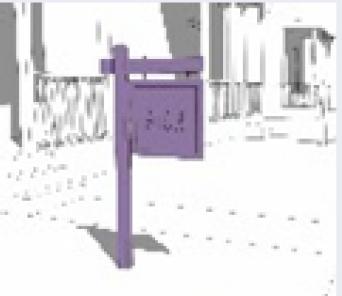
TABLE 3E: Signs

	MX1	MX2	Specifications
Address Sign			a. Quantity (max) b. Area c. Width d. Height e. Depth / Projection f. Clearance g. Apex h. Letter Height
Awning and Sign			a. Quantity (max) b. Area c. Width d. Height e. Depth / Projection f. Clearance g. Apex h. Letter Height i. Valance Height j. Distance from Curb
Band Sign			a. Quantity (max) b. Area (max) c. Width d. Height e. Depth / Projection f. Clearance g. Apex h. Letter Height
Blade Sign			a. Quantity b. Area (max) c. Width d. Height f. Depth / Projection g. Clearance h. Apex i. Letter Height

TABLE 3E. SIGNS (cont)

	MX1	MX2	Specifications
Marquee and Sign			<p>a. Quantity (max) b. Area c. Width (max) d. Height e. Depth / Projection f. Clearance g. Apex h. Letter Height i. Distance from Curb</p> <p>1 per business n/a entrance plus 2' each side max 50% Story height min 4 ft, max 10 ft min 10 ft n/a n/a min 3 ft.</p>
Nameplate Sign			<p>a. Quantity (max) b. Area c. Width d. Height e. Depth / Projection f. Clearance g. Apex h. Letter Height</p> <p>1 max 3 sf max 18 in max 2 ft max 3 in min 4 ft max 7 ft n/a</p>
Outdoor Display Case			<p>a. Quantity b. Area c. Width d. Height e. Depth / Projection f. Clearance g. Apex i. Letter Height</p> <p>1 max 6 sf max 3.5 ft max 3.5 ft max 5 in min 4 ft n/a n/a</p>
Shingle Sign			<p>a. Quantity b. Area c. Width d. Height f. Depth / Projection g. Clearance h. Apex i. Letter Height</p> <p>1 per facade, 2 max 4 sf max 2 ft max 3 ft max 2 ft min 7 ft n/a max 8 in</p>

TABLE 3E. SIGNS (cont)

	MX1	MX2	Specifications
Sidewalk Sign			a. Quantity b. Area c. Width d. Height f. Depth / Projection g. Clearance h. Apex i. Letter Height
			1 per business max 8 sf max 26 in max 42 in n/a n/a max 42 in n/a
Window Sign			a. Quantity b. Area c. Width d. Height f. Depth / Projection g. Clearance h. Apex i. Letter Height
			1 per window max 25% of glass varies varies n/a 4 ft n/a max 8 in
Yard Sign			a. Quantity b. Area c. Width d. Height e. Depth / Projection f. Clearance g. Apex h. Letter Height
			1 max per Lot max 6 sf max 3 ft (not counting post) max 2 ft (not counting post) n/a min 3 ft to sign edge max 6 ft to top of post max 8 in

Sign Module by Mark Keener

■ By Right

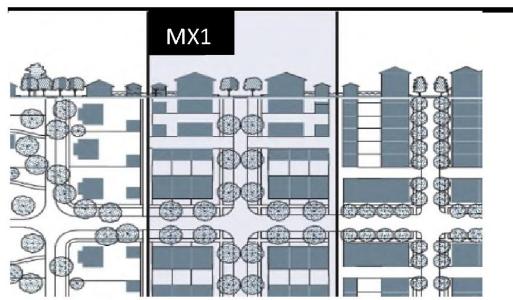
□ By Special Permit

TRANSIT VILLAGE DESIGN DISTRICT CODE

CHAPTER 4. TABLES

Town of Newington, CT

TABLE 3F. STANDARDS FOR MX-1



BUILDING FUNCTION (See Table 3C)

Residential	limited use
Lodging	limited use
Office	limited use
Retail	limited use

BUILDING FORM (See Table 3A)

Principal Building	4 stories max.
Outbuilding	2 stories max.

LOT OCCUPATION

Lot Width	18 ft. min., 96 ft. max.
Lot Coverage	70% max.

BUILDING PLACEMENT

Rearyard	permitted
Perimeter Block	not permitted
Courtyard	not permitted

g. SETBACKS - PRINCIPAL BUILDING

(g.1) Front Setback Principal	6 ft. min., 18 ft. max.
(g.2) Front Setback Secondary	6 ft. min., 18 ft. max.
(g.3) Side Setback	0 ft. min.
(g.4) Rear Setback	3 ft. min.*
Frontage Buildout	60% min. at setback

h. SETBACKS - OUTBUILDING

(h.1) Front Setback Principal	20 ft. min. + bldg. setback
(h.2) Front Setback Secondary	0 ft. min. or 3 ft. at corner
(h.3) Side Setback	3 ft. min.

PRIVATE FRONTAGES (See Table 3B)

Porch & Fence	permitted
Terrace or Lightwell	permitted
Forecourt	permitted
Stoop	permitted
Shopfront & Awning	permitted
Gallery	permitted
Arcade	not permitted

PARKING REQUIREMENTS

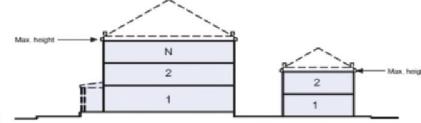
See Table 3C and Section 3.6

* or 15 feet from center line of alley

"N" stands for any stories above those shown, up to the maximum. Refer to metrics for exact minimums and maximums.

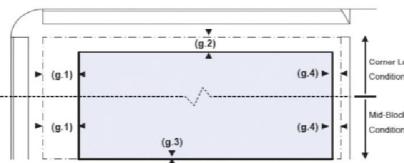
BUILDING FORM - HEIGHT

1. Building height shall be measured in number of stories, excluding attics and raised basements.
2. Stories may not exceed 16 feet in height from finished floor to finished ceiling, except for a first floor commercial function which must be a minimum of 14 ft with a maximum of 27 feet.
3. Height shall be measured to the eave or roof deck as specified on Table 3A.



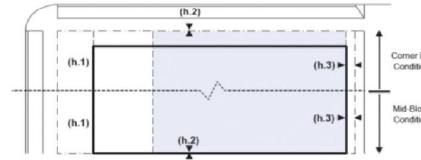
SETBACKS - PRINCIPAL BLDG.

1. The facades and elevations of Principal Buildings shall be distanced from the lot lines as shown.
2. Facades shall be built along the Principal Frontage to the minimum specified width in the table.



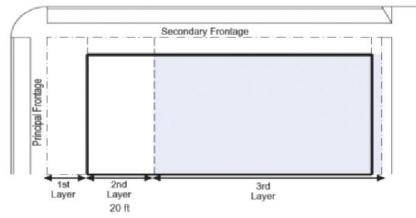
SETBACKS - OUTBUILDING

1. The elevations of the outbuilding shall be distanced from the lot lines as shown.



PARKING LOCATION

1. Uncovered parking spaces may be provided within the third Lot Layer as shown in the diagram.
2. Covered parking shall be provided within the third Lot Layer as shown in the diagram.
3. Trash containers shall be stored within the third layer.



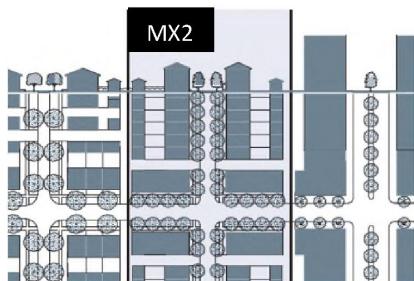
TRANSIT VILLAGE DESIGN DISTRICT CODE

CHAPTER 4. TABLES

Town of Newington, CT

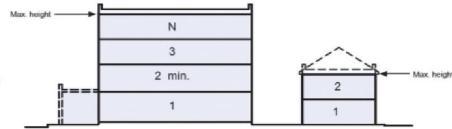
TABLE 3G. STANDARDS FOR MX-2

TABLE 3G: STANDARDS FOR MX-2 ZONES



BUILDING FORM – HEIGHT

1. Building height shall be measured in number of stories, excluding attics and raised basements.
2. Stories may not exceed 16 feet in height from finished floor to finished ceiling, except for a first floor Commercial function which must be a minimum of 14 ft with a maximum of 27 feet.
3. Height shall be measured to the eave or roof deck as specified on Table 3A
4. Expression Lines shall be as shown on Table 3A



"N" stands for any Stories above those shown, up to the maximum. Refer to metrics for exact minimums and maximums.

BUILDING FUNCTION (See Table 3C)

Residential	open use
Lodging	open use
Office	open use
Retail	open use

BUILDING FORM - HEIGHT (See Table 3A)

Principal Building	6 stories max.
Outbuilding	2 stories max.

LOT OCCUPATION

Lot Width	no min., 180 ft. max.
Lot Coverage	80% max.

BUILDING PLACEMENT

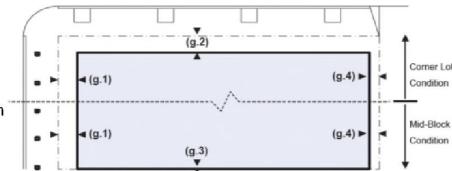
Perimeter Block	permitted
Rearyard	permitted
Courtyard	permitted

SETBACKS - PRINCIPAL BLDG.

(g.1) Front Setback Principal	2 ft. min., 12 ft. max.
(g.2) Front Setback Secondary	2 ft. min., 12 ft. max.
(g.3) Side Setback	0 ft. min., 24 ft. max.
(g.4) Rear Setback	3 ft. min.*
Frontage Buildout	80% min. at setback

SETBACKS - OUTBUILDING

1. The elevations of the Outbuilding shall be distanced from the lot lines as shown.

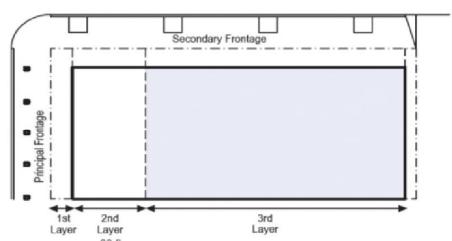


PRIVATE FRONTRAGES (See Table 3B)

Porch & Fence	not permitted
Terrace or Lightwell	permitted
Forecourt	permitted
Stoop	permitted
Shopfront	permitted
Gallery	permitted
Arcade	permitted

PARKING LOCATION

1. Uncovered parking spaces may be provided within the third Lot Layer as shown in the diagram.
2. Covered parking shall be provided within the third Lot Layer as shown in the diagram.
3. Trash containers shall be stored within the third Lot Layer.



PARKING MINIMUMS

See Table 3C and Section 3.6

* or 15 feet from center line of alley

CHAPTER 5. DEFINITIONS

This Chapter provides definitions for terms in this Code that are technical in nature or that otherwise may not reflect a common usage of the term. If a term is not defined in this Chapter, then the Town Plan and Zoning Commission shall determine the correct definition. Terms that are capitalized within Definitions are also defined in this Chapter. Items in *italics* refer to Chapters, Sections, or Tables in this Code.

A-B Grid: a method of designating on a map which streets should be prioritized for pedestrian-oriented frontages. See *Section 2.9*.

A-Street: in a designated A-B Grid, a street prioritized for pedestrian-oriented frontages. (Var: A-Grid)

Access Lane: an outer vehicular lane or lanes of a thoroughfare, designed for slow speeds while inner lanes carry higher speed traffic, and separated from them by a planted median. (Syn: service lane)

Accessory Building: an Outbuilding with an Accessory Unit.

Accessory Unit: an Apartment sharing ownership and utility connections with a Principal Building, either within an Outbuilding or within the Principal Building. See *Definitions Illustrated*. (Syn: **ancillary unit**)

Affordable Housing: safe and sanitary dwellings consisting of rental or for-sale units that have a rent (including utilities) or mortgage payment that is no more than 30% of the income of families earning no more than 80% of area median income.

Allee: a regularly spaced and aligned row of trees usually planted along a thoroughfare or path.

Apartment: a residential unit sharing a building and a lot with other units and/or uses; may be for rent, or for sale as a condominium.

Arcade: a Private Frontage conventional for retail use where the facade is a series of arches supporting habitable space. It overlaps the sidewalk, while the facade at sidewalk level remains at or behind the Frontage Line.

Attached Building: a building that occupies the full Frontage Line, usually leaving the rear of the lot as the sole yard. (Var: **Rowhouse**, **Townhouse**, apartment house, rearyard house)

Attic: the interior part of a building contained within a pitched roof structure, whether habitable or not.

Avenue (AV): a thoroughfare of high vehicular capacity and low to moderate speed, acting as a short distance connector between town centers, and usually equipped with a landscaped median.

B-Street: in a designated A-B Grid, a street that is less important for walkability than an A Street. (Var: B-Grid)

Backbuilding: a single-story structure connecting a Principal Building to an Outbuilding. See *Definitions Illustrated*.

Bed and Breakfast: an owner-occupied lodging type allowed to serve meals to guests.

Bicycle Lane (BL): a dedicated lane for cycling within a moderate-speed vehicular thoroughfare, demarcated by striping.

Bicycle Route (BR): a thoroughfare suitable for the shared use of bicycles and automobiles moving at low speeds.

Bicycle Trail (BT): a bikeway running independently of a vehicular thoroughfare

Bikeway: any designated thoroughfare or part of a thoroughfare for bicycling. See **Bicycle Lane**, **Bicycle Route**, and **Bicycle Trail**.

Block: the aggregate of private lots, passages, and rear alleys, circumscribed by thoroughfares.

Build-to Line: a line within a Build-to Zone to which the facade or elevation of a building is required to align.

By Right: characterizing a proposal or component of a proposal for a plan that complies with this Code and is processed and allowed administratively, without public hearing. See **Special Permit**.

Chamfer: a bevel across the corner of a building at the corner of a block to allow for a centered entrance and improved sight lines.

Civic: pertaining to not-for-profit organizations dedicated to arts, culture, education, recreation, government, transit, and municipal parking.

Civic Building: a building operated by not-for-profit organizations dedicated to arts, culture, education, recreation, government, transit, and municipal parking, or for use approved by the legislative body.

Civic Space: an outdoor area dedicated for public use. Civic Space types are defined by the combination of certain physical constants including the relationships among their intended use, their size, their landscaping and their enframing buildings. See *Table 2F*.

Civic Zone: designation for public sites dedicated for Civic Buildings and Civic Space.

Code Enforcement Officer: A person appointed by the Town Council to administer and enforce these regulations. Reference to the Code Enforcement Officer may be construed to include Building Inspector, Electrical Inspector, and the like, where applicable.

Commercial: the term collectively defining workplace, Office, Retail, and Lodging Functions.

Courtyard Building: a building that occupies the boundaries of its lot while internally defining one or more private patios.

Curb: the edge of the vehicular pavement that may be raised or flush to a swale. It usually incorporates the drainage system. See *Table 2D* and *Table 2E* and *Appendix A*.

Curb Radius: See **Turning Radius**.

Design Review Committee (DRC): a committee to provide advisory review of plans for the Town Planning and Zoning Commission. See *Section 1.4*.

Design Speed: the velocity at which a thoroughfare tends to be driven without the constraints of signage or enforcement. There are four ranges of speed: very low (below 20 MPH); low (20-25 MPH); moderate (25-35 MPH); high (above 35 MPH). (Var: target speed.) See *Table 2B*.

Detached Building: a building that occupies the center of its lot with yards on all sides. (syn: single, edgeyard building) See *Table 3B*.

Dooryard: an at-grade Private Frontage type with a shallow front yard and walkway, usually with a low wall, fence, or hedge at the Frontage Line. See *Table 3B*.

Drive: a thoroughfare along the boundary between a developed and a natural condition, usually along a waterfront or park.

Effective Turning Radius: the measurement of the inside Turning Radius taking parked cars and bike lanes into account. See *Table 2E* and *Appendix A*.

Elevation: an exterior wall of a building not along a Frontage Line. See *Definitions Illustrated*. See **Facade**.

Encroach: to break the plane of a vertical or horizontal regulatory limit with a structural element, so that it extends into a setback, into the Public Frontage, or above a height limit.

Encroachment: any structural element that breaks the plane of a vertical or horizontal regulatory limit, extending into a setback, into the Public Frontage, or above a height limit.

Enfront: placed along or parallel to a Frontage.

Expression Line: a horizontal line required at a certain level of a façade, created by a variation in material or by a limited projection such as a molding or balcony. See *Table 3A*.

Façade: the exterior wall of a building that is set along or parallel to a Frontage Line. See **Elevation**.

Forecourt: a Private Frontage where a portion of the facade is close to the Frontage Line and the central portion is set back, suitable for dropoffs. See *Table 3B*.

Frontage: the area between a building facade and the vehicular lanes, inclusive of its built and planted components. Frontage is divided into Private Frontage and Public Frontage. See *Table 2D* and *Table 3B*.

Frontage Buildout: the percentage of lot width occupied by the width of the building facade.

Frontage Line: a lot line bordering a Public Frontage. Facades facing Frontage Lines define the public realm and are therefore more regulated than the Elevations facing other lot lines. See *Definitions Illustrated*.

Full Cutoff: a Luminaire type that does not allow any light to be emitted or reflected above a horizontal plane.

Function: the use or uses accommodated by a building and its lot, categorized as Limited or Open, according to the intensity of the use. See *Table 3C*.

Gallery: a Private Frontage conventional for retail use where the facade is aligned close to the Frontage Line with an attached cantilevered shed or lightweight colonnade overlapping the Sidewalk. See *Table 3B*.

Green: a Civic Space type for unstructured recreation, spatially defined by landscaping rather than building Frontages. See *Table 2F*.

Home Occupation: an occupation or profession which is customarily conducted on or in a residential structure or property. See *Section 3.4* and *Table 3C* and *Table 3D*.

Initial Lumens: a measure of how much light a lamp is emitting near the beginning of its life.

Inn: a Lodging type, owner-occupied, offering 6 to 12 bedrooms, allowed to serve meals to guests. See *Table 3C* and *Table 3D*.

Lamp: The source of illumination in a lighting fixture.

Light Manufacturing: a business manufacturing, assembling, or storing products where there is no exterior impact of the manufacturing use, including no exterior noise, odors, or air pollution. (Syn: Maker Space; Var: innovation works)

Light Shelf: a horizontal overhang placed in a window above eye level, which reflects daylight onto the ceiling and deeper into a room. The overhang of the shelf also provides shade near the window to reduce window glare.

Lightwell: A Private Frontage type that is a below-grade entrance or recess designed to allow light into basements. See *Table 3B*. (Syn: light court.)

Liner Building: a building specifically designed to mask a parking lot or a parking structure from a frontage.

Live-Work: a mixed use unit consisting of a Commercial and Residential Function. The Commercial Function may be anywhere in the unit. It is intended to be occupied by a business operator who lives in the same structure that contains the Commercial activity.

Lodging: premises available for daily and weekly renting of bedrooms. See *Table 3C* and *Table 3D*.

Loft Building: a large flexible-use building type, either a renovated industrial building or new. It has high ceilings on all stories and open living or working space on upper stories, whether rental apartments, condominiums, offices, classrooms, art/craft studios, or Light Manufacturing.

Lot: a parcel of land accommodating a building or buildings of unified design.

Lot Layer: a range of depth of a lot in which certain elements are allowed. See *Definitions Illustrated*.

Lot Line: the boundary that legally and geometrically demarcates a lot.

Lot Width: the measurement of the Principal Frontage Line of a lot.

Lumen: a measure of brightness.

Luminaire: a light unit or fixture including any bulb(s), tube(s), housing, reflective shield, lens and/or ballast.

MX Zone: Mixed Zone, one of two areas on the Zoning Map regulated by this Code. MX Zones are administratively similar to the land use zones in conventional codes, except that in addition to the usual building use, height, and setback requirements, other elements of the intended habitat are integrated, including those of the private lot and building and Public Frontage. See *Table 1A*.

Main Civic Space: the primary outdoor gathering place for a neighborhood. The Main Civic Space is often, but not always, associated with an important Civic Building.

Maker Space: see Light Manufacturing.

Mansard Roof: a four-sided roof characterized by two slopes on each of its sides with the lower slope at a steeper angle than the upper.

Meeting Hall: a building available for gatherings, including conferences.

Mini-Storage: A building or group of buildings containing separate, individual, and private storage spaces of varying sizes available for lease or rent for varying periods of time.

Mixed Use: multiple Functions within the same building through superimposition or adjacency, or in multiple buildings by adjacency, or at a proximity determined by Special Permit.

Mullion: vertical or horizontal member of a window frame, not including **Muntins**

Multi-family Dwellings: three or more dwelling units in single or multiple buildings on a single lot.

Muntin: one of the strips dividing the individual panes of a window.

Native Species: a plant species that existed, without human involvement, in North America prior to European settlement, with proven adaptability to local bioregion climate and soil conditions in the past few thousand years.

Neighborhood: a compact land area for dwelling, also containing within walking distance many destinations, goods, and services useful for daily living. See *Chapter 2*.

Net Site Area: all developable land within a site including thoroughfares, but excluding land allocated as Civic Zones and land already preserved.

Office: premises available for the transaction of general business but excluding retail, artisanal and manufacturing uses. See *Table 3C and Table 3D*.

Open Space: land intended to remain undeveloped or adapted as Civic Space.

Outbuilding: an Accessory Building, usually located toward the rear of the same lot as a Principal Building, and sometimes connected to the Principal Building by a Backbuilding. See *Definitions Illustrated*.

Park: A Civic Space that is a natural preserve available for unstructured recreation. See *Table 2F*.

Parking Structure: a building containing one or more stories of parking above or below grade.

Participating Parcel: an application for a land area smaller than a full Neighborhood that contributes to the MX Zone allocation percentages of that Neighborhood. See *Section 2.5*.

Passage (PS): a pedestrian connector, open or roofed, that passes between buildings to provide shortcuts through long blocks and connect rear parking areas to frontages.

Path (PT): a pedestrian way traversing a civic space or rural area.

Planter: the flush or raised element of the Public Frontage that accommodates trees, plants, shrubs, or flowers, whether continuous or individual.

Plaza: a Civic Space type designed for Civic purposes and Commercial activities, generally paved and spatially defined by building frontages. See *Table 2F*.

Principal Building: the main building on a lot, usually located toward the frontage. See *Definitions Illustrated*.

Principal Entrance: the main point of access for pedestrians into a building.

Principal Frontage: On corner lots, the Private Frontage designated to bear the address and Principal Entrance to the building, and the measure of lot width. Regulations for the parking Lot Layers pertain only to the Principal Frontage. Regulations for the first Lot Layer pertain to both frontages of a corner lot. See **Frontage**.

Private Frontage: the privately held Lot Layer between the Frontage Line and the Principal Building facade. See *Table 3B and Definitions Illustrated*.

Public Frontage: the area between the outer edge of the Vehicular Lanes and the Frontage Line. See *Table 2D, Table 2E, and Definitions Illustrated*.

Rear Alley (RA): a vehicular way located to the rear of lots providing access to service areas, parking, and Outbuildings and containing utility easements.

Recess Line: a horizontal line required for the full width of a Façade, above which there is a Stepback of a minimum distance, such that the height to this line (not the overall building height) effectively defines the enclosure of the enframing public space. See *Table 3A*.

Regulating Plan: a Zoning Map or set of maps that shows the areas subject to, or potentially subject to, regulation by this Code.

Residential: characterizing premises available for long-term human dwelling.

Retail: characterizing a business establishment available for the sale of merchandise or food service to the public. See *Table 3C and Table 3D*.

Retail Frontage: a Frontage designated on a Regulating Plan that requires or recommends the provision of a Shopfront, encouraging the ground level to be available for Retail use. See *Section 3.10*.

Retrofit: design and/or construction that changes single-use areas or automobile-oriented thoroughfares and frontages to a more walkable pattern that supports the standards and Intent and Purpose of this Code.

Rowhouse: a single-family dwelling that shares a party wall with another of the same type and occupies the full Frontage Line. See **Attached Building**. (Syn: **Townhouse**)

Secondary Frontage: on corner lots, the Private Frontage that is not the Principal Frontage. As it affects the public realm, its first Lot Layer is regulated. See *Definitions Illustrated*.

Shielded: characterizing a Luminaire that limits light trespass beyond the property line, and prevents the lamp from being directly visible.

Shopfront: a Private Frontage conventional for Retail use, with substantial glazing, wherein the facade is aligned close to the Frontage Line with the building entrance at sidewalk grade. See *Table 3B*.

Side Street: a street without Principal Frontages.

Sidewalk: the paved section of the Public Frontage dedicated exclusively to pedestrian activity.

Special Permit: a permit for a use or form that would not be appropriate in, or requires specific approval for, the MX Zone for which it is proposed. See *Section 1.5 of this Code*.

Special Requirement: any of the provisions listed at Section 2.9 or Section 3.10 and/or its associated designation on a Regulating Plan or other map.

Square: a Civic Space type designed for unstructured recreation and Civic or Commercial purposes, spatially defined by building frontages and consisting of paths, lawns and trees, formally disposed. See *Table 2F*.

Stepback: a building setback of a specified distance that occurs at a required number of stories above the ground. See *Table 3A*.

Stoop: a Private Frontage where the Facade is aligned close to the Frontage Line with the first story elevated from the sidewalk for privacy, with an exterior stair and landing at the entrance. See *Table 3B*.

Story: a habitable level within a building, excluding a raised basement. See *Table 3A*.

Street (ST): a local thoroughfare of low speed and capacity. See *Appendix A*.

Streetscreen: a freestanding wall built along the Frontage Line, or coplanar with the facade. It may mask a parking lot from the thoroughfare, provide privacy to a side yard, and/or strengthen the spatial definition of the public realm. (Syn: streetwall.)

Swale: a low or slightly depressed natural area for drainage.

TDR: Transfer of Development Rights, a method of relocating existing zoning rights from areas to be preserved as open space to areas to be more densely developed.

Thoroughfare: a way for use by vehicular and pedestrian traffic and to provide access to lots and open spaces, consisting of Vehicular Lanes and the Public Frontage. See *Section 2.6 and Definitions Illustrated*.

Townhouse: See **Rowhouse**.

Tuck Under Parking: carports located underneath an upper floor.

Turning Radius: the curved edge of a thoroughfare at an intersection, measured at the inside edge of the vehicular tracking. The smaller the Turning Radius, the smaller the pedestrian crossing distance and the more slowly the vehicle is forced to make the turn. See *Table 2B and Definitions Illustrated*.

Vehicular Lanes: lanes in the roadbed intended for vehicular traffic and bicycles, whether traveling or parked.

See *Table 2B* and *Table 2C*.

View Corridor: three-dimensional area extending out from a viewpoint.

Visual Termination: (1) a building, structure, or other surface or streetscape element terminating a view; (2) the placement of a building or structure for the purpose of spatial enclosure, providing a visual focal point, or giving enhanced recognition to the building or structure by such placement. (Syn: terminated vista.)

Warehouse: a building used primarily for the storage of goods and materials.

Yield: characterizing a thoroughfare that has two-way traffic but only one effective travel lane because of parked cars, necessitating slow movement and driver negotiation. Also, characterizing parking on such a thoroughfare.

Zoning Map: the official map or maps that are part of the zoning regulation and delineate the boundaries of individual zones and districts. See **Regulating Plan**.

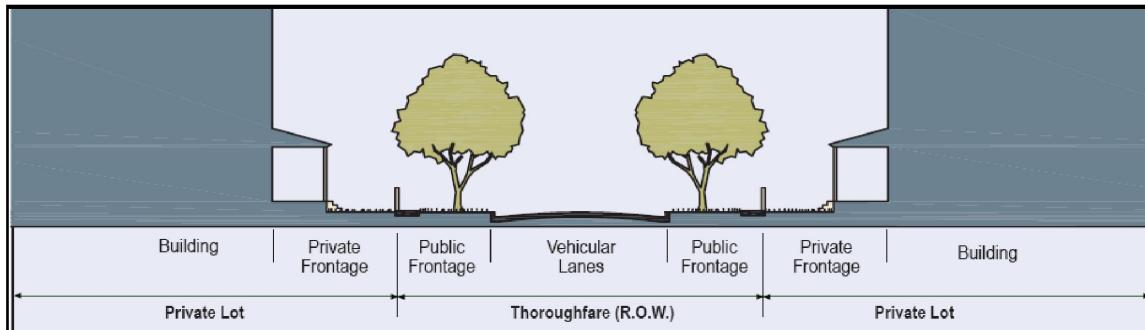
TRANSIT VILLAGE DESIGN DISTRICT CODE

CHAPTER 5. DEFINITIONS

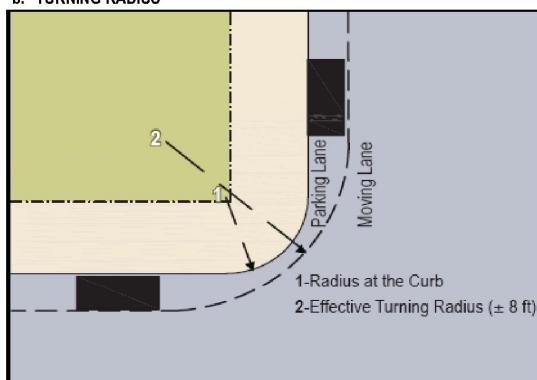
Town of Newington, CT

DEFINITIONS ILLUSTRATED

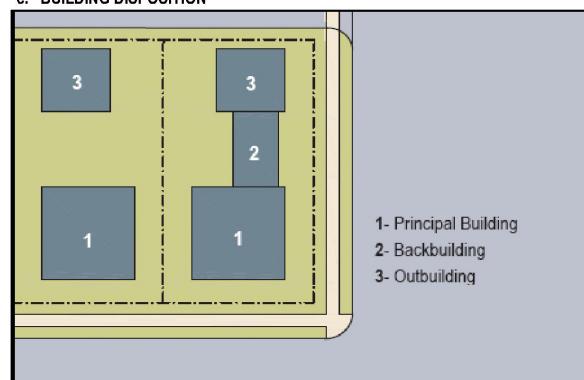
a. THOROUGHFARE & FRONTAGES



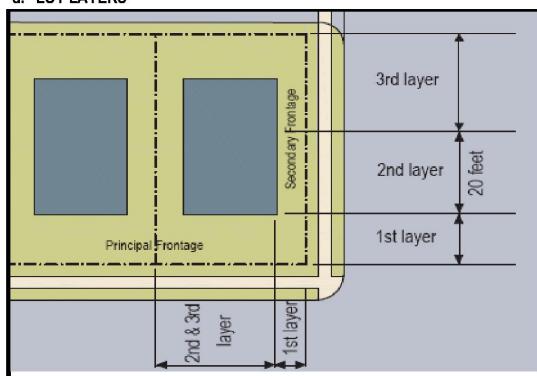
b. TURNING RADIUS



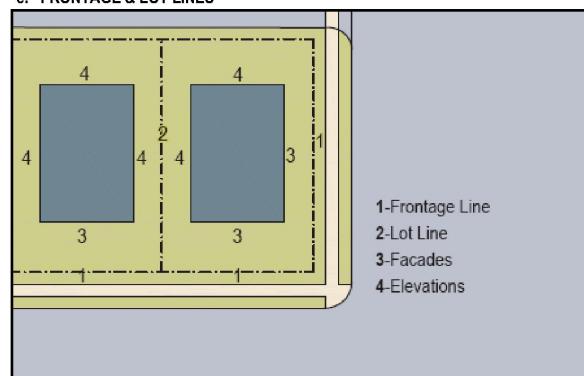
c. BUILDING DISPOSITION



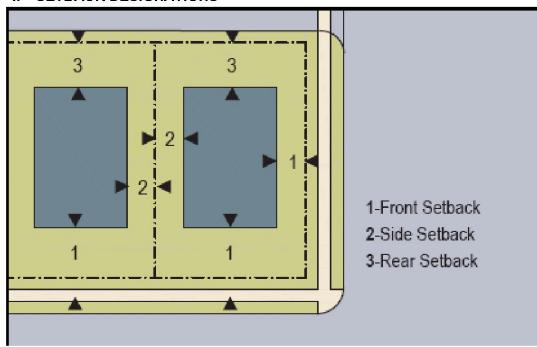
d. LOT LAYERS



e. FRONTAGE & LOT LINES

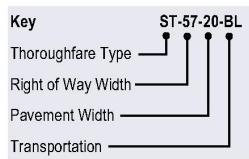


f. SETBACK DESIGNATIONS



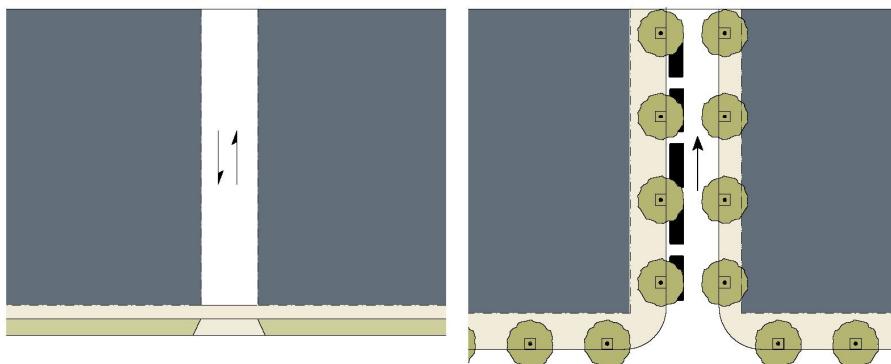
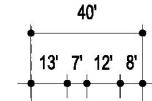
APPENDICES

APPENDIX A1. THOROUGHFARE ASSEMBLIES



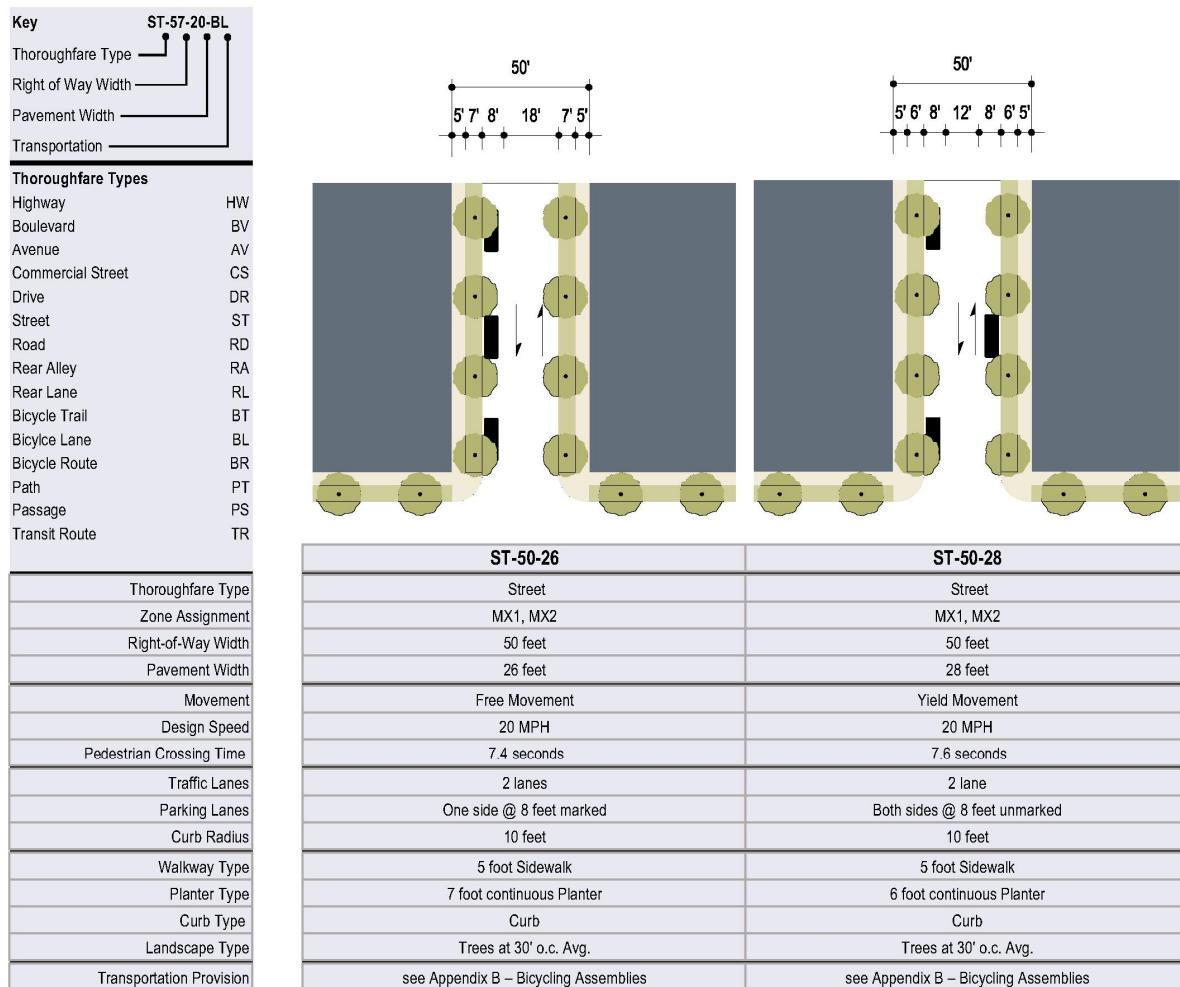
Thoroughfare Types	
Highway	HW
Boulevard	BV
Avenue	AV
Commercial Street	CS
Drive	DR
Street	ST
Road	RD
Rear Alley	RA
Rear Lane	RL
Bicycle Trail	BT
Bicycle Lane	BL
Bicycle Route	BR
Path	PT
Passage	PS
Transit Route	TR

Thoroughfare Type
Zone Assignment
Right-of-Way Width
Pavement Width
Movement
Design Speed
Pedestrian Crossing Time
Traffic Lanes
Parking Lanes
Curb Radius
Walkway Type
Planter Type
Curb Type
Landscape Type
Transportation Provision



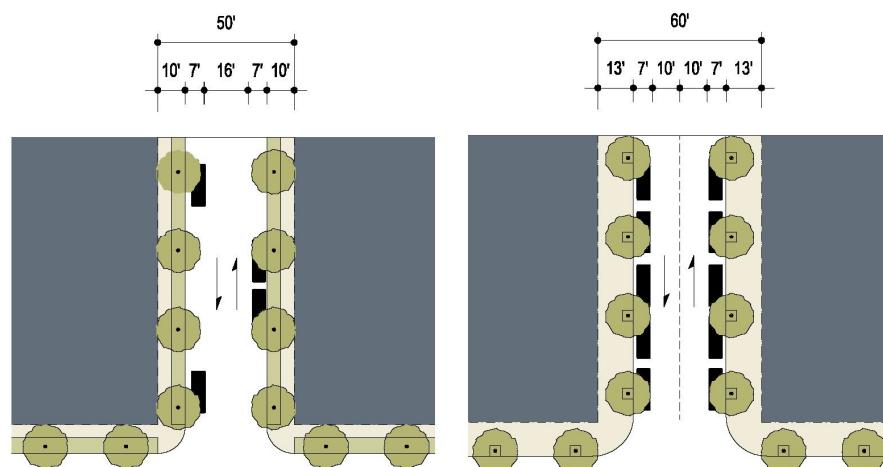
RA-24-24	ST-40-19
Rear Alley	Street
MX1, MX2	MX1, MX2
24 feet	40 feet
24 feet	19 feet
Movement	Slow Movement
Design Speed	20 MPH
Pedestrian Crossing Time	5.4 seconds
Traffic Lanes	1 lane
Parking Lanes	One side @ 7 feet marked
Curb Radius	15 feet
Walkway Type	13/8 foot Sidewalk
Planter Type	4x4" tree well
Curb Type	Curb
Landscape Type	Trees at 30' o.c. Avg.
Transportation Provision	see Appendix B – Bicycling Assemblies

APPENDIX A1. THOROUGHFARE ASSEMBLIES (cont)



APPENDIX A1. THOROUGHFARE ASSEMBLIES (cont)

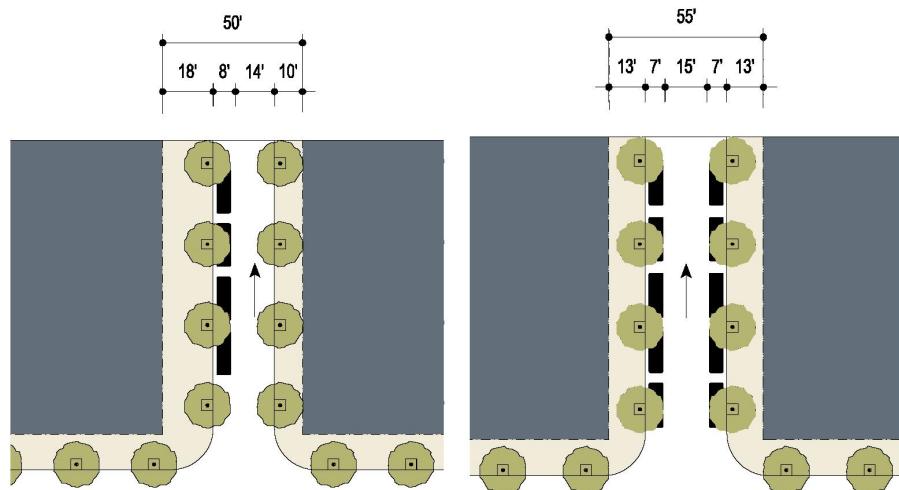
Key	ST-57-20-BL
Thoroughfare Type	
Right of Way Width	
Pavement Width	
Transportation	
Thoroughfare Types	
Highway	HW
Boulevard	BV
Avenue	AV
Commercial Street	CS
Drive	DR
Street	ST
Road	RD
Rear Alley	RA
Rear Lane	RL
Bicycle Trail	BT
Bicycle Lane	BL
Bicycle Route	BR
Path	PT
Passage	PS
Transit Route	TR
Thoroughfare Type	
Zone Assignment	
Right-of-Way Width	
Pavement Width	
Movement	
Design Speed	
Pedestrian Crossing Time	
Traffic Lanes	
Parking Lanes	
Curb Radius	
Walkway Type	
Planter Type	
Curb Type	
Landscape Type	
Transportation Provision	



ST-50-30	ST-60-34
Street	Street
MX1	MX1, MX2
50 feet	60 feet
30 feet	34 feet
Slow Movement	Slow Movement
20 MPH	20 MPH
8.5 seconds	9.7 seconds
2 lanes	2 lanes
Both sides @ 7 feet unmarked	Both Sides @ 7 feet marked
10 feet	15 feet
5 foot Sidewalk	6 foot Sidewalk
5 foot continuous Planter	7 foot continuous Planter
Curb	Curb
Trees at 30' o.c. Avg.	Trees at 30' o.c. Avg.
see Appendix B – Bicycling Assemblies	see Appendix B – Bicycling Assemblies

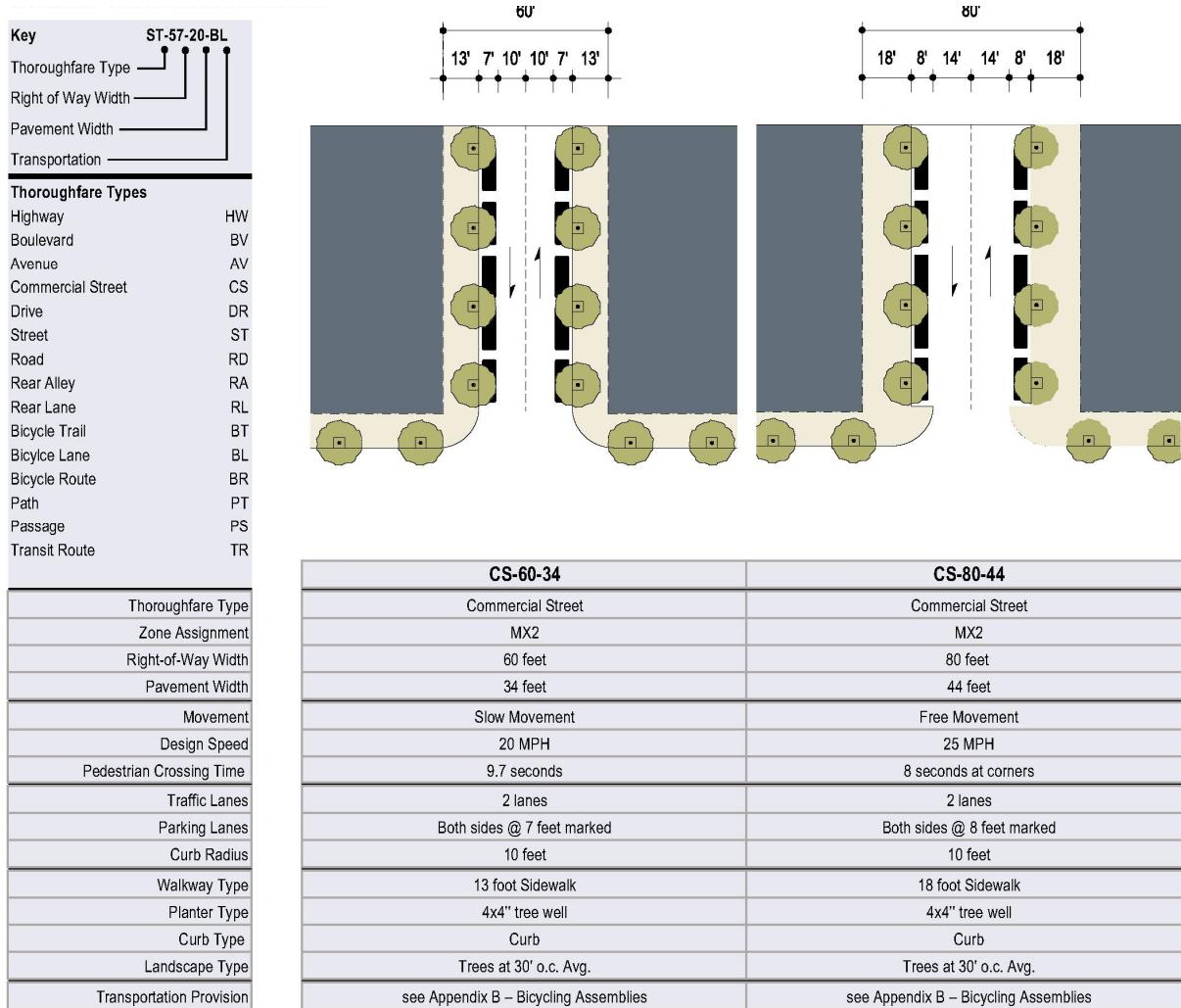
APPENDIX A1. THOROUGHFARE ASSEMBLIES (cont)

Key	ST-57-20-BL
Thoroughfare Type	
Right of Way Width	
Pavement Width	
Transportation	
Thoroughfare Types	
Highway	HW
Boulevard	BV
Avenue	AV
Commercial Street	CS
Drive	DR
Street	ST
Road	RD
Rear Alley	RA
Rear Lane	RL
Bicycle Trail	BT
Bicycle Lane	BL
Bicycle Route	BR
Path	PT
Passage	PS
Transit Route	TR
Thoroughfare Type	
Zone Assignment	
Right-of-Way Width	
Pavement Width	
Movement	
Design Speed	
Pedestrian Crossing Time	
Traffic Lanes	
Parking Lanes	
Curb Radius	
Walkway Type	
Planter Type	
Curb Type	
Landscape Type	
Transportation Provision	



CS-50-22	CS-55-29
Commercial Street	Commercial Street
MX2	MX2
50 feet	55 feet
22 feet	29 feet
Slow Movement	Slow Movement
20 MPH	20 MPH
6.2 seconds	8.2 seconds
1 lane	1 lane
One side @ 8 feet marked	Both sides @ 7 feet marked
15 feet	15 feet
18/10 foot Sidewalk	13 foot Sidewalk
4x4" tree well	4x4" tree well
Curb	Curb
Trees at 30' o.c. Avg.	Trees at 30' o.c. Avg.
see Appendix B – Bicycling Assemblies	see Appendix B – Bicycling Assemblies

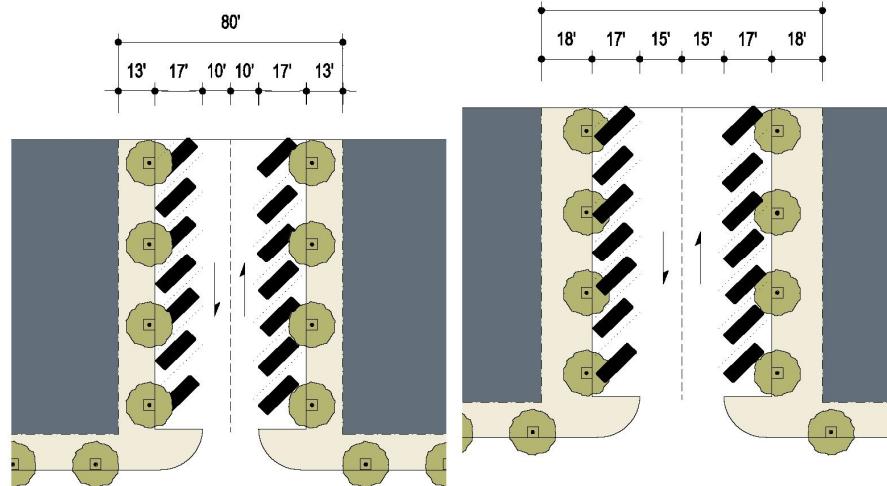
APPENDIX A1. THOROUGHFARE ASSEMBLIES (cont)



APPENDIX A1. THOROUGHFARE ASSEMBLIES (cont)

Key	ST-57-20-BL
Thoroughfare Type	
Right of Way Width	
Pavement Width	
Transportation	

Thoroughfare Types	
Highway	HW
Boulevard	BV
Avenue	AV
Commercial Street	CS
Drive	DR
Street	ST
Road	RD
Rear Alley	RA
Rear Lane	RL
Bicycle Trail	BT
Bicycle Lane	BL
Bicycle Route	BR
Path	PT
Passage	PS
Transit Route	TR

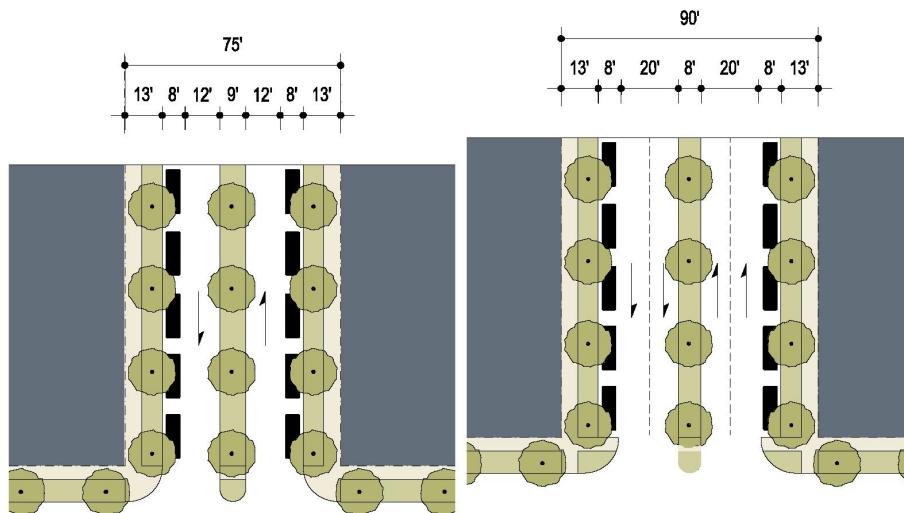


Thoroughfare Type	Commercial Street
Zone Assignment	MX2
Right-of-Way Width	80 feet
Pavement Width	54 feet
Movement	Slow Movement
Design Speed	25 MPH
Pedestrian Crossing Time	5.7 seconds at corners
Traffic Lanes	2 lanes
Parking Lanes	Both sides angled @ 17 feet marked
Curb Radius	10 feet
Walkway Type	13 foot Sidewalk
Planter Type	4X4' tree well
Curb Type	Curb
Landscape Type	Trees at 30' o.c. Avg.
Transportation Provision	see Appendix B – Bicycling Assemblies

CS-80-54	CS-100-64
Commercial Street	Commercial Street
MX2	MX2
80 feet	100 feet
54 feet	64 feet
Slow Movement	Slow Movement
25 MPH	25 MPH
5.7 seconds at corners	8.5 seconds at corners
2 lanes	2 lanes
Both sides angled @ 17 feet marked	Both sides angled @ 17 feet marked
10 feet	10 feet
13 foot Sidewalk	18 foot Sidewalk
4X4' tree well	4X4' tree well
Curb	Curb
Trees at 30' o.c. Avg.	Trees at 30' o.c. Avg.
see Appendix B – Bicycling Assemblies	see Appendix B – Bicycling Assemblies

APPENDIX A1. THOROUGHFARE ASSEMBLIES (cont)

Key	ST-57-20-BL
Thoroughfare Type	
Right of Way Width	
Pavement Width	
Transportation	
Thoroughfare Types	
Highway	HW
Boulevard	BV
Avenue	AV
Commercial Street	CS
Drive	DR
Street	ST
Road	RD
Rear Alley	RA
Rear Lane	RL
Bicycle Trail	BT
Bicycle Lane	BL
Bicycle Route	BR
Path	PT
Passage	PS
Transit Route	TR
Thoroughfare Type	
Zone Assignment	
Right-of-Way Width	
Pavement Width	
Movement	
Design Speed	
Pedestrian Crossing Time	
Traffic Lanes	
Parking Lanes	
Curb Radius	
Walkway Type	
Planter Type	
Curb Type	
Landscape Type	
Transportation Provision	



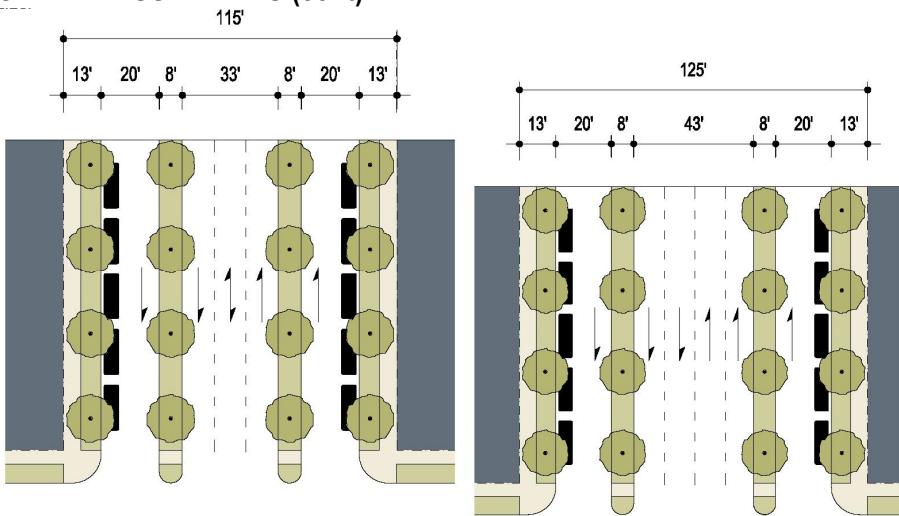
AV-75-40	AV-90-56
Avenue	Avenue
MX1, MX2	MX1, MX2
75 feet	90 feet
40 feet total	56 feet total
Slow Movement	
25 MPH	25 MPH
5.7 seconds - 5.7 seconds	5.7 seconds - 5.7 seconds at corners
2 lanes	4 lanes
Both sides @ 8 feet marked	Both sides @ 8 feet marked
10 feet	10 feet
6 foot Sidewalk	6 foot Sidewalk
7 foot continuous Planter	7 foot continuous Planter
Curb or Swale	Curb or Swale
Trees at 30' o.c. Avg.	Trees at 30' o.c. Avg.
see Appendix B – Bicycling Assemblies	see Appendix B – Bicycling Assemblies

APPENDIX A1. THOROUGHFARE ASSEMBLIES (cont)

Key	ST-57-20-BL
Thoroughfare Type	
Right of Way Width	
Pavement Width	
Transportation	

Thoroughfare Types

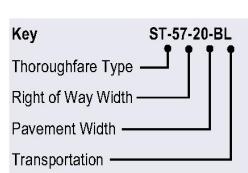
Highway	HW
Boulevard	BV
Avenue	AV
Commercial Street	CS
Drive	DR
Street	ST
Road	RD
Rear Alley	RA
Rear Lane	RL
Bicycle Trail	BT
Bicycle Lane	BL
Bicycle Route	BR
Path	PT
Passage	PS
Transit Route	TR



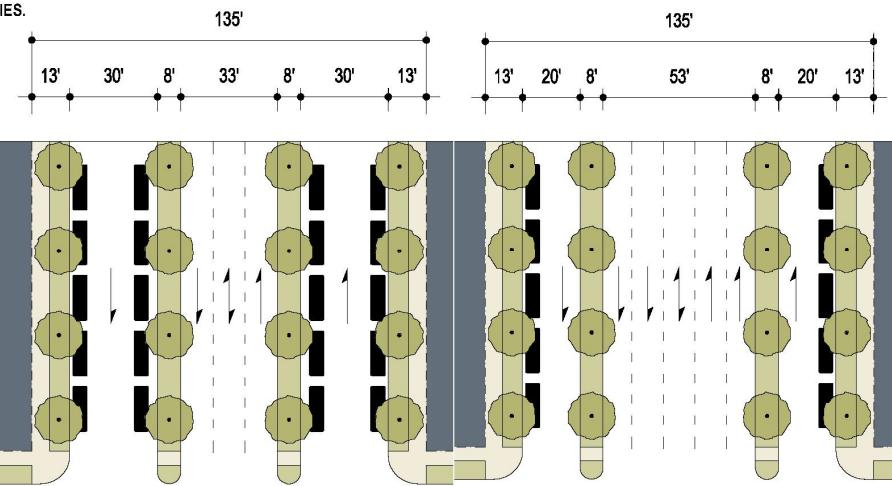
	BV-115-33	BV-125-43
Thoroughfare Type	Boulevard	Boulevard
Zone Assignment	MX2	MX2
Right-of-Way Width	115 feet	125 feet
Pavement Width	20 feet - 33 feet - 20 feet	20 feet - 43 feet - 20 feet
Movement	Free Movement (inner lanes)	Free Movement (inner lanes)
Design Speed	25 MPH	25 MPH
Pedestrian Crossing Time	5.7 seconds - 9.4 seconds - 5.7 seconds	5.7 seconds - 12.2 seconds - 5.7 seconds
Traffic Lanes	3 lanes, one turning lane & two one-way slip roads	4 lanes & two one-way slip roads
Parking Lanes	8 feet	8 feet
Curb Radius	10 feet	10 feet
Walkway Type	6 foot Sidewalk	6 foot Sidewalk
Planter Type	7 foot continuous Planter	7 foot continuous Planter
Curb Type	Curb	Curb
Landscape Type	Trees at 30' o.c. Avg.	Trees at 30' o.c. Avg.
Transportation Provision	see Appendix B – Bicycling Assemblies	see Appendix B – Bicycling Assemblies

APPENDIX A1. THOROUGHFARE ASSEMBLIES (cont)

APPENDIX A - THOROUGHFARE ASSEMBLIES.



Thoroughfare Types	
Highway	HW
Boulevard	BV
Avenue	AV
Commercial Street	CS
Drive	DR
Street	ST
Road	RD
Rear Alley	RA
Rear Lane	RL
Bicycle Trail	BT
Bicycle Lane	BL
Bicycle Route	BR
Path	PT
Passage	PS
Transit Route	TR

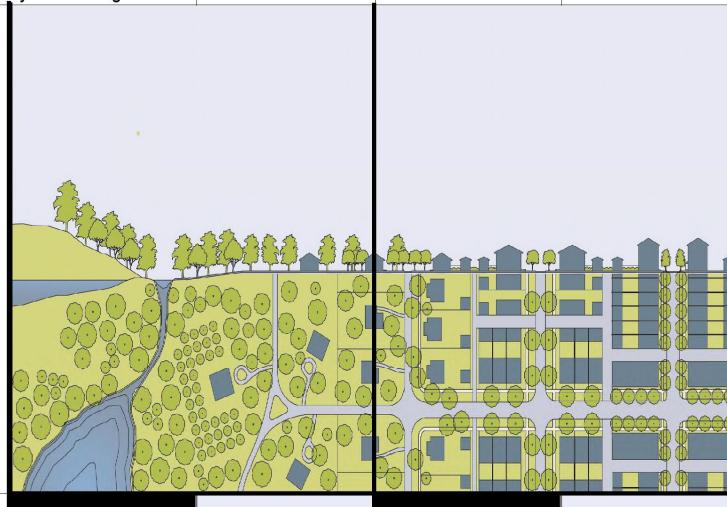


	BV-135-33	BV-135-53
Thoroughfare Type	Boulevard	Boulevard
Zone Assignment	MX2	MX2
Right-of-Way Width	135 feet	135 feet
Pavement Width	30 feet - 33 feet - 30 feet	20 feet - 53 feet - 20 feet
Movement	Free Movement	Free Movement
Design Speed	25 MPH	25 MPH
Pedestrian Crossing Time	8.5 seconds - 9.4 seconds - 8.5 seconds	5.7 seconds - 15.1 seconds - 5.7 seconds
Traffic Lanes	3 lanes, one turning lane & two one-way slip roads	5 Lanes, one turning lane & two one-way slip roads
Parking Lanes	8 feet	8 feet
Curb Radius	10 feet	10 feet
Walkway Type	6 foot Sidewalk	6 foot Sidewalk
Planter Type	7 foot continuous Planter	7 foot continuous Planter
Curb Type	Curb	Curb
Landscape Type	Trees at 30' o.c. Avg.	Trees at 30' o.c. Avg.
Transportation Provision	see Appendix B – Bicycling Assemblies	see Appendix B – Bicycling Assemblies

APPENDIX A1. RETAIL

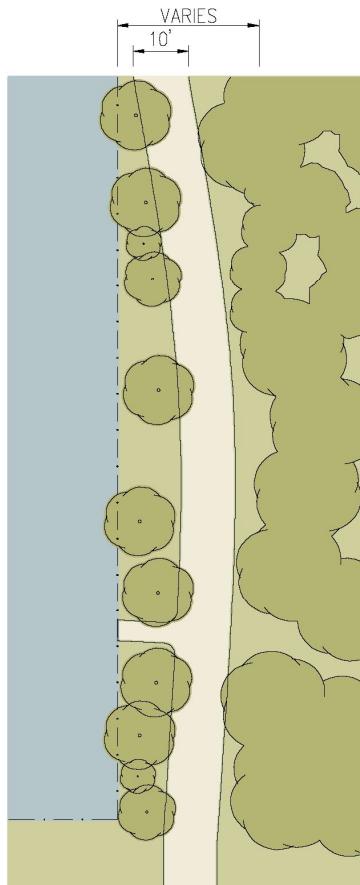
THOROUGHFARE	Corner Store	Neighborhood Shops	Main Street	Downtown Shopping District
RA-24-24				
ST-40-19		·	·	
ST-50-26	·	·		
ST-50-28				
ST-50-30	·			
ST-60-34	·	·		
CS-50-22	·	·		
CS-55-29	·	·		
CS-60-34		·	·	·
CS-80-44		·	·	·
CS-80-54		·	·	
CS-100-64		·	·	·
AV-75-40	·	·	·	
AV-90-56	·	·	·	
BV-115-33	·	·	·	·
BV-125-43	·	·	·	·
BV-135-33	·	·	·	·
BV-135-53	·	·	·	·

APPENDIX B1. BIKEWAY & FACILITY TYPE SUMMARY

APPENDIX B - Bikeway & Facility Type Summary			
<i>Transit Village Design District</i>			
<i>Additional contexts are shown to help connect bikeways to the region.</i>			
			
MX1	Mixed-1 Zone	MX2	Mixed-2 Zone
a. Bikeway Types			
Shared Use Bicycle Trail			
Shared Use Bicycle Path	permitted	permitted	
Bicycle Lane (Conventional)	Special Permit	Special Permit	
Shared Vehicular Lanes	permitted	permitted	
b. Bicycle Parking			
Bicycle Rack (standard)	permitted	permitted	
Bicycle Rack (decorative, public art)	Special Permit	permitted	
Bicycle Shelter	permitted	permitted	
Bicycle Locker	Special Permit	permitted	
Bicycle Station		Special Permit	
c. Bikeway Countermeasures			
Safety and Route Signing	permitted	permitted	
Peg-a-Track	permitted	permitted	
Shared Vehicular Lane Marking (Sharrow)	permitted	permitted	
Bicycle Inductor Loop	permitted	permitted	
Physically-Separated Bicycle Lane	Special Permit	Special Permit	
Contra-Flow Bicycle Lane	Special Permit	Special Permit	
Buffered Bicycle Lane	Special Permit	Special Permit	
Bicycle Box	Special Permit	Special Permit	
Shoulder			

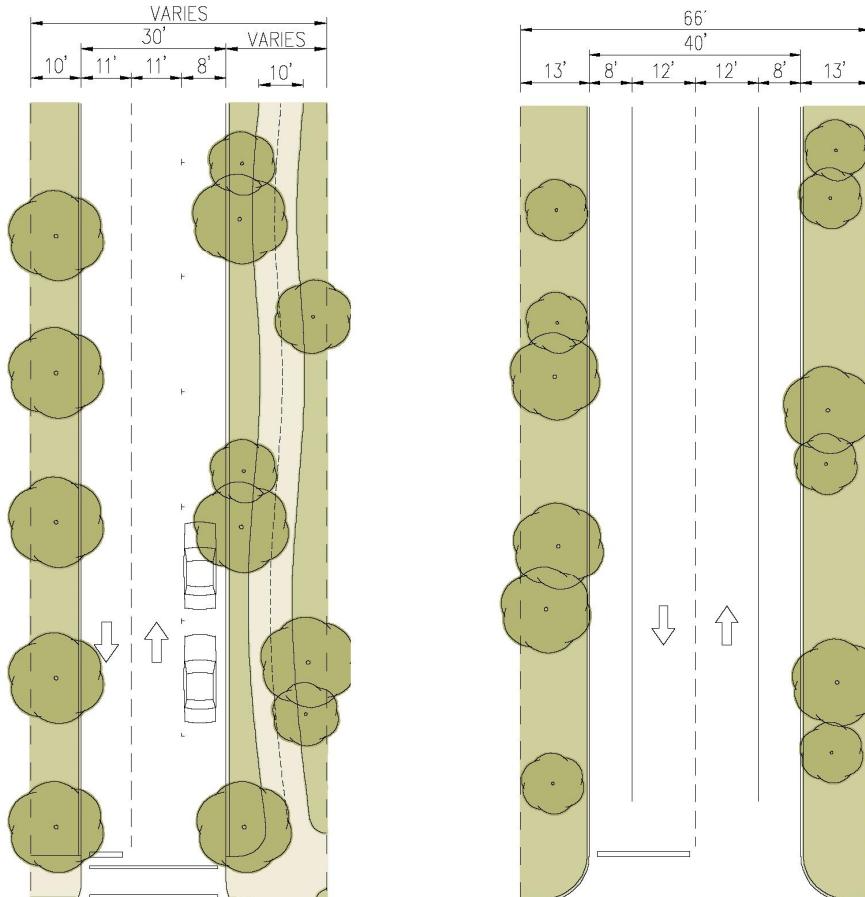
APPENDIX B2. BICYCLING THOROUGHFARE ASSEMBLIES

Key	
Thoroughfare Type	ST-57-20-BL
Right of Way Width	VARIES
Pavement Width	10'
Transportation	
Thoroughfare Types	
Highway	HW
Road	RD
Street	ST
Drive	DR
Avenue	AV
Commercial Street	CS
Boulevard	BV
Rear Alley	RA
Rear Lane	RL
Path	PT
Passage	PS
Bikeway Types	
Bicycle Trail (Shared Use)	BT
Bicycle Path (Shared Use)	BP
Bicycle Lane	BL
Conventional	BLC
Buffered	BLB
Buffered-Two-Way	BLB2
Physically Separated	BLP
Shoulder	BLS
With Bicycle Box	BLX
Shared Vehicular Lane	SL
Bicycle Boulevard	BB



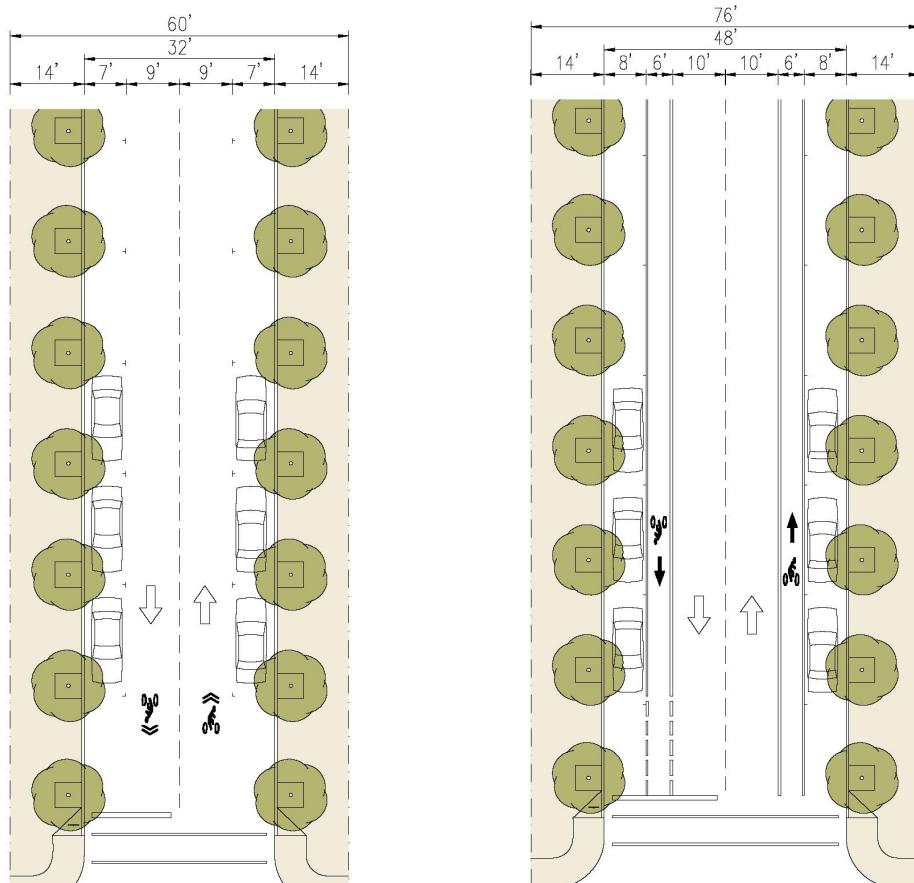
Assembly Designation	BT-V-10
Thoroughfare Type	Bicycle Trail (Shared Use)
Right-of-Way Width	varies
Pavement Width	10 feet
Zone Assignment	[rural, suburban, parkland]
Public Frontage	
Drainage Type	Swale
Curb Radius	n/a
Walkway Type	n/a
Planter Type	n/a
Landscape Type	naturalistic
Median Width	n/a
Vehicular Lanes	
Traffic Lane Width	n/a
Parking Lane Width	n/a
Target Speed	n/a
Pedestrian Crossing Time	n/a
Bikeway Type	
Riding Surface Width	10 feet
Movement	dual direction
Intersection Treatment	signed
Bicycle Parking	rack, Bicycle Shelter

APPENDIX B2. BICYCLING THOROUGHFARE ASSEMBLIES (cont)



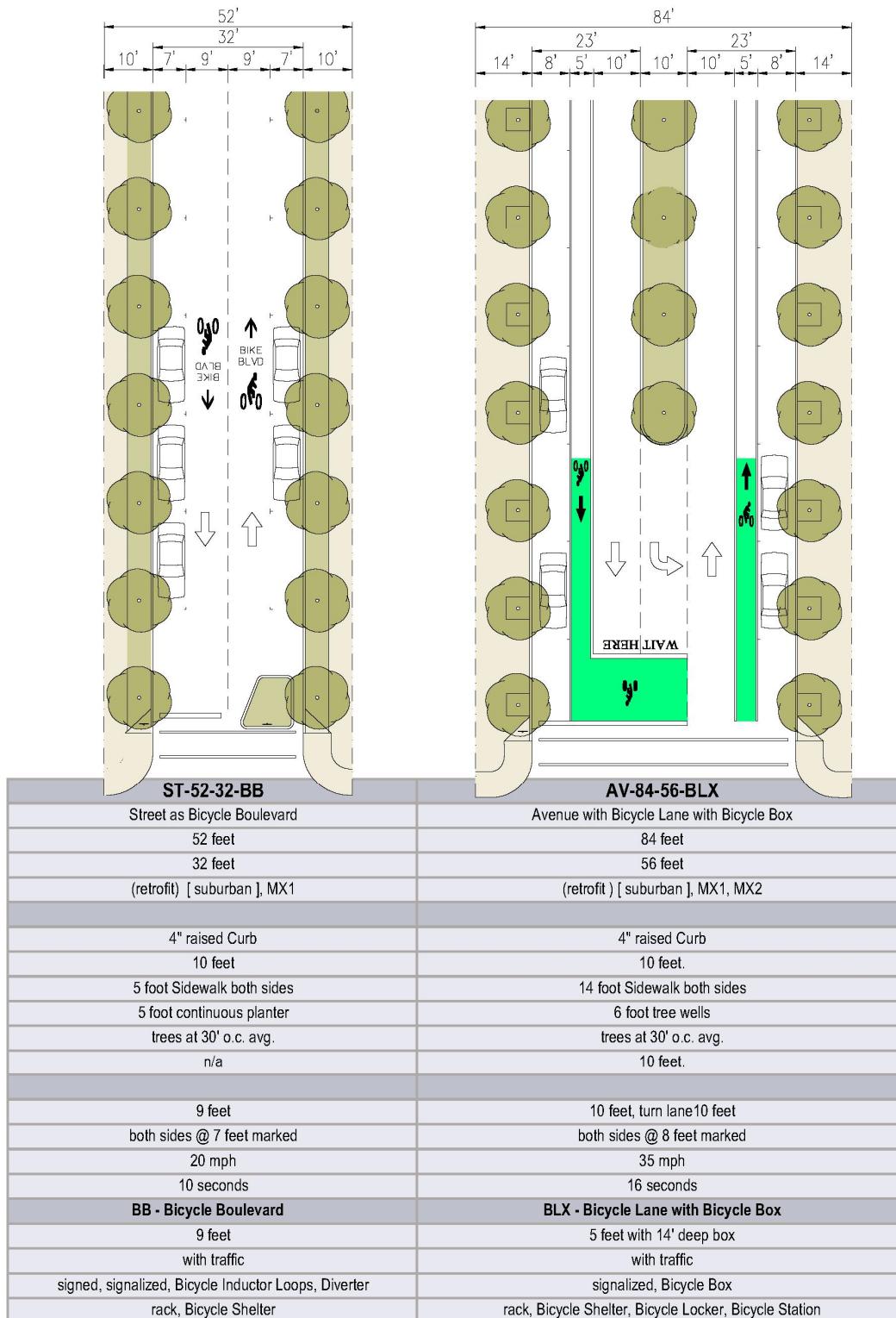
BP-V-10	HW-66-40-BLS
Bicycle Path (Shared Use)	Highway with Shoulder
varies	66 feet
10 feet	40 feet
[suburban], MX1, MX2	[rural, parkland]
Swale, Curb	Swale
n/a	15 feet
n/a	n/a
n/a	13 foot continuous Swale
naturalistic, planted	naturalistic
n/a	n/a
11 feet	12 feet
one side @8 feet marked	n/a
n/a	over 35 mph
n/a	12 seconds
BP - Bicycle Path (Shared Use)	BLS - Bicycle Lane / Shoulder
10 feet	8 feet
dual direction	with traffic
signed, signalized	signed, signalized
rack, Bicycle Shelter, Bicycle Locker	opportunistic, rack, Bicycle Shelter

APPENDIX B2. BICYCLING THOROUGHFARE ASSEMBLIES (cont)

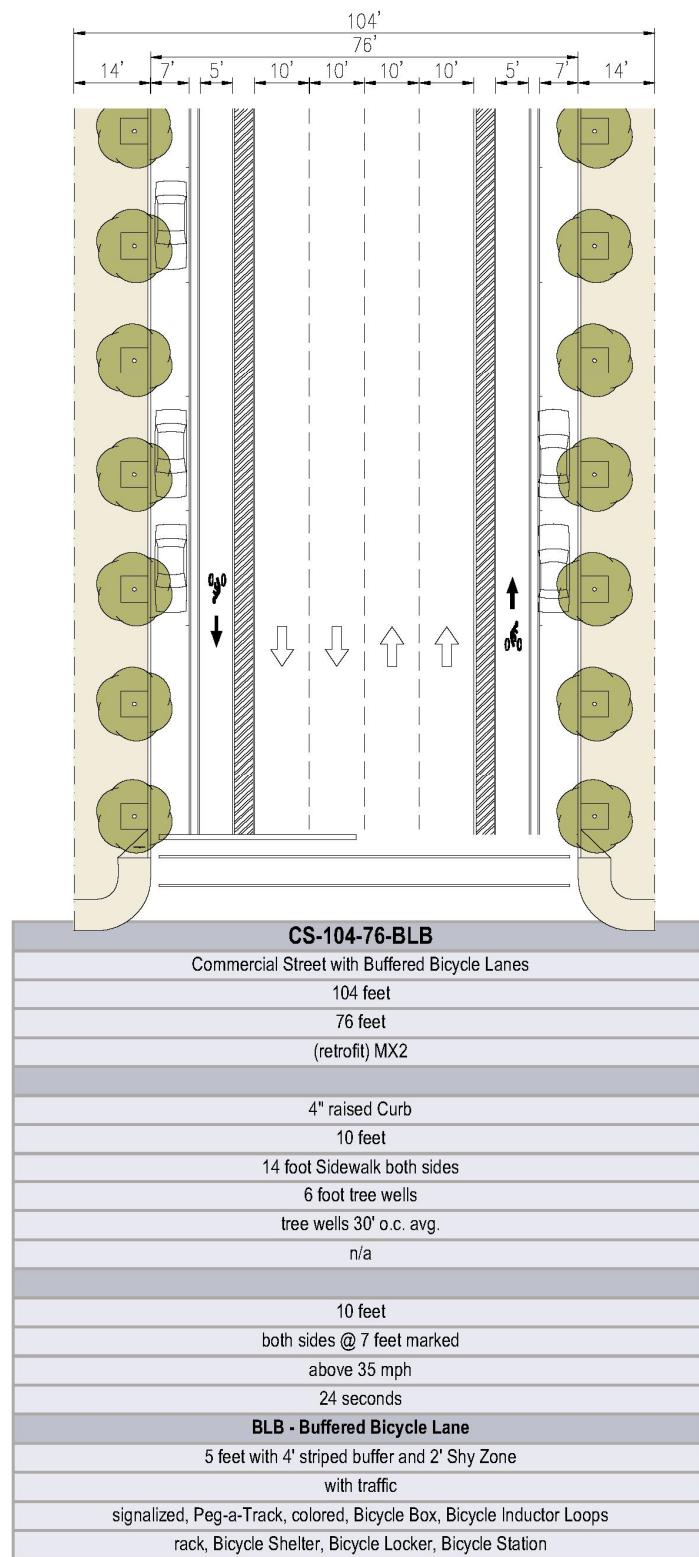


CS-60-32-SL	CS-76-48-BLC
Commercial Street w/ Shared Lane Marking (Sharrow)	Commercial Street with Conventional Bicycle Lane
60 feet	76 feet
32 feet	48 feet
[suburban], MX1, MX2	(retrofit) [suburban], MX1, MX2
4" raised Curb	4" raised Curb
10 feet	10 feet
14 foot Sidewalk both sides	14 foot Sidewalk both sides
6 foot tree wells	4 foot tree well
trees at 30' o.c. avg.	trees at 30' o.c. avg.
n/a	n/a
9 feet	10 feet
both sides @ 7 feet marked	both sides @ 8 feet
25 mph	30 mph
10 seconds	13 seconds
SL - Shared Vehicular Lane (Sharrow)	BL - Bicycle Lane
9 feet	6 feet
with traffic	with traffic
signed, signalized, Bicycle Inductor Loops	signed, signalized, dashed, Peg-a-Trak, colored
rack, Bicycle Shelter	rack, Bicycle Shelter, Bicycle Locker, Bicycle Station

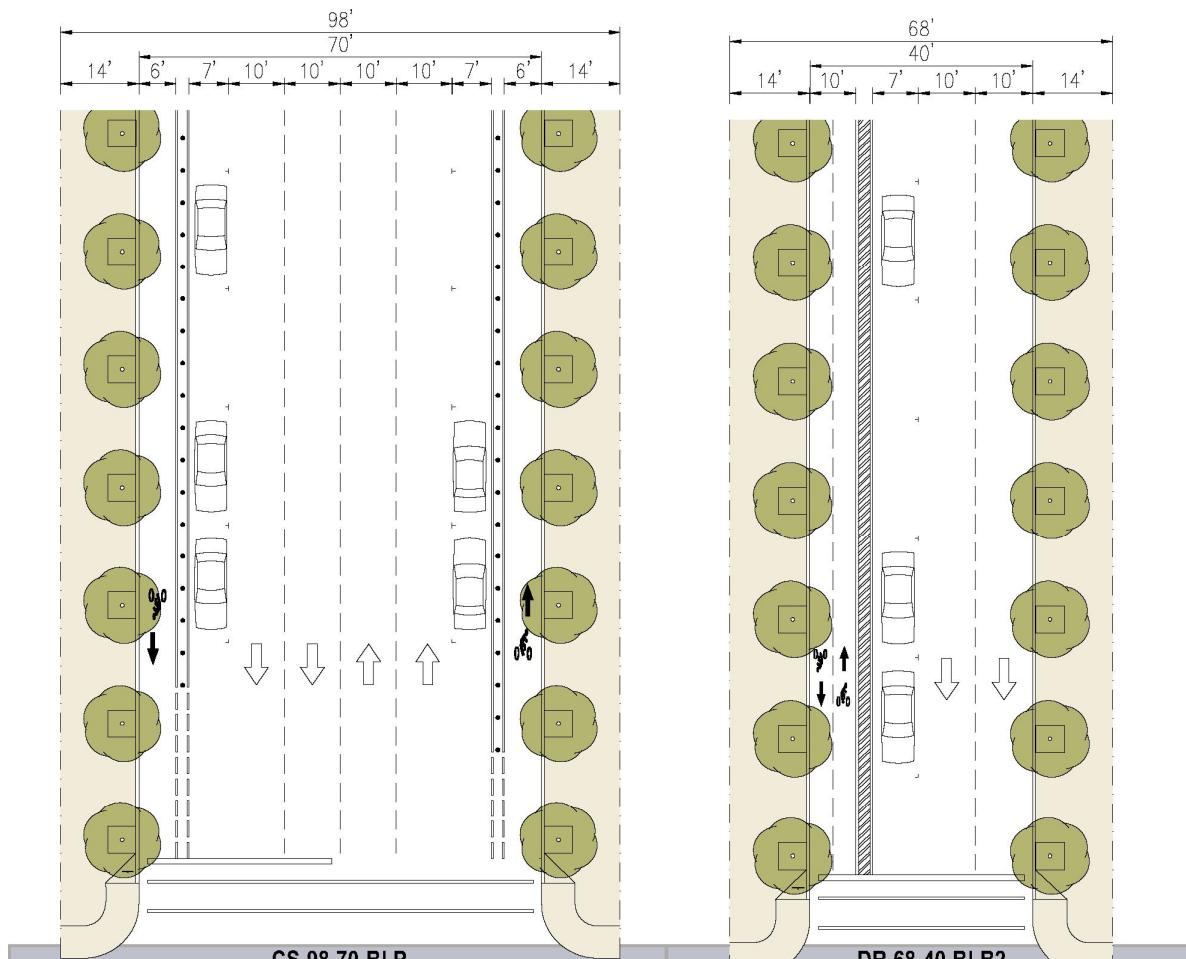
APPENDIX B2. BICYCLING THOROUGHFARE ASSEMBLIES (cont)



APPENDIX B2. BICYCLING THOROUGHFARE ASSEMBLIES (cont)



APPENDIX B2. BICYCLING THOROUGHFARE ASSEMBLIES (cont)



CS-98-70-BLP	DR-68-40-BLB2
Commercial Street with Physically-Sep. Bicycle Lane	Drive with 2-Way Buffered Bicycle Lane
98 feet	68 feet
70 feet	40 feet
(retrofit) MX2	(retrofit) MX1, MX2
4" raised Curb	4" raised Curb
10 feet.	10 feet
14 foot Sidewalk both sides	14 foot Sidewalk both sides
6 foot tree wells	6 foot tree wells
trees at 30' o.c. avg.	tree wells 30' o.c. avg
n/a	n/a
10 feet	10 feet
both sides @ 7 feet marked	one side @ 7 feet marked
35 mph	30 mph
20 seconds	12 seconds
BLP - Physically-Separated Bicycle Lane (Cycle Track)	
6 feet with 2 ft barrier	5 feet each way with 3 ft striped buffer
with traffic	dual direction
signalized, Peg-a-Track, colored	signalized, Peg-a-Track, colored, Bicycle Box, Bicycle Inductor Loops
rack, Bicycle Shelter, Bicycle Locker, Bicycle Station	rack, Bicycle Shelter, Bicycle Locker, Bicycle Station
BLB2 - Two-Way Buffered Bicycle Lane	

APPENDIX B3. BICYCLING PARKING REQUIREMENTS

Appendix B Table B3: Bicycle Parking Requirements - This table prescribes minimum parking ratios within each MX Zone and assumes a bicycle mode share of 5% or less. Requirements may be met within the building, Private Frontage, Public Frontage, or a combination thereof.

SHORT TERM PARKING

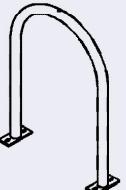
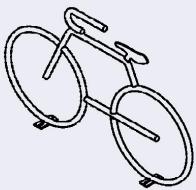
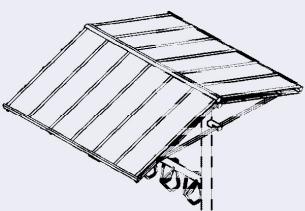
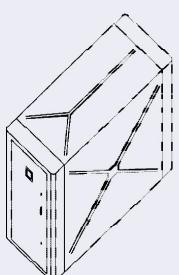
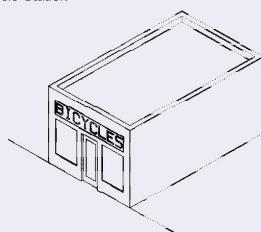
	MX1	MX2
RESIDENTIAL		
Multi-Family	Min. 2.0 spaces .05 spaces / bedroom	Min. 2.0 spaces .10 spaces / bedroom
OFFICE	Min. 2.0 spaces 1.0 / add. 20,000 sq. ft.	Min. 2.0 spaces 1.0 / add. 15,000 sq. ft.
RETAIL	Min. 2.0 spaces 1.0 / add. 5,000 sq. ft.	Min. 2.0 spaces 1.0 / add. 5,000 sq. ft.
Other Commercial	by Special Permit	by Special Permit
CIVIC		
Non-Assembly	Min. 2.0 spaces 1.0 / add. 10,000 sq. ft.	Min. 2.0 spaces 1.0 / add. 10,000 sq. ft.
Assembly	Min. 2.0 spaces 1.0 / add. 15,000 sq. ft.	Min. 2.0 spaces 1.0 / add. 10,000 sq. ft.
TRANSIT STATION	by Special Permit	by Special Permit

LONG TERM PARKING

	MX1	MX2
RESIDENTIAL		
Multi-Family	Min. 2.0 spaces .15 spaces / bedroom	Min. 2.0 spaces .20 spaces / bedroom
OFFICE	Min. 2.0 spaces 1.0 / add. 10,000 sq. ft.	Min. 2.0 spaces 1.5 / add. 10,000 sq. ft.
RETAIL	Min. 2.0 spaces 1.0 / add. 10,000 sq. ft.	Min. 2.0 spaces 1.0 / add. 10,000 sq. ft.
OTHER COMMERCIAL	by Special Permit	by Special Permit
CIVIC		
Non-Assembly	Min. 2.0 spaces 1.0 / add. 15 employees	Min. 2.0 spaces 1.0 / add. 10 employees
Assembly	Min. 2.0 spaces 1.0 / add. 20 employees	Min. 2.0 spaces 1.5 / add. 10 employees
TRANSIT STATION	by Special Permit	by Special Permit

APPENDIX B4. BICYCLE PARKING TYPES

Appendix B Table 1B: Bicycle Parking Types. This table shows five common types of Bicycle Parking facilities.

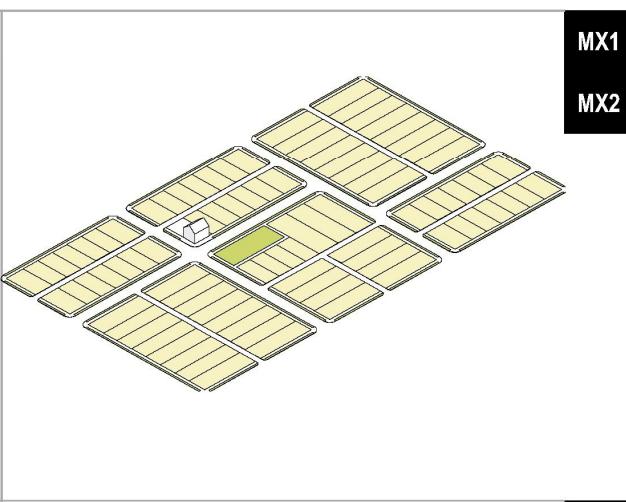
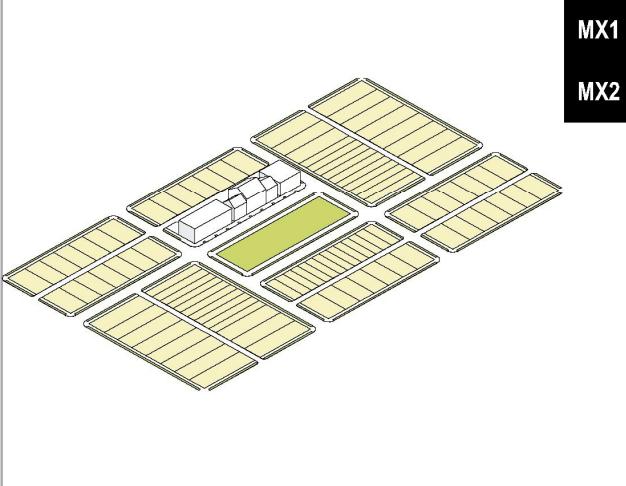
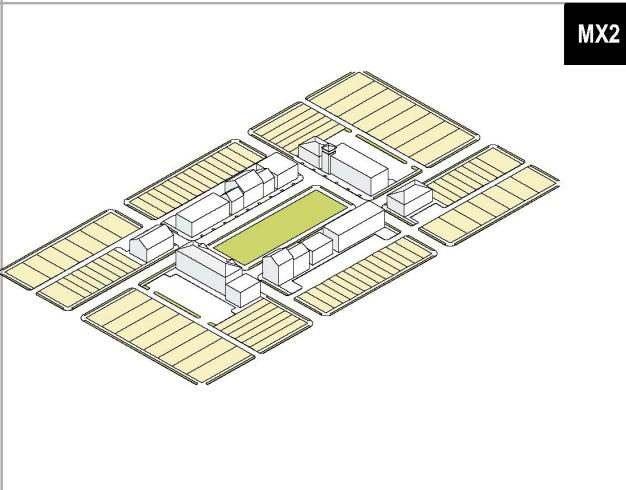
	MX1	MX2	
Bicycle Rack (Inverted "U" post and ring, etc.) 			Racks shall be capable of securing bicycles with at least two points of contact. Simple, easily identifiable forms should be used. Racks may be placed in the Private Frontage, Public Frontage, or within buildings.
Bicycle Rack (decorative, public art) 			Decorative racks shall be recognizable as bicycle parking facilities and shall be held to the same performance standards as other bicycle racks. Such racks may be provided for Civic Buildings, Civic Spaces, and other locations of historic, social, or cultural importance.
Bicycle Shelter 			Shelters shall be highly recognizable and integrated with transit and/or related land uses requiring medium or long term bicycle parking needs. Each shelter shall include bicycle parking racks capable of securing bicycles with at least two points of contact.
Bicycle Locker 			Bicycle Lockers shall be placed in a highly visible and well-lit location, but shall not disrupt the function and order of the public realm. They should be monitored and maintained to discourage vandalism.
Bicycle Station 			Bicycle Stations should be located in highly visible locations, ideally near transit. They should offer a variety of services that may include repair, rental, cafe, lockers, showers, and storage facilities.

▪ By Right

▫ By Special Permit

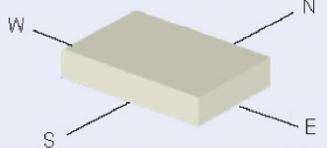
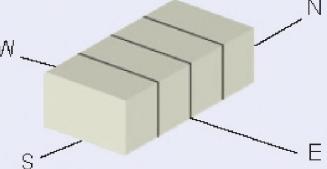
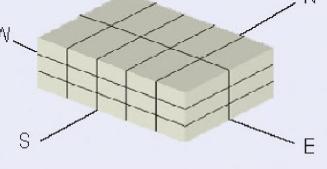
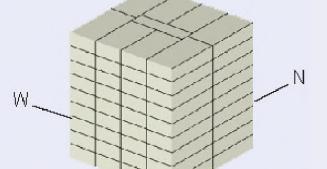
APPENDIX C1. RETAIL TYPOLOGY FORM-BASED GRAPHICS

APPENDIX C: Retail Typology Form-based Graphics. This table describes and illustrates the types of Retail in a neighborhood context and the MX Zones in which they may be allocated.

<p>Corner Store: A Retail business that provides a convenient location for quick purchases from a small inventory of diverse consumer products (predominantly food and incidental convenience items). It typically has a GLA of less than 5,000 square feet, with convenient parking and access to their immediate consumer market, consistent with their MX zone designation, and with extended hours of operation. Neighborhood Ideal: <5,000 square feet.</p> <p>ULI/ICSC equivalent: Convenience Store</p>	
<p>Neighborhood Shops: A collection of stores and Commercial establishments providing personal services and convenience goods in the immediate neighborhood. Usually anchored by a grocery store/supermarket and/or drug store, and often including one or more local restaurant or cafes, it has a GLA of 25,000-80,000 square feet.</p> <p>Neighborhood Ideal: 60,000 square feet.</p> <p>Trade Area Radius: 1/2 - 3 miles, depending upon MX zone</p> <p>ULI/ICSC equivalent: Neighborhood Center</p>	
<p>Main Street Shops: A supermarket and drug store-anchored center providing for a range of daily needs and personal services to the surrounding neighborhoods. Typically sized at 120,000-400,000 square feet of GLA, it may include a junior department store, an expanded range of shopping and specialty goods, and several food establishments at a variety of price points and service levels.</p> <p>Downtown Ideal: 280,000 square feet.</p> <p>Trade Area Radius: 2-5 miles, depending upon MX zone</p> <p>ULI/ICSC equivalent: Community Center</p>	

APPENDIX C2. SURFACE TO VOLUME RATIO & BUILDING ORIENTATION

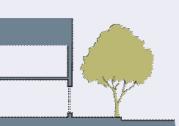
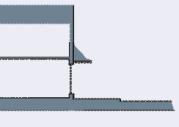
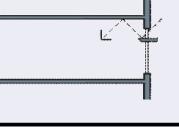
APPENDIX C: Surface to Volume Ratio and Building Orientation. This table shows the most basic building types and the level of their Surface to Volume Ratio and recommended orientation to achieve lowest energy use. The black lines on the building envelopes indicate shared walls. Each shared wall reduces a unit's surface-to-volume ratio.

	MX1	MX2
Single-unit one story  S/V Ratio: High Orientation: E-W		The high surface-to-volume ratio of a single family home means that building orientation is the most significant way to reduce energy use through massing.
Side-by-Side Units  S/V Ratio: Medium Orientation: N-S		Two shared party walls lowers the surface to volume ratio and reduces the energy use of each unit. Energy modeling has shown that orienting townhouse buildings with multiple units north-south significantly reduces energy usage.
Multi-unit  S/V Ratio: Low Orientation: E-W		Multi-family units have several shared walls and a low surface-to-volume ratio per unit. Building orientation should maximize passive solar.
High-rise  S/V Ratio: Low Orientation: E-W		High rise buildings have a low surface-to-volume ratio per unit, however added systems such as elevators and water pumps may increase overall building energy use. Orientation should minimize energy use.

Module by Farr Associates. Chart information for the single unit and townhouse building adapted from energy modeling performed by Alan Chalifoux.

APPENDIX C3. SHADING OF GLAZING

APPENDIX C: Shading of Glazing This table illustrates methods to achieve high levels of shading glazing within each zone.

	MX1	MX2
Tree		
		
Awning (see Section 3.X for Awning Requirements)		
		
Porch		
		
Roof Overhang		
		
Exterior Shade		
		
Light Shelf		
		
Deep Windows		
		
Double Skin		
		

TRANSIT VILLAGE DESIGN DISTRICT CODE

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APPENDIX C4. LIGHT IMPRINT MATRIX

Transit Village Design District

	MX1 Mixed-1 Zone	MX2 Mixed-2 Zone		
a. PAVING				
Compacted Earth			L	\$
Wood Planks			H	\$\$\$
Plastic Mesh/Geomat	.		L	\$
Crushed Stone/Shell	.		M	\$
Cast/Pressed Concrete Paver Block	.	.	L	\$\$
Grassed Cellular Plastic	.	.	M	\$\$\$
Grassed Cellular Concrete	.	.	M	\$\$\$
Pervious Asphalt	.	.	L	\$\$
Asphalt	.	.	L	\$
Concrete	.	.	L	\$\$
Pervious Concrete	.	.	L	\$\$
Stamped Asphalt	.	.	L	\$\$\$
Stamped Concrete	.	.	L	\$\$\$
Pea Gravel	.	.	M	\$
Stone/Masonry Paving Blocks	.	.	L	\$\$\$
Wood Paving Blocks on Concrete		.	L	\$\$\$
Asphalt Paving Blocks		.	M	\$\$
b. CHANNELING				
Natural Creek			L	\$
Terracing			M	\$\$
Vegetative Swale			L	\$
Drainage Ditch			L	\$
Stone/Rip Rap Channels	.		L	\$\$
Vegetative/Stone Swale	.	.	L	\$
Grassed Cellular Plastic	.	.	M	\$\$\$
Grassed Cellular Concrete	.	.	M	\$\$\$
Soakaway Trench	.	.	M	\$\$\$
Slope Avenue	.	.	M	\$\$\$
French Drain	.	.	M	\$
Shallow Channel Footpath/Rainwater Conveyor	.	.	L	\$
Concrete Pipe	.	.	L	\$\$
Gutter	.	.	L	\$\$
Planting Strip Trench	.	.	L	\$
Masonry Trough	.	.	L	\$\$
Canal	.	.	H	\$\$\$
Sculpted Watercourse, i.e. cascades		.	M	\$\$\$
Concrete Trough		.	L	\$\$
Archimedean Screw		.	L	\$\$\$

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APPENDICES

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APPENDIX C4. LIGHT IMPRINT MATRIX (cont)

c. STORAGE	MX1	Mixed-1 Zone	MX2	Mixed-2 Zone	
Irrigation Pond					L \$
Retention Basin with Sloping Bank					L \$\$
Retention Basin with Fence	-				L \$\$
Retention Hollow	-			M	\$
Detention Pond	-			L	\$
Vegetative Purification Bed	-	-		M	\$\$
Flowing Park	-	-		M	\$\$
Retention Pond	-	-		M	\$\$
Landscaped Tree Well	-	-		L	\$\$
Pool/Fountain	-	-		H	\$\$\$
Underground Vault/Pipe/Cistern-Corrugated Metal	-	-		L	\$\$
Underground Vault/Pipe/Cistern -Precast Concrete	-	-		L	\$\$
Underground Vault/Pipe/Cistern -Cast in place Concrete	-	-		L	\$\$
Grated Tree Well			-	L	\$\$
Underground Vault/Pipe/Cistern -Plastic		-		L	\$\$\$
Paved Basin		-		M	\$\$\$

d. FILTRATION

Wetland/ Swamp				L	\$
Filtration Ponds				L	\$\$
Shallow Marsh				M	\$
Surface Landscape	-	-		L	\$
Natural Vegetation	-	-		L	\$
Constructed Wetland				M	\$
Bio-Retention Swale	-	-		M	\$\$
Purification Biotope	-			H	\$\$
Green Finger	-	-		L	\$\$\$
Roof Garden	-	-		M	\$\$\$
Rain Garden	-	-		M	\$\$
Detention Pond	-			L	\$
Grassed Cellular Plastic	-			M	\$\$\$
Grassed Cellular Concrete	-			M	\$\$\$
Waterscapes	-	-	-	H	\$\$\$

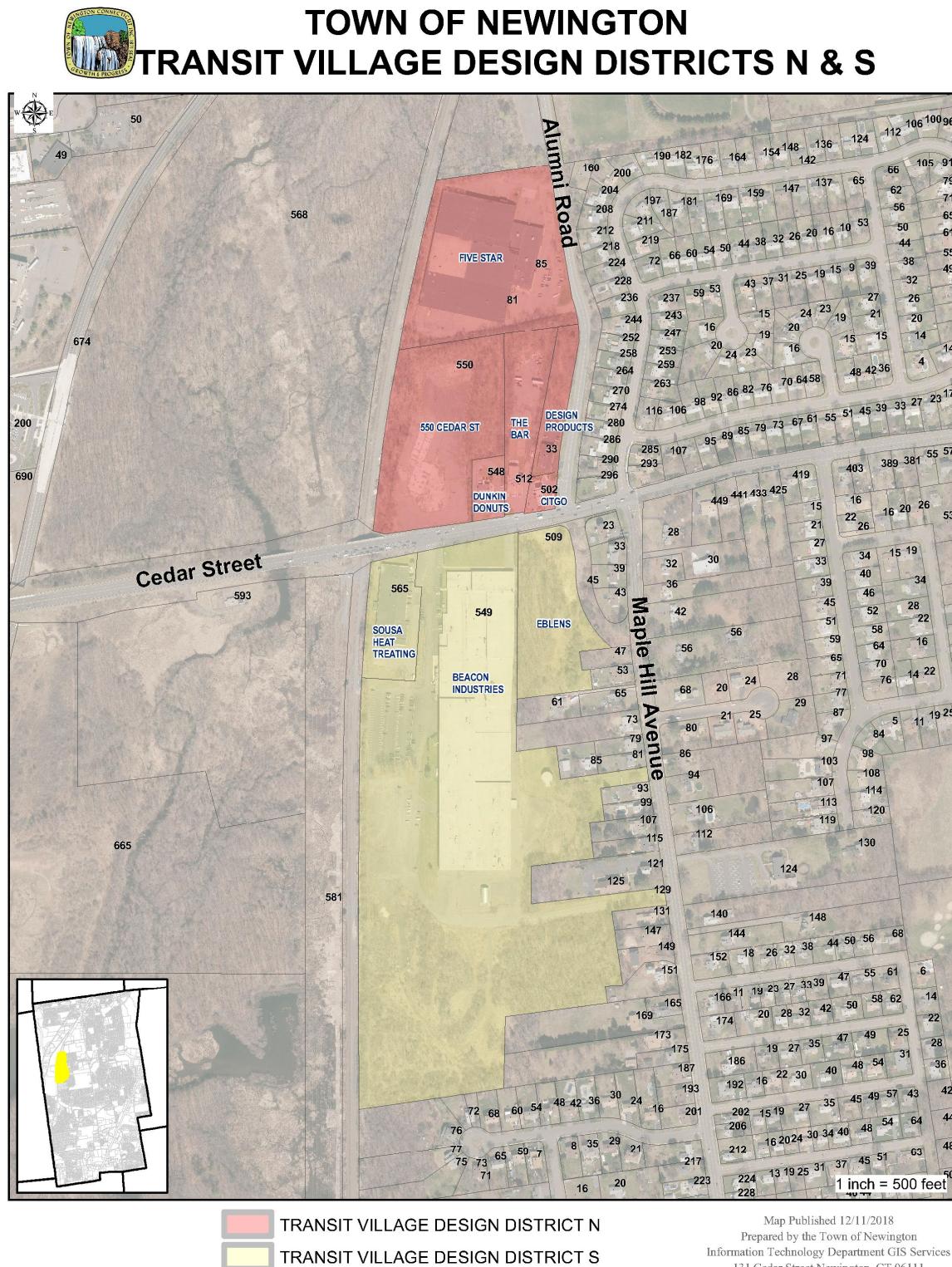
L = Low Maintenance, M = Medium, H = High

Matrix by Tom Low, DPZ & Company

TRANSIT VILLAGE DESIGN DISTRICT CODE APPENDICES

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APPENDIX D. MAP OF TVDD REGION



Disclaimer: This map is for planning purposes only. Verification of its accuracy, currency and completeness is the responsibility of the reader's own independent research. Neither the Town of Newington nor any of its consultants shall be held liable for any loss, damages or claims made as a result of anyone referring to this map.

TABLE OF TEXT AMENDMENTS

2011 – to date

<u>Petition #</u>	<u>Section</u>	<u>Description</u>	<u>Adopted Date</u>	<u>Effective Date</u>
06-11	3.15.4, 5.1.5, 6.2	Restaurants; Non-conformities; Signs	3/23/2011	4/6/2011
14-11	6.2.1.(E), 9.0	Digital Signs	5/25/2011	6/8/2011
27-11	3.11.7	Fueling Station	10/26/2011	11/9/2011
08-12	3.15.9, 3.17.8, 6.11	Auto-Related and Motor Vehicle Uses	8/8/2012	8/11/2012
19-13	6.1.1.C, 9.2	Parking Standards	6/26/2017	7/1/2017
47-13	6.16	Medical Marijuana	4/23/2014	4/25/201
62-13	3.11, 3.15, 3.17, 3.19	Fueling Station	2/26/2014	4/4/2014
02-14	5.3, 6.1, 6.10, 6.16, 7.4, 9.2	Low Impact Development (LID)	4/12/2014	4/14/2014
46-14	6.11	Motor Vehicle Sales, Rental and Service	1/14/2015	1/17/2015
49-14	6.15.2	LID Moratorium	2/25/2015	2/28/2015
03-15	3.0	High Density Residential Moratorium	5/27/2015	5/30/2015
07-15	3.2.5, 9.2	Continuing Care Facilities	4/8/2015	4/10/2015
16-15	3.1.3.B	Farm Stands	7/8/2015	7/11/2015
31-15	3.22.1.C	Commercial Vehicles in Residential Zones	11/12/2015	11/16/2015
05-16	3.19A	Transit Oriented Development (TOD) Overlay District	4/27/2016	5/2/2016
06-16	Sections 2 - 9	Zoning Regulations Update	7/27/2016	7/29/2016
10-16	6.15	LID Amendment	6/22/2016	6/24/2016
19-16	3.49 and 6.7	Rear Lots	7/27/2016	7/29/2016
48-16	6.2.1.F	Temporary Sign Moratorium	12/14/2016	12/16/2016
09-17	3.25	Open Space Zone	6/28/2017	6/30/2017
14-17	numerous	Modify/Delete All "Waiver" Provisions	6/28/2017	6/30/2017
20-17	6.2.1.F	Temporary Sign Moratorium Extension	6/28/2017	6/30/2017
24-17	6.2.2	Temporary Signs	9/13/2017	9/15/2017

03-18	3.9, 3.12, 3.14, 3.16, 3.18, 3.20, 3.21	Uses Permitted in [name of] Zone	6/13/2018	6/19/2018
03-18	5.3	Procedures and Requirements for Site Plans	6/13/2018	6/19/2018
03-18	6.1	Street Parking and Loading Requirements	6/13/2018	6/19/2018
03-18	7.4	Design standards, Site Plan Check List	6/13/2018	6/19/2018

03-18	7.6	Amendment	6/13/2018	6/19/2018
23-18	6.6	Alcoholic Beverages	7/11/2018	7/14/2018
28-18	6.16	Medical Marijuana	8/29/2018	9/05/2018
45-18	6.6	Alcoholic Beverages	11/14/2018	11/16/2018
12-19	7.4	Design Standards	4/10/2019	4/16/2019
14-19	3.11, 3.17, 6.11	Motor Vehicle Related	7/24/2019	7/31/2019
24-18	3.26	Workforce Assisted Housing District (WAHD)	10/23/2019	11/01/2019
23-19	3.27	Newington Station Transit Village Design District	8/14/2019	8/17/2019
10-20	3.11, 3.15, 3.16, 3.17, 6.6, 9.2	Brewery and Brew Pubs	7/08/2020	7/14/2020
20-20	6.2.1E, 9.2	Digital Menu Board Signs	7/08/2020	7/15/2020
21-20	5.3, 6.1, 6.10, 6.15, 7.4, 9.2	Low Impact Development Regulations	8/26/2020	8/31/2020
35-20	3.11.14	To allow apartments by special permit in the B Zone	11/23/2020	12/7/2020
39-20	3.19.A.4	TOD Lot Size Reduction	1/13/2021	1/27/2021
13-21	3.11.6 and 3.15.3	Temporarily Authorize the Town Planner to Approve Outdoor Dining at Existing Restaurants	4/14/2021	4/20/2021
09-21	3.1.3 and 3.3.5	Allow the Keeping of Hens	4/14/2021	4/26/2021
17-21	4.5, 3.18, and 3.19	To Provide for Alternate Minimum Frontage in the PD Zone, and to Increase Allowed Apartment Density in the PD Zone.	4/28/2021	5/11/2021
29-21	3.4.9 and 9.2	To allow drive through restaurants in the PD zone without drive through requirements of section 3.15.4	6/9/2021	6/22/2021
35-21	6.2.1 and 5.2.7	To allow digitally controlled fuel product pricing to be displayed on free standing signs in the B and B-TC Zones and an editorial correction at (Sec. 5.2.7 and 6.2.1)	9/8/2021	9/22/2021
38-21	6.16	Zoning Text Amendment (Sec. 6.16) Regarding the adult use cannabis sales in the B-BT Zone and cultivation in the I Zone	10/13/2021	10/26/2021
45-21	3.17.6	Zoning Text Amendment (Sec. 3.17.6) to allow recreational uses including billiard and poolrooms, bowling alleys, arcades, and other passive amusement types in the I Zone.	11/9/2021	11/24/2021
46-21	6.1.1	Zoning Text Amendment (Sec. 6.1.1) to amend the required parking for residential dwellings to comply with Public Act No. 21-29, Substitute House Bill #6107 Section 4(d)(9).	11/9/2021	11/24/2021
54-21	3.19.2.B.1	Zoning Text Amendment (Sec. 3.19.2.B.1) to delete the requirement that residential developments in the PD Zone be located on sites with direct access to the Berlin Turnpike or streets that directly connect to the Berlin Turnpike	1/26/2022	2/8/2022

50-21	6.16	Zoning Text Amendment (Sec. 6.16) to add adult-use cannabis cultivator and micro-cultivator facilities, adult-use cannabis retailer, and hybrid retailer to the PD Zone.	1/26/2022	2/8/2022
52-21	3.22.1	Zoning Regulations Amendment (sec. 3.22.1) to define and allow commercial vehicles as an accessory use in residential zones.	2/9/2022	2/22/2022
51-21	7.4.6	Zoning Text Amendment (Sec. 7.4.6) to modify the driveway site plan design standards	2/23/2022	3/8/2022
31-22	4.4.5	Zoning Text Amendment (Sec 4.4.5) to modify the setback requirements for detached mechanical units	7/27/22	8/17/22
43-22	3.23.4	Zoning Regulations Amendment (Sec. 3.23.4) to add Regulations for Temporary Events	11/9/22	12/1/22
47-22	3.3.2	Zoning Regulations Amendment (Sec. 3.3.2) Regarding Parking or Storage of RVs, Boats and Trailers in Residential Zones	11/21/22	01/01/23
04-23	3.20.1, 9.2	Zoning Regulations Amendment (Sec. 3.20.1) to include Personal services as a permitted use in the Commercial Development Zone (CD)	03/22/23	04/12/23
08-23	6.16.6	Zoning Regulation Text Amendment Pertaining To (Sec. 6.16) Adult-Use Cannabis Cultivation And Sale And Medical Marijuana Dispensary And Production, (Section 6.16.6) Sign And Exterior Display Requirements	06/14/23	06/28/23
11-23	3.15.17 & 9.2	Zoning Regulation Text Amendment Pertaining to (Sec. 3.15) Special Permits allowed in B-BT Zone to add section 3.15.17 Banquet Hall, (Section 9.2) to add definition for Banquet Hall	08/23/23	9/06/23
20-23	3.13.7	Petition 20-23: Zoning Regulation Text Amendment Pertaining To (Sec. 3.13) Special Permits Allowed In (B-TC) Business Town Center Zone, Add Section 3.13.7 Accessory Drive Throughs (Accessory Use To A Restaurant, Bank, Pharmacy, And Laundromat).	9/28/23	10/10/23
28-23	3.1.5, 3.2.8 & 9.2	Petition 28-23: Zoning Regulation Text Amendment Pertaining To Family Child Care Homes And Group Child Care Homes As A Permitted Use Accessory To A Residence In A Zone Permitting Either Single, Two-Family, Or Multifamily Uses (Add Sec. 3.1.5) (Amend Sec 3.2.8) (Remove And Add 9.2 Definition),	12/13/23	12/28/23
TPZ-24-21	6.1.1C, 9.2	Petition TPZ-24-21: Zoning Regulation Text Amendment to amend the following sections of the Newington Zoning Regulations: (Section 6.1.1C) Parking Spaces for All Other Uses, add Indoor	11/25/24	12/11/24

		Retail Showrooms and associated parking requirements to the parking table, and (Section 9.2) Definitions, add a definition for Indoor Retail Showroom(s).		
TPZ-25-4	6.9	Petition TPZ-25-4 Zoning Regulation Text Amendment To Add Sec. 6.9 Alternative Energy Accessory Structures (AES).	5/28/25	6/11/25
TPZ-25-5	6.1, 6.1.1L, 9.2	Petition TPZ-25-5: Zoning Regulation Text Amendment to Section 6.1 Street Parking and Loading Regulations, add Sec. 6.1.1L Electric Vehicle Parking Requirements, and Amend Section 9.2 Definitions to add a definition for Electric Vehicle Charging Station.	5/28/25	6/11/25