ZONING REGULATIONS

TOWN OF NEWTOWN
FAIRFIELD COUNTY, CONNECTICUT

TOWN OF NEWTOWN

Newtown Planning and Zoning Commission

ORIGINAL EFFECTIVE DATE
AUGUST 25, 1958

AS REVISED AND ADOPTED EFFECTIVE
APRIL 1, 2008
(AMENDED THROUGH AUGUST 2017)

Tel: (203) 270-4276

ZONING REGULATION		INDEX PAGE
ARTICLE I	GENERAL	I-1-1
	SECTION 1 – PURPOSE AND APPLICATION	I-1-1
	SECTION 2 – INTERPRETATIONS AND DEFINITIONS	I-2-1
	SECTION 3 – ESTABLISHMENT OF ZONING DISTRICTS	I-3-1
	SECTION 4 – PROVISION FOR OFFICIAL ZONING MAPS	I-4-1
	SECTION 5 – ZONE BOUNDARY DETERMINATIONS	I-5-1
	SECTION 6 – PROHIBITED USES	I-6-1

ARTICLE II OVERLAY DISTRICTS II-1-1

SECTION 1 – AQUIFER PROTECTION DISTRICT II-1-1

SECTION 2 – SOUTH MAIN STREET VILLAGE DESIGN DISTRICT (SMVDD) II-2-1

SECTION 3 – EXIT 10 COMMERCIAL DESIGN DISTRICT II-3-1

ARTICLE III RESIDENTIAL USES III-1-1

SECTION 1 – FARMING AND RESIDENTIAL ZONES (R-1/2, R-1, R-2, R-3) III-1-1

SECTION 2 – ELDERLY HOUSING ZONE (EH-10) III-2-1

SECTION 3 – INCENTIVE HOUSING OVERLAY ZONE (IHOZ) III-3-1

SECTION 4 – MIXED INCOME HOUSING DISTRICT III-4-1

ARTICLE IV BUSINESS, COMMERCIAL & PROFESSIONAL USES IV-1-1

SECTION 1 – BUSINESS AND PROFESSIONAL OFFICE ZONE (BPO) IV-1-1

SECTION 2 – RETAIL BUSINESS ZONE (B-1) IV-2-1

SECTION 3 – GENERAL BUSINESS ZONE (B-2) IV-3-1

SECTION 4 – ACCESSORY USES IN BUSINESS ZONES IV-4-1

SECTION 5 – SITE AND BUILDING DESIGN STANDARDS IN BUSINESS ZONES IV-5-1

ARTICLE V INDUSTRIAL ZONES V-1-1

SECTION 1 – ALL INDUSTRIAL ZONES (M-1, M-2A, M-3, M-4, M-5) V-1-1

SECTION 2 – INDUSTRIAL ZONE M-1 V-2-1

SECTION 3 – INDUSTRIAL ZONE M-2A V-3-1

SECTION 4 – INDUSTRIAL ZONE M-3 V-4-1

SECTION 5 – INDUSTRIAL ZONE M-4 V-5-1

SECTION 6 – INDUSTRIAL ZONE M-5 V-6-1

SECTION 7 – ACCESSORY USES IN INDUSTRIAL ZONES V-7-1

SECTION 8 – SITE AND BUILDING DESIGN STANDARDS IN INDUSTRIAL ZONES V-8-1

ARTICLE VI SPECIAL DISTRICTS VI-1-1

SECTION 1 – CONSERVATION AND AGRICULTURE (C & A) VI-1-1

SECTION 2 – PUBLIC SCHOOL ZONE (PS) VI-2-1

SECTION 3 – FAIRFIELD HILLS ADAPTIVE REUSE (FHAR) VI-3-1

SECTION 4 – HAWLEYVILLE CENTER DESIGN DISTRICT (HCDD) VI-4-1

SECTION 5 – SANDY HOOK DESIGN DISTRICT (SHDD) VI-5-1

SECTION 6 – SPECIAL DEVELOPMENT DISTRICT (SDD) VI-6-1

ARTICLE VII AREA, HEIGHT AND YARD REGULATIONS VII-1-1

SECTION 1 – SCOPE OF REQUIREMENTS VII-1-1

SECTION 2 – SCHEDULE OF AREA, HEIGHT, BULK AND USE OF BUILDINGS AND STRUCTURES VII-2-1

SECTION 3 – SUPPLEMENTAL NOTATIONS VII-3-1

SECTION 4 – USE OF EXISTING LOTS VII-4-1

SECTION 5 – CONSOLIDATED LOTS VII-5-1

ARTICLE VIII SUPPLEMENTAL REGULATIONS VIII-1-1

SECTION 1 – SIGNS VIII-1-1

SECTION 2 – ACCESS MANAGEMENT AND TRAFFIC ANALYSIS VIII-2-1

SECTION 3 – PARKING, DRIVEWAYS AND LOADING STANDARDS VIII-3-1

SECTION 4 – LANDSCAPE, SCREENING AND BUFFER REQUIREMENTS VIII-4-1

SECTION 5 – EXTERIOR LIGHTING VIII-5-1

SECTION 6 – EROSION AND SEDIMENT CONTROL VIII-6-1

SECTION 7 – PONDS AND DRAINAGE BASINS VIII-7-1

SECTION 8 – EXCAVATION VIII-8-1

SECTION 9 – MINING VIII-9-1

SECTION 10 – PERFORMANCE STANDARDS VIII-10-1

SECTION 11– TEMPORARY PERMITTED USES VIII-11-1

SECTION 12 – SALE OF LIQUOR – ALCOHOLIC BEVERAGE OUTLETS VIII-12-1

SECTION 13 – COMMON INTEREST COMMUNITIES IN BUSINESS, PROFESSIONAL OR INDUSTRIAL ZONES VIII-13-1

SECTION 14 – INITIAL ATTACK FIRE SUPPRESSION WATER SUPPLY VIII-14-1

SECTION 15 – OPEN SPACE CONSERVATION SUBDIVISION SPECIAL EXCEPTION VIII-15-1

SECTION 16 – TELECOMMUNICATIONS VIII-16-1

SECTION 17 – HISTORIC PRESERVATION REGULATIONS- RESERVED VIII-17-1

SECTION 18- OUTDOOR WOODBURNING FURNACE VIII-18-1

SECTION 19- MORATORIUMS VIII-19-1

ARTICLE IX ADMINISTRATION AND ENFORCEMENT IX-1-1

SECTION 1 – ZONING ENFORCEMENT OFFICER, BUILDING PERMITS, ZONING PERMITS & SURVEY REQUIREMENTS IX-1-1

SECTION 2 – LOT LINE REVISION IX-2-1

SECTION 3 – NON-CONFORMING USE, BUILDINGS AND LOTS IX-3-1

ARTICLE X SITE DEVELOPMENT PLANS X-1-1

ARTICLE XI SPECIAL EXCEPTIONS XI-1-1

ARTICLE XII ZONING BOARD OF APPEALS XII-1-1

SECTION 1 – ZONING BOARD OF APPEALS XII-1-1

ARTICLE XIII LEGISLATIVE REVISIONS XIII-1-1

SECTION 1 – AMENDMENTS TO THE ZONING REGULATIONS XIII-1-1

SECTION 2 – ZONE MAP CHANGES XIII-2-1

ARTICLE XIV SEPARABILITY, REPEALER AND EFFECTIVE DATE XIV-1-1

APPENDIX A: SCHEDULE OF FEES AND FINES

APPENDIX B: INDIVIDUAL SPECIAL DEVELOPMENT DISTRICT (SDD) REGULATIONS AND PROCESS FLOWCHART

APPENDIX C: HAWLEYVILLE CENTER DESIGN DISTRICT (HCDD) GUIDELINES

APPENDIX D: SANDY HOOK DESIGN DISTRICT (SHDD) GUIDELINES

APPENDIX E: DESIGN ADVISORY BOARD ORDINANCE

APPENDIX F: LIST OF PERMITTED USES IN COMMERCIAL ZONES

APPENDIX G: LIST OF PERMITTED USES IN INDUSTRIAL ZONES

APPENDIX H: SUPPLEMENTAL REGULATIONS - SIGNS

ARTICLE I - GENERAL

SECTION 1 – PURPOSE AND APPLICATION

Purpose

These Newtown Zoning Regulations are promulgated to secure to the Town of Newtown the protections and benefits provided by Chapter 124 of the General Statutes of Connecticut, Revision of 1958, as amended, and are designed:

- to lessen the congestion in the streets,
- to secure safety from fire, panic, flood and other dangers,
- to promote health and the general welfare,
- to provide adequate light and air,
- to prevent the overcrowding of land,
- to avoid undue concentration of population,
- to facilitate adequate provision for transportation, water, sewage, schools, parks and other public requirements,
- to conserve the value of the buildings, and land,
- to encourage the most appropriate use of land throughout the Town of Newtown consistent with soil types, terrain and infrastructure capacity
- and to further such other purposes as may be authorized by statute.

These Regulations and the Zoning Map constitute the Comprehensive Plan for zoning in the Town of Newtown.

Application

To carry out the purposes of these Zoning Regulations as provided herein, these regulations shall:

- Designate, regulate and restrict the location and use of buildings, structures and land for agriculture, residence, commerce, trade, industry and other purposes.
- Regulate and limit the height, number of stories and size of buildings and other structures hereafter erected or altered.
- Regulate and determine the size and location of yards and other open spaces.
- Regulate and limit the density of population.
- Divide the Town into such zoning districts as seems best suited for said purposes.
- Provide for the enforcement of these regulations.

ARTICLE I - GENERAL

SECTION 2 – INTERPRETATIONS AND DEFINITIONS

As used in these Regulations the following terms have the following meanings:

Accessory Apartment - a dwelling unit accessory and subordinate to a one-family detached dwelling providing housing for more than three (3) people.

Accessory Use - a use incidental and subordinate to the principal use but does not include any use specifically prohibited by Section 1.06 of these Regulations.

Adult Day Care Center – a facility which provides a program of supplementary care for adults outside their homes on a regular basis for part of the twenty-four (24) hours in a day for one or more days in the week. (Added 4/17/00)

Affordable Housing Development - a housing development in which not less than thirty percent of the dwelling units will be conveyed by deeds containing covenants or restrictions which shall require that, for at least forty years after the initial occupation of the proposed development, such dwelling units shall be sold or rented at, or below, prices which will preserve the units as housing for which persons and families pay thirty percent or less of their annual income, where such income is less than or equal to eighty percent of the median income. In an affordable housing development, of the dwelling units conveyed by deeds containing covenants or restrictions, a number of dwelling units equal to not less than fifteen percent of all dwelling units in the development shall be sold or rented to persons and families whose income by deeds containing covenants or restrictions shall be sold or rented to persons and families whose income is less than or equal to eighty percent of the median income. (Added 12/18/00) is less than or equal to sixty percent of the median income and the remainder of the dwelling units conveyed

Alcoholic Beverage - any beverage the sale or dispensing of which requires a permit from the State of Connecticut. (Amended 9/12/05)

Amusement park – A commercially operated venue offering various games, activities and/or motorized rides for entertainment, and may include booths for the sale of food and drink.

Antenna - a device used to receive or transmit electromagnetic waves. Examples include, but are not limited to whip, panel, and dish antennas. (Added 11/29/99)

Aquifer - a geologic formation, group of formations or a part of a formation that contains sufficient saturated, permeable materials to yield significant quantities of water to wells and springs. (Added 6/21/99)

Assisted living facility for elderly – an elderly housing facility as defined in Section 19a-490(l) of the General Statutes that, in addition to housing, provides a variety of basic services such as nursing services and assistance with activities of daily living to a stable resident population.

Average Finished Ground Level - the average of the ground level points at the completion of the building. (Added 4/21/90)

Bed and Breakfast - an owner occupied private home in which up to four (4) bedrooms are used to provide overnight accommodations, which may include breakfast, for transient guests for compensation. (Added 10/2/95)

Borough - The Borough of Newtown.

Buffer see **Natural Buffer** and **Planted Buffer**.

Building - any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of persons, animals or personal property.

Building Bulk - the gross cubic feet above average ground level of all buildings, structures, and includes personal property stored outdoors on the lot.

Café - shall mean a space in a suitable and permanent building, kept, used, maintained, advertised, and held out to the public to be a place where alcoholic liquor and food is served for sale at retail for consumption on the premises but which does not necessarily serve hot meals. The cafe must have a Café permit from the State of Connecticut. (Added 9/12/05)

Certification - a signed, written approval by the Newtown Planning and Zoning Commission, that a soil erosion and sediment control plan complies with the applicable requirements of these regulations.

Child Day Care Center - a facility which offers or provides a program of supplementary care for more than twelve (12) related or unrelated children outside their own homes on a regular basis for part of the twenty-four (24) hours in one or more days in the week as licensed and regulated by the State of Connecticut. (Effective 2/2/95)

Club - shall mean a group of persons organized solely for a recreational, social, patriotic, political, benevolent or athletic purpose or purposes, including, without limitation, country clubs and fraternal organizations, but not including such a group of persons if the facilities operated by them are open to the general public, whether or not upon payment of a fee.

Co-location - shall mean locating commercial wireless communication facilities of more than one provider on a single site. (Added 11/29/99)

Commission - shall mean the Planning and Zoning Commission of the Town of Newtown.

Common interest community – A development designed by a single developer specifically for a certain type of community created and governed by a specific set of legal documents, such as any declaration required by state law, bylaws or operating rules of the association, or articles of incorporation or association. The community's affairs are governed by an association of all unit owners through its elected board, which has the authority to enforce various restrictions and collect assessments to pay for maintenance and improvements.

Community Residence - a dwelling which houses six (6) or fewer mentally retarded persons and two (2) staff persons and which is licensed under the provisions of Section 19(a)-467 of the Connecticut General Statutes as amended.

Condominium/Apartment Units for Elderly Family (added effective December 13, 2010) – shall mean a building or group of buildings composed of *dwelling units* wherein each dwelling unit provides all primary living areas, including but not limited to a full kitchen, master bedroom, bathroom, living/family room, storage, laundry room. Condominium/Apartment Units share common hallways and outside entrances.

Where the Condominium/Apartment unit for elderly families is designed with a second floor bedroom, but no elevator is installed, the stairs to the second floor shall be designed to allow future installation of a stair glide, and electrical service sufficient to operate the stair glide shall be installed to the stair at the time of construction.

Congregate Housing for Elderly Family - a building or group of buildings containing individual residential units that provide sleeping quarters for one elderly family, but contain no laundry facility and no more than an efficiency kitchen. One or more daily meals are to be provided for the residents in a community dining room and support services may be available on site.

Conservation Official - the Conservation Official of the Town of Newtown.

Conventional Subdivision - a pattern of subdivision development that permits the division of land in the standard form provided by the Town for the District in which the land is located. (Added effective August 30, 2004)

Corner Lot - see **Lot, Corner**.

Conservation District - the Northwest Conservation District established under Subsection (a)(1) Section 22a-315-11 of the General Statutes. (amended effective 1/1/07)

Day care home, family - a private family home in which a permanent occupant of the dwelling, licensed by the State of Connecticut, provides for the care of six or fewer children, including the provider's own children not in school full time, for a portion of a 24-hour day not less than three hours nor more than twelve hours.

Day care home, group - a facility which offers or provides a program of supplementary care to not less than seven nor more than twelve related or unrelated children outside their own homes on a regular basis for a part of the 24 hours in one or more days in the week.

Detached Dwelling - a dwelling surrounded on all sides by yards.

Detention Basin or Pond - See Drainage Basin.

Development -any construction or grading activities to improved or unimproved real estate.

Disturbed Area - an area where the ground cover is destroyed or removed leaving the land subject to accelerated erosion.

Drainage Basin - A pond-like structure designed for purposes of controlling stormwater runoff. Drainage basins may be a traditional dry detention pond, a dry flood control basin, a retention pond or a pond that may maintain either a permanent pool of water or a combination of a permanent

pool and extended detention.

Dwelling - a building capable of providing living quarters including complete kitchen and bathroom facilities.

Dwelling Unit - An area within a building capable of providing separate living quarters including complete kitchen and bathroom facilities.

Dwelling Unit for Elderly Family – shall mean a building or group of buildings composed of dwelling units wherein each dwelling unit provides all primary living areas, including but not limited to a full kitchen, master bedroom, bathroom, living/family room, storage, laundry room and parking on the same level as the main entrance except that areas for additional storage may be set aside on a level other than the dwelling unit level. Each dwelling unit shall have a separate outside entrance (amended effective December 13, 2010).

Where the dwelling unit for elderly families is designed with a second floor bedroom, but no elevator is installed, the stair to the second floor shall be designed to allow future installation of a stair glide, and electrical service sufficient to operate the stair glide shall be installed to the stair at the time of construction. (amended effective December 13, 2010).

If an individual dwelling unit has a lower level basement with direct access to the outside, then in addition to storage, it may be finished for personal recreational uses including a hobby workshop, TV room or den. Windows and suitable heat/lighting as well as a washroom containing a toilet and washbasin are also permissible in individual basement areas.

Parking may be set aside on a level other than the dwelling unit level so long as an elevator is conveniently available from such parking level to the dwelling unit level. Whenever an elevator is present for such housing, a generator shall be installed to cause the elevator to function in the event of a power outage.

Efficiency Kitchen - a combined food preparation, kitchen appliance, and food/utensils storage area no larger than 72 square feet.

Elderly Family - a household in which all persons composing the household are fifty-five (55) years of age or more, except that such household may also include (i) direct descendants not minors; (ii) single persons employed as domestic help; and (iii) in the case of married couples, only one of the spouses need be fifty-five (55) years of age or older when there are no minor children.

Employee of the Town of Newtown - a full-time employee of the Town or of the Newtown Board of Education.

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

Excavation - the severance from the earth's surface or removal from the ground or any wetland or watercourse of soil, loam, sand, gravel, clay, rock, topsoil or any other earth material. (Added 4/11/97)

Externally Illuminated Sign - see **Sign, Externally Illuminated.**

Family - one or more persons related by blood, marriage or adoption living together as a single housekeeping unit, including foster children and/or domestic help, but not including paying guests, boarders or roomers. A group of not more than four unrelated persons keeping house together shall be considered a family.

Farmer's Market a seasonal outdoor event where **items are offered** for sale to the general public such goods as fruits, vegetables, herbs, plants, flowers, eggs, honey, maple syrup, dairy products, jams, jellies and baked foods and seasonal items including Christmas trees, cemetery baskets, etc. (Added April 28, 2003). **Temporary Food Establishments (as defined by the CT Public Health Code) are not allowed, (Amended 7/15/10).**

Festival: an event sponsored by a Town non-profit organization for fund raising and/or a group of for-profit Town businesses to promote sales. Areas of activity include, vendors in off street areas and business storefronts, signage as allowed in the special event regulation #8.06.619 and in addition banner across Church Hill Road is allowed with permission of relevant property owners and State of Connecticut DOT and ZEO.(Added effective 4/16/12).

Financial Institution – A business which provides financial services to its clients such as a bank, stock broker, credit union, insurance agent, and asset management firm. Drive-thru windows for such businesses may be permitted.

Finding of No Significant Impact - a written document concerning the environmental impacts of a proposed use or activity in the aquifer protection district which would not have a significant adverse impact on the aquifer. (Added 6/21/99)

Front Yard - see **Yard, Front**. (Added 6/21/99)

Frontage - see **Lot Frontage**. (Added 6/21/99)

Garage - see **Public Garage.**

Gas station or filling station – Any lot, building or part thereof, used for the sale of gasoline or motor vehicle fuel which may include facilities for lubrication, washing, or otherwise servicing vehicles, but not including painting of vehicles.

Golf course – A tract of land laid out with at least nine holes with a minimum length of 1,000 yards for playing a game of golf and improved with tees, greens, fairways, and golf hazards.

Golf range – A limited area on which golf players do not walk, but onto which they drive golf balls from a central driving tee.

Grading - any excavating, grubbing, filling (including hydraulic fill) or stockpiling of earth materials or any combination thereof, including the land in its excavated or filled condition.

Greenhouse - a structure with roof and sides made principally of glass, plastic or other transparent or translucent material containing a heating system, which is used or intended to be used for the cultivation of non-hardy or out of season plants.

Gross floor area – The sum of the gross horizontal area of the several floors of the building, measured from the exterior faces of exterior walls. Gross floor area shall include the area of basements when used for residential, commercial or industrial purposes, but need not include a cellar or portion of a basement used for incidental storage or housing of mechanical or central heating equipment.

Ground Level Point - the lowest point on the line between a point at the ground level of the building perimeter and the point six (6) feet away from said building perimeter. (Added 4/21/90)

Ground Water - water below the land surface, in the subsurface area beneath the water table in which all spaces are filled or saturated with water. (Added 6/21/99)

Guest House - an accessory building without kitchen facilities used solely for the accommodation of guests of the family occupying the principal dwelling on the lot and for which no rental or other charge is made or received, either directly or indirectly, in cash, kind or services. The maximum area of a guest house shall not exceed 15% of the floor area of the principal dwelling. (Added 6/21/99)

Hazardous Material - (i) any hazardous substance as defined in 40CFR302.4 and listed therein at Table 302.4, or (ii) any hazardous waste as defined in Section 22a-115 of The Connecticut General Statutes. CFR means Code of Federal Regulations. (Added 6/21/99)

Height, Building - the vertical distance from the average finished ground level to the top of the highest roof beam of a flat roof or to the mean level of the highest gable or slope of a hip roof. When a building faces on more than one (1) street, the height shall be measured from the average finished ground level on each street front. (Added 6/21/99)

Home Occupation - an activity conducted for gain where the public may be invited to visit in the conduct of this activity that involves a professional or business office or a customary home enterprise. The home occupation shall be conducted entirely within a dwelling unit or a building accessory thereto and carried on by the residents thereof, which use is clearly incidental and secondary to the use of the premises for dwelling purposes and where it does not change the character thereof. Customary home occupations include uses such as tailoring, instruction, woodworking, preserving and the like. Uses such as, but not limited to, the operation of a dancing studio, tourist home, kennel, or animal hospital shall not be deemed a home occupation.

Hospital - a place for the diagnosis, treatment or care of human ailments including, without limitation, a sanitarium, rest home, home for the aged, nursing home and convalescent home, but not including correctional institutions or places to which persons may be involuntarily committed. (Added 6/21/99)

Hotel and Motel - a building or buildings in which rooms, each with private bath facilities, provide temporary lodgings to transients for compensation and which may provide rooms for public assembly or rooms for the serving of food and alcoholic beverages for guests and/or the general public. (Added 6/21/99)

Illuminated Sign - see **Sign, Externally Illuminated** and **Sign, Internally Illuminated**.

Improved Lot – A lot is developed after the date a building permit is issued and completion of the foundation.

Industrial park – A planned, coordinated development of a tract of land with two or more separate industrial buildings. Such development is planned, designed, constructed and managed on an integrated and coordinated basis with special attention given to on-site vehicular circulation, parking, utility needs, building design, orientation and open space.

Inn - a building or buildings in which rooms provide temporary lodgings to more than (5) but less than sixteen (16) transient guests for compensation, and which may provide rooms for the serving of food and alcoholic beverages for guests and/or the general public. (Added 10/2/95)

Inspection - the periodic on-site review of sediment and erosion control measures shown on the certified plan.

Junk Yard - an area in excess of 200 square feet not completely enclosed in a permitted building which is used for the accumulation, storage, or disposal of waste, abandoned materials or used materials of any kind not being stored for immediate use on the lot.

Kennel - the keeping or raising of dogs for a profit or the keeping of more than 10 dogs over the age of six months without regard to profit.

Kitchen facilities – any room or part of a room used, intended or designed to be used for cooking or the preparation of food. The presence of a range or oven, or utility connections suitable for servicing a range or oven, shall normally be considered as meeting the definition of a kitchen.

Land Use Officer – See Zoning Enforcement Officer.

Lot - a parcel of land, of any size or shape, occupied by one principal building or devoted to one principal use and containing the permitted accessory buildings and uses customarily incidental to such principal building or use, and including such open spaces as are required under the provisions of these Regulations. Where land is undeveloped, "lot" shall mean all contiguous land owned by the same owner or owners; except for subdivision lots owned by a person not required to obtain re-approval of the subdivision pursuant to 4.13 of the Newtown Land Subdivision Regulations (Added October, 1967). The mere recording or filing of a map in the Town Clerk's Office shall not constitute the creation of a lot.

Lot, Corner - a lot bounded on two or more sides by intersecting streets, the street lines of which intersect with each other at less than 150 degrees.

Lot coverage – the entire area of a lot covered by buildings, storage, loading, impervious surfaces, driveways, sidewalks and parking areas. (Added effective August 30, 2004)

Lot Frontage - the distance between the sidelines of a lot measured along the street line, or, in the case of a corner lot, measured between the sideline on one side and the street line on the other. For purposes of this definition, the street line of a temporary turnaround shall be the street line which would exist if the street were extended and the temporary portion of the turnaround eliminated.

Lot line – Any property line bounding a lot.

Major Collector Street - see **Street, Major Collector**.

Manufactured home – A factory-built, single-family structure that is manufactured under the authority of 42 U.S.C. Sec. 5401, the National Manufactured Home Construction and Safety Standards Act, is transportable in one or more sections, is built on a permanent chassis, and is used as a place of human habitation; but which is not constructed with a permanent hitch or other device allowing transport of the unit other than for the purpose of delivery to a permanent site, and which does not have wheels or axles permanently attached to its body or frame.

Maximum Monthly Housing Cost - the costs that are to be included when calculating maximum allowed rents and sale prices for the affordable dwelling units.

Median Income - after adjustments for family size, the lesser of the state median income or the area median income of the Town of Newtown, as determined by the United States Department of Housing and Urban Development (HUD) (Added 12/18/00)

"Medical marijuana dispensary facility" means a place of business where marijuana may be dispensed or sold at retail to qualifying patients and primary caregivers, and for which the CT Department of Consumer Protection has issued a dispensary facility permit to an applicant in accordance with Section 21a-408-14 of the Regulations of Connecticut State Agencies. **(ADDED EFFECTIVE JUNE 16, 2014):**

"Medical marijuana production facility" means a secure, indoor facility where the production of marijuana occurs, and that is operated by a person to whom the CT Department of Consumer Protection has issued a producer license in accordance with Section 21a-408-20 of the Regulations of Connecticut State Agencies. **(ADDED EFFECTIVE JUNE 16, 2014):**

Medical office – a building or part thereof, where medical doctors, dentists, chiropractors, osteopaths and physiotherapists or occupational therapists, provide diagnosis and treatment to patients, but which does not provide overnight accommodation, and may include such uses as reception areas, offices, consultation, treatment, x-ray and minor operating rooms, provided that all such uses have access only from the interior of the building.

Minimum Square - a square each side of which is the length prescribed for the zone in which the lot is situated and which is capable of being drawn entirely within the lot's boundaries and behind the minimum front setback line of a lot in said zone. See Charts, Article VII. No more than 20% of the minimum square shall be classified as inland wetlands as determined by field survey. Nothing herein shall apply to an application for subdivision approval which has been filed with the Planning and Zoning Commission on or before September 30, 1987, PROVIDED that such subdivision application is subsequently approved by the Planning and Zoning Commission; or, in the case of a lot which does not require subdivision approval, if a building permit is obtained on or before September 30, 1987. (Added 8/10/87)

Mobile home – A transportable structure suitable for year-round single-family occupancy and having water, electrical, and sewage connections similar to those of conventional dwellings.

Mobile Home Park - privately owned land upon which two or more mobile homes are intended to be parked and occupied as residences.

Motel - see **Hotel**.

Natural Buffer a space between the buildings, parking areas and uses on a lot and the lot line in which numerous trees exist, which is cleared of all rubbish and waste material, and which is sufficiently dense so as to obstruct the direct observation of the buildings, parking areas or uses on the lot by a person standing on the adjacent lot not closer than 25 feet from the lot line.

Neighborhood Shopping Centers - retail complexes designed and maintained to provide convenience goods and services for neighborhood residential areas and to serve the immediate needs of neighboring residential areas. The commercial uses contained therein shall be those which provide for the daily needs of neighboring residents and which do not depend on market areas substantially larger than the neighborhood meant to be served.

Nursery - land devoted to raising trees, shrubs and other plants capable of living outdoors at maturity in the climate of Newtown, Connecticut, whether or not said trees, shrubs and other outdoor plants are rooted in the ground or in containers, and may include the incidental use of greenhouses and temporary structures for propagation, growing and protection of said trees, shrubs and other outdoor plants.

Office - a place within a building in which clerical, professional, administrative and non-personal services are carried out. It shall not be applicable to store, shop, bank, residential, restaurant or personal service uses. (Added 10/2/95)

Open space - land or water areas which include but are not limited to: areas left in their existing natural state; agricultural land for which development rights have been assigned or otherwise alienated in perpetuity; areas and facilities for non-commercial, non-profit passive and active recreation, areas for wildlife habitat, groundwater recharge, scenic preservation, and other lands accomplishing the purposes set forth in Section 8.15.100 of these regulations. (Added effective August 30, 2004)

Open space conservation subdivision (OSCS) - a pattern of subdivision development that permits the division of land in a manner that results in a reduction in lot area and yard requirements, with the remaining land devoted to open space. (Added effective August 30, 2004)

Outdoor Wood-burning Furnace - means an accessory structure or appliance designed to be located outside living space ordinarily used for human habitation and designed to transfer or provide heat, via liquid or other means, through the burning of wood, for heating spaces other than where such structure or appliance is located, any other structure or appliance on the premises, or for heating domestic, swimming pool, hot tub or Jacuzzi water. "Outdoor wood-burning furnace" does not include a fire pit, wood-fired barbecue or chiminea (Added effective 2/14/11).

Package Store - shall mean a retail shop that sells alcoholic beverages for consumption off the shop premises for which a Package Store Permit from the State of Connecticut has been issued. (Added 9/12/05)

Parapet wall – That portion of a wall which extends above the roof line.

Parking area – An authorized off-street area not within a building where motor vehicles are stored for the purpose of temporary, daily or overnight off-street parking.

Parking Space any area used or designated for the parking of a motor vehicle.

Passive recreation – Recreational activities that generally do not require a developed site. This generally includes such activities as hiking, horseback riding and picnicking.

Pedestrian walkway – Any method of access to and or through a site, including but not limited to landscaped walks, esplanades and boardwalks, which is designed to encourage active public use of a site.

Personal Communication Services - wireless communication voice and data services. These services may include, but are not limited to portable phones, pagers and fax transmission. (Added 11/29/99)

Personal Service Establishment - an establishment engaged in providing a service involving the care of a person, his or her apparel or his or her pet including a barber shop, beauty parlor, day spa, nail salon, health club, fitness center, gymnastics, shoe repair, tailoring or dressmaking, photographic studio, apparel rental services, counseling and pet grooming provided that pets are not kept overnight (Added 4/17/00)

Personal Wireless Services - commercial mobile telecom/internet services, unlicensed wireless services, and common carrier wireless exchange access services. (Added 11/29/99)

Personal Wireless Services Facilities - facilities for the provision of personal wireless services. (Added 11/29/99)

Pharmacy – A business which provides dispensing of medical prescriptions, associated services and retail sales (added effective 7/13/09).

Place of religious worship – A building or structure owned, operated, maintained and/or used by a duly organized religious organization in which people regularly congregate primarily to participate in or hold religious services, worship, religious training or education, or meetings or other activities related to religious expression.

Planted Buffer - a strip of land dividing buildings, parking lots and uses on one lot from the boundary with an adjacent lot in which is planted two or more parallel rows of evergreen trees or shrubs of not less than 10 feet in height above ground with their lowest branches not more than three feet above ground. Said rows shall be at least 10 and not more than 20 feet apart and substantially parallel with the lot line, with the row closest to the lot line to be within 10 feet but not closer than five feet to the lot line. Said trees shall be spaced 12 feet apart in said rows, alternating so that each tree is placed on a point in its row which is midway between the trees on either side of it in the adjacent row.

Plot plan – A plat of a lot, drawn to scale, showing the actual measurements, the size and location of any existing structure or structures to be erected, the location of the lot in relation to abutting streets, and other such information.

Pond - any body of water of any size created by excavation or impounded by the action of man and not existing as a natural condition in the Town.

Principal use – The main use to which a building or lot is devoted and the primary purpose for which the premises exists.

Printing Establishment - a business engaged in the use of printing presses for mass production of printed materials. As used in this section, printingshall exclude photocopying, photo developing and photo printing.

Primary Recharge Area - land area immediately overlying the aquifer. The boundary of the primary recharge area is the contact between the stratified drift and adjacent till or bedrock. (Added 3/13/81)

Private Road see **Street, Private**.

Private School – (i) any boarding, day or night school or college, except one conducted by the Town or State, in which full time academic instruction is offered for one or more grades.

Professional office building – a building containing office space for professional persons.

Professional Person – a person who is engaged in a business such as medical, legal, engineering, consulting, clerical, administrative, educational, financial, real estate and similar professions.

Public Garage - a building, or a part thereof, used for the storage, care or repair of motor vehicles for remuneration, including, without limitation, the keeping of motor vehicles for hire but excluding car washes and sales rooms for the sale of new automobiles, farm equipment, trucks and motorcycles. (Added 10/26/92)

Public utility – Any closely regulated agency which, under public franchise or ownership, provides the public with electricity, gas, heat, steam, communication, rail transportation, water, sewage collection or other similar service.

Publishing Establishment - a business that prepares and/or issues printed material for distribution or sale. (Added 10/2/95)

Race track – A measured course where animals or machines are entered in competition against one another or against time.

Rear lot – A lot not fronting or abutting a public roadway and where access to the public roadway is limited to a narrow driveway or strip of land in the same ownership.

Rear Yard - see **Yard, Rear**.

Recreational Vehicle - a portable, primarily temporary living accommodation towed on wheels, transported on a truck or having its own propulsion, which may or may not contain running water, bath facilities, a flush toilet, appropriate sanitary connections or cooking facilities.

Recycling center – A facility designed to be a collection point where only recyclable materials are sorted and/or temporarily stored prior to delivery to a permanent disposal site, or shipment to others for reuse and/or processing into new products. This shall not include junkyards or wrecking yards.

Restaurant - shall mean space in a suitable and permanent building, kept, used, maintained, advertised and held out to the public to be a place where hot meals are regularly served for consumption by patrons within the building. An outside patio attached to the building may provide an accessory dining area. Alcoholic beverages may be served as an accompaniment to those meals provided that a Restaurant permit for such service is obtained from the State of Connecticut. Drive-through take out windows are not permitted, except as allowed under the Exit 10 Commercial Design District. (Amended 11/5/15).

Retention Basin or Pond - See Drainage Basin.

Roomer or boarder – A person who resides in a dwelling who is not a member of the family unit that is the primary occupant of the dwelling and who pays for or performs services in exchange for such occupancy. This does not include a person who has separate cooking facilities made available to him or her.

Secondary Recharge Area - area adjacent to the primary recharge area for which rainfall that infiltrates the ground must move laterally to enter the aquifer. (Added 3/13/81)

Sediment - solid material, either mineral or organic, that is in suspension, is transported, or has moved from its site of origin by erosion.

Self-Service Storage Facility - one or more buildings for the purpose of renting or leasing individual storage spaces to tenants who are to have access to said space for the purpose of storing and removing personal property stored therein. Such renting or leasing shall not include renting or leasing of space for outside storage. Outside storage is prohibited. (Added 7/1/90)

Setback – The horizontal distance from any street line or lot line to any building, structure or use, measured in a straight line from and perpendicular to such street or lot line.

Shopping Center - one or more buildings integrated architecturally on a lot of ten or more acres, devoted to various business enterprises, which use the parking and other facilities in common.

Side lot line – Any lot line which is not a rear lot line or a street line.

Side Yard see **Yard, Side**.

Sign - Any letters, figures, design, symbol, trademark, illuminating device or any device involving the visual sense, whether ordinarily defined as a sign or not, intended to attract attention to any place, subject, person, firm, corporation, public performance, article, machine or merchandise whatsoever and painted, printed or constructed and displayed in any manner visible from the outside.

Sign, Directional - A sign intended for motorists or pedestrians that identifies a public location or destination.

Sign, Directory - A sign containing the name and address of a multiple tenant complex or an complex or subdivision.
industrial subdivision which may or may not include the names of various tenants within the c

Sign, Double-facing - A sign with two sides (faces) that are back to back and which are the same size and content.

Sign, Externally Illuminated - a sign which is artificially illuminated in any manner from sources not contained within the sign.

Sign, Internally Illuminated - a sign which is illuminated to any degree from sources of illumination contained within the sign itself and may include, without limitation, distinctively shaped lights even though no writing or other designs appear thereon.

Sign, Natural - A sign consisting of planted, rooted, living plants and the spaces between them.

Sign, Plaque - A sign for no trespassing, hunting, trapping or fishing, an identification marker such as historic designation, or a marker containing words that identifies public owned land or access.

Sign, Single-facing - A sign with one side containing content and the other is blank.

Sign, Traffic - A sign for traffic control (one-way, do not enter, stop, yield, pedestrian crossing etc.) or parking.

Sign, Wall. - A sign attached to and/or supported by a structure such as a building wall.

Sign, Yard - A sign supported by an independent wall that is not part of a building and which is located within the front yard of an industrial building.

Soil - any unconsolidated mineral or organic material of any origin.

Soil Erosion and Sediment Control Plan - a scheme that minimizes soil erosion and sedimentation resulting from development and includes, but is not limited to, a map and narrative.

State - the State of Connecticut.

Storage: Vehicles that are parked long term for future use are considered to be in storage. (added effective May 26, 2008)

Story - part of a building between a floor and the ceiling next above. An attic shall be considered a half story, unless the roof plate is more than five feet above the attic floor, or unless more than 60 percent of the attic floor space is finished for habitable purposes, in which it shall be considered a full story. A story which is not entirely above the average ground level at the foundation shall be figured as that fraction of a story, which its height above average ground level bears to the total height of the story. Provided however, any such space which is contained in a cellar that is no more than one-half (1/2) above the finished lot grade averaged along the exterior walls of the building shall not be considered a story.

Street - any public highway over which the public has the right to pass and re-pass or is owned and maintained by either the Town or the State.

Street, Arterial - a street, whether presently existing or proposed on a subdivision plan, which is officially classified as such by the Commission in the Newtown Plan of Development.

Street line - the line marking the boundary of the street right of way.

Street, Local Residential - a street, whether presently existing or proposed on a subdivision plan, which is officially classified as such by the Commission in the Newtown Plan of Conservation and Development.

Street, Major Collector - a street, whether presently existing or proposed on a subdivision plan, which is officially classified as such by the Commission in the Newtown Plan of Conservation and Development.

Street, Minor Collector - a street, whether presently existing or proposed on a subdivision plan which is officially classified as such by the Commission in the Newtown Plan of Conservation and Development.

Street, Private - any highway where the fee or right of way is not owned by the Town or the State or the public does not have the right to pass and re-pass.

Structure - anything constructed whether or not the resulting structure is raised above ground. It may be constructed of natural or artificial material. Structures shall include, without limitation, swimming pools, tennis courts and garages.

Subdivision Lot – A lot in a subdivision or re-subdivision plan that has been approved by the Commission or other body exercising the powers of such commission and filed with the Town Clerk on or after February 8, 1956.

Support Services - services provided to residents of an Adult Congregate Living Facility which may include, but are not limited to: food service; personal assistance with bathing, dressing, ambulation, housekeeping and eating; call-for-aid emergency system; restorative therapy; supervision of self-administered medication; and assistance with securing health-care from appropriate sources. (Added 7/23/93)

Tag sale – The temporary sale or offering for sale to the general public of over five items of personal property on any portion of a lot in a residential zoning district, whether within or outside any building.

Tavern - shall mean a place where beer and wine are sold on the premises for which a Tavern Permit from the State of Connecticut has been issued. (Added 9/12/05)

Topsoil - earth materials, including loam, which are arable and which constitute the surface layer of earth material.

Tower - a structure intended to support equipment used to receive or transmit electromagnetic

waves. Examples of towers include self-supporting lattice, guyed, and monopole. (Added 11/29/99)

Town - the Town of Newtown.

Trailer - a detached vehicle or object with wheels, not self-propelled but drawn by or used in connection with a motor vehicle which is or can be used for hauling, storage, or temporary working quarters. Mobile homes shall not be considered trailers.

Transfer station – An establishment for the temporary collection and distribution of solid waste, including garbage, trash, rubble, construction debris, and all other kinds of organic or inorganic refuse.

Unlicensed Wireless Services - the offering of telecommunications services using duly authorized devices which do not require individual licenses, but does not mean the provision of direct-to-home satellite services. (Added 11/29/99)

Use – The specific purpose for which a lot or a building is designed, arranged, intended to be used, or for which it is or may be occupied or maintained. The terms permitted use, special use, or its equivalent shall not be deemed to include a non-conforming use, as defined herewith.

Vacant Lot – A lot is vacant until a building permit has been issued

Veterinary Hospital - a medical facility for the diagnosis, treatment, care and confinement of animals. (Added 11/16/98)

Wall Sign - see **Sign, Wall**.

Watercourse - see Section 22a-38 (16) of the Connecticut General Statutes as amended, and as defined in the Inland Wetlands and Watercourses Regulations of the Town of Newtown.

Wetlands - see Section 22a-38 (15) of the Connecticut General Statutes as amended, and as defined in the Inland Wetlands and Watercourses Regulations of the Town of Newtown.

Wholesale Business - the sale of merchandise or other commodities solely to retailers, dealers or tradesmen. Wholesale business does not include the sale of merchandise or commodities directly to members of the general public by the wholesaler.

Wireless Telecommunication Facility - the equipment and structures involved in receiving or transmitting electromagnetic waves associated with wireless telecommunication services. (Added 11/29/99)

Wireless Telecommunication Services - services associated with the transmission and/or reception of wireless telecommunications. These services may include, but are not limited to cellular, personal communication services, specialized mobilized radio and paging. (Added 11/29/99)

Yard – An open space between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein.

Yard, Front - space across the width of the lot between the building or structure nearest a street and the street line.

Yard, Rear - space across the full width of the lot between the rear most building or structure and the rear lot line.

Yard, Side - space extending from front yard to rear yard between the side lot line in question and the nearest building or structure.

Zone - the same meaning as the word **District** or **Zoning District** as such terms are employed in Chapter 124 of the General Statutes of Connecticut, Revision of 1985, as amended.

Zoning Enforcement Officer (ZEO) – An individual duly appointed by the Town with the authority and responsibility to enforce the provisions of the Zoning Regulations of the Town of Newtown

ARTICLE I - GENERAL

SECTION 3 – ESTABLISHMENT OF ZONING DISTRICTS

1.03 The Town of Newtown is hereby divided into the following zones:

Farming and Residential - R-1/2
Farming and Residential - R-l
Farming and Residential - R-2
Farming and Residential - R-3
Multiple Family for Elderly Housing -EH-10
Incentive Housing Overlay Zone - IHOZ
Business and Professional Office - BPO
Retail Business - B-l
General Business - B-2
Industrial - M-l
Planned Commercial Development - M-2A (Added 4/17/00)
Industrial - M-3
Industrial - M-4
Industrial - M-5
Special Development District #1 – SDD-1
Fairfield Hills Adaptive Reuse - FHAR
Conservation and Agriculture - CA (Added 5/18/98)
Hawleyville Center Design District (HCDD) (Added 8/9/99)
Sandy Hook Design District - SHDD (Added 10/2/95)
Public School – PS (Added 8/14/00)

and the following overlay zones:

Aquifer Protection District - APD
South Main Village Design District - SMVDD

ARTICLE I - GENERAL

SECTION 4 – PROVISION FOR OFFICIAL ZONING MAPS

1.04.100 Said zones and overlay districts are bounded and defined on a map entitled "Newtown, Connecticut Zoning Map" dated July 1, 1969, as amended, filed with the Newtown Town Clerk and which, with all explanatory matter thereon, is hereby made a part of these Regulations.

1.04.200 All official Zoning Maps of the Town of Newtown approved prior to the adoption of these Regulations shall remain on file in the Office of the Town Clerk but shall be considered merged into the Zoning Map referred to in 1.04.100. Said maps shall have validity only to the extent that a court of competent jurisdiction finds them necessary to determine the location of a zoning boundary which it finds not determinable from the map referred to in 1.04.100 thereof.

ARTICLE I - GENERAL

SECTION 5 – ZONE BOUNDARY DETERMINATIONS

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

1.05.100 Boundaries indicated as following streets, railroads, brooks or rivers shall be considered to follow the center lines of such streets, railroads, brooks or rivers.

1.05.200 Where a boundary line is shown parallel to a street, railroad, brook or river the distance given shall be considered measured to the center line of such street, railroad, brook or river.

1.05.300 In the event that zone boundaries are indicated as following identifiable lot lines or as being parallel or perpendicular thereto or extensions thereof, and such lot lines are not drawn accurately or to scale on the Zoning Map, then the zone boundary shall be construed with reference to lot lines as shown on an approved subdivision map or other maps prepared in accordance with the standards of accuracy of a Class A-2 survey as defined in the Code of Practice for the Standards of Accuracy and Maps, as amended by the Connecticut Association of Land Surveyors, Inc.

1.05.400 Boundaries not indicated as following streets, railroads, brooks, rivers, lot lines or other natural features shall be determined by the scale of said Zoning Map.

1.05.500 If the boundary of a zone cannot be determined by any of the above means, a landowner may apply to the Commission and the Commission shall determine the location of the boundary.

ARTICLE I - GENERAL

SECTION 6 – PROHIBITED USES

1.06 The following uses, buildings or structures are specifically prohibited throughout all zones, even if only an accessory use:

1.06.100 Automobile junkyards, junkyards, the processing of junk materials, or motor vehicle body shops;

1.06.200 Amusement parks, drive-in theaters and race tracks;

1.06.300 Manufacture of poison, toxic chemicals or explosives;

1.06.400 Mobile home parks, trailer parks and individually occupied mobile homes or trailers, except as set forth in 8.11.130 and 8.11.140 herein;

1.06.500 Rock or stone crushers, processing of sand, sand and gravel, or concrete batch plants. Rock crushing except as set forth in Section 8.08.330 herein.

1.06.600 Storage outdoors of any unregistered motor vehicle or obsolete and/or unused contractors' machinery or equipment. This section shall not prohibit outdoor storage of unregistered operable motor vehicles used on farms.

1.06.700 Slaughterhouse, rendering plant or refinery,

1.06.800 Tank farm or individual above ground storage tanks over 5,000 gallons capacity, except that the 5,000 gallon limitation shall not apply to above ground tanks located in industrial zones; (Amended March 18, 2002)

1.06.900 Used car sales lot except where conducted on the same premises as a new car sales lot and clearly incidental thereto.

1.06.1000 Dissemination of smoke, dust, observable gas or fumes, noise, odor, vibration, or light beyond the lot on which the use is being conducted. Violation of the specific performance standards established by Article VIII, Section 10 of these regulations for the Industrial Zones in which they apply shall automatically be considered a violation of this section. This section may also be found to be violated in any zone where the Zoning Enforcement Officer finds the existence of the items listed in the first sentence of this section without regard to said performance standards.

1.06.1100 Menace by reason of fire, explosion or other potential hazard to person or property.

1.06.1200 Any discharge into the atmosphere, the ground or any watercourse or other body of water of any substance which, in the form and quantity discharged, will damage the fauna and flora of the lot in question, or which will be harmful to persons breathing the atmosphere or drinking or bathing in the water on or off the lot.

1.06.1300 Disorderly accumulation of waste, abandoned or used materials, where visible from adjacent streets or lots.

ARTICLE II – OVERLAY DISTRICTS

SECTION 1 – AQUIFER PROTECTION DISTRICT

2.01.100 Purpose and Intent

It is the intent of this section to promote the health and general welfare of the community by preventing the contamination of ground resources and to protect ground water quality within the Town of Newtown and in particular the Pootatuck Aquifer to ensure a present and future supply of safe and healthy drinking water. The Aquifer Protection District is designated as an overlay zone.

The purpose of this section is to facilitate the adequate provision of clean water by prohibiting, within the Aquifer Protection District, land uses which can contaminate ground water resources and by regulating other land uses which may have the potential to contaminate or downgrade existing and potential ground water supplies.

The stratified drift deposits of the Pootatuck Aquifer are composed predominately of inter-bedded layers of sand and gravel with lesser amounts of silt and clay. These deposits are underlain by crystalline bedrock, mostly gneiss and schist. The Pootatuck Aquifer is capable of supplying large quantities of drinking water in Newtown and its protection is critical.

The Pootatuck Aquifer (a federally protected sole source aquifer) is highly susceptible to contamination because of its relatively high permeability and shallow water table which is recharged mainly from precipitation that percolates from the land surfaces within the watershed.

2.01.200 Applicability

These regulations shall be in addition to the requirements for the underlying zoning districts as designated on the Zoning Map. Both the requirements of the Zoning Regulations as set forth in other sections and the requirements contained herein for the Aquifer Protection District shall apply within such zone. In the event of a conflict, the more restrictive requirements shall apply.

2.01.210 Aquifer Protection District Maps

The Aquifer Protection District (ADP) is hereby established on those lands serving as the primary and secondary recharge areas and those lands within the preliminary (Level B) aquifer protection areas of the Pootatuck Aquifer. The Aquifer Protection District is delineated on two maps.

- The first map is entitled: “Aquifer Protection Districts” is overlaid on the Newtown, Connecticut Zoning Map dated effective June 27, 1959, amended to July 1, 1969 and July 1976, scale 1" = 1200' prepared for The Housatonic Valley Council of Elected Officials by Cahn Engineer, Inc. - Wallingford, Connecticut (Effective 3/13/81).
- The second map is entitled “Preliminary (Level B) Aquifer Protection Areas, United Water Connecticut (formerly Newtown Water Co.) Map B059, approved July 18, 1991, Fairfield Hills Hospital Map B071, approved April 24, 1992, Newtown, Connecticut” scale 1:12,000, November 30, 1998 by the State of Connecticut Department of Environmental Protection.

2.01.300 Permitted Uses and Activities

Uses permitted in an Aquifer Protection District are the following principal uses where permitted in the underlying zone. No use variance shall be granted to allow any use in the district which is not expressly permitted in this section.

2.01.310 Single family dwellings having two (2) or more acres of land per dwelling.

2.01.320 Open space and passive recreation.

2.01.320 Managed forest land.

2.01.340 Wells and accessory equipment for the purpose of providing the public water supply.

2.01.400 Prohibited Uses

The following uses and activities are prohibited in an Aquifer Protection District:

2.01.410 Sanitary landfills, septage lagoons, waste water treatment facilities, transfer stations.

2.01.420 Printing and publishing establishments which involve the use of acid/bases, heavy metal wastes, solvents, toxic wastes, or solvent based inks.

2.01.430 Public garages.

2.01.440 Filling stations.

2.01.450 Car wash facilities.

2.01.460 Road salt storage.

2.01.470 Manufacture, storage, transport, processing or disposal of hazardous materials or waste.

2.01.480 The mining or removal of sand and gravel.

2.01.490 Underground storage of hazardous materials including but not limited to fuel oil or petroleum.

2.01.500 Dry cleaning establishments with on-site cleaning operations.

2.01.510 Outdoor storage of any commercial vehicles or construction equipment except for parking of fleet vehicles accessory to the principal use (amended effective 4/28/08).

2.01.520 Outdoor maintenance of any commercial vehicles or construction equipment (amended effective 4/28/08).

2.01.530 Outdoor maintenance of public utility service vehicles (amended effective 4/28/08).

2.01.540 Classification and smelting of nonferrous metals.

2.01.550 Except when connected to public sewers:

2.01.551 Multiple family housing.

2.01.552 Adult congregate living facilities with a density of more than one unit per two acres.

2.01.553 Single family dwellings having less than two (2) acres of land per dwelling.

2.01.560 Except when connected to public sewers and public water:

2.01.561 Kennels.

2.01.562 Hotels and motels.

2.01.563 Dental offices.

2.01.564 Veterinary hospitals.

2.01.565 Beauty salons. (Amended effective 11/26/12)

2.01.566 Funeral parlors.

2.01.567 Research or medical laboratories.

2.01.600 Uses and Activities Requiring a Special Exception

Except as provided in Sections 2.01.300 and 2.01.700 herein, any principal or accessory uses permitted in the underlying zoning districts as provided for in Article IV - Permitted Uses and when such principal or accessory use or activity is not prohibited pursuant to Section 2.01.400 herein, then such use or activity, shall be subject to obtaining a special exception in accordance with the standards, criteria, conditions, and procedures as set forth in Article XI herein and the additional standards, criteria, conditions and procedures set forth herein.

2.01.700 Uses and Activities Requiring a Zoning Permit and Aquifer Impact Review

2.01.710 When all of the following criteria are met, an application for a Zoning Permit and an Aquifer Impact Review shall be required:

2.01.711 A principal or accessory use is permitted by right in the underlying zoning district, and

2.01.712 Such use or activity is not prohibited pursuant to in Section 2.01.400, and

2.01.713 Such use or activity is a change in use proposed to occupy or locate within an existing building or other structure, and

2.01.714 There will be no erection, enlargement or structural alteration of any structure, and

2.01.715 There will be no exterior site work for such proposed occupancy.

2.01.720 The application for a Zoning Permit pursuant to Section 9.01.400 and 9.01.500 of these

regulations and an aquifer impact review shall be filed with the Zoning Enforcement Officer for purposes of determining zoning compliance, aquifer impact assessment and review of the Standards set forth beginning at Section 2.01.900, herein.

2.01.800 Procedure

2.01.810 The granting of a special exception by the Planning and Zoning Commission will be subject to the Planning and Zoning Commission's finding that a proposed activity will not have a significant environmental impact on the Pootatuck Aquifer (FONSI). This finding will be determined following an evaluation of the proposed activity and its impact on the ground water resources. Should the Planning and Zoning Commission find that the proposed use has the potential to cause substantial adverse impact on the ground water resources or the application does not meet the standards set forth in these regulations, the application shall be disapproved.

2.01.820 Applicant's aquifer impact assessment to the Newtown Inland Wetlands Commission who will act as its designated agent. The Inland Wetlands Commission will evaluate the proposed activity and the impact on the ground water resources. Any applicant may request an evaluation of its aquifer impact assessment from the Inland Wetlands Commission prior to filing an application with the Planning and Zoning Commission for a special exception approval.

2.01.830 The Inland Wetlands Commission will evaluate the applicant's written aquifer impact assessment that addresses the proposed activity and the impact it may or may not have on the Pootatuck Aquifer. The aquifer impact assessment requirements and standards set forth beginning at Section 2.01.900 shall be the basis for determining the impacts of a proposed activity.

2.01.840 The Inland Wetlands Commission shall render a recommendation to the Planning and Zoning Commission within thirty-five (35) days of its receipt of the referral. Failure by the Inland Wetlands Commission to respond in writing within thirty-five (35) days shall be taken as no comment on the proposal. Any applicant may request an aquifer impact assessment from the Conservation Commission prior to applying for a special exception approval.

2.01.850 If the Inland Wetlands Commission finds that a proposed activity would not have a significant aquifer impact, it shall recommend that a finding of no significant impact (FONSI) be rendered by the Planning and Zoning Commission.

2.01.860 If the Inland Wetlands Commission finds that the proposed activity will have a substantial adverse impact on the aquifer, it shall include information in reasonable detail to support its findings and will issue a recommendation against the FONSI.

2.01.870 If the Inland Wetlands Commission finds that the proposed activity will have a substantial adverse impact on the aquifer, the Planning and Zoning Commission will be required to have four (4) positive votes to approve a special exception. Failing four (4) positive votes, the special exception shall be denied.

2.01.900 Aquifer Impact Assessment

Every land use located within the Aquifer Protection District which requires the filing of an application for approval by the Planning and Zoning Commission or the Zoning Enforcement Officer pursuant to Section 2.01.700 shall be subjected to an aquifer impact assessment. All information

pursuant to Section 2.01.910 shall be submitted to the Planning and Zoning Commission or the Zoning Enforcement Officer upon application.

2.01.910 Aquifer Impact Assessment Requirements

An application for an Aquifer Impact Review shall include, in addition to any other application requirements, a written aquifer impact assessment prepared by a professional with special expertise who is familiar with ground water modeling. The purpose of the assessment is to evaluate the impact on the proposed activities upon the aquifer. The aquifer impact assessment shall include, in so far as is pertinent to the application, the information listed below. The Planning and Zoning Commission may waive the requirements for some of the following information if they determine that it is not relevant to the specific application.

2.01.911 Detailed written document concerning the environmental assessment and impacts of the proposed activity. The environmental assessment shall address direct and indirect effects, both short-term and long-term, which would result from the implementation of a proposed action and shall contain sufficient detail for the purposes of determining environmental significance of the activity on the environment in general and the aquifer in particular.

2.01.912 The amount and composition of any hazardous materials that will be used, handled, stored, generated, treated, or disposed of on the property.

2.01.913 Provisions for treatment, temporary storage, and/or disposal of any hazardous materials.

2.01.914 Locations of adjacent (within 500 feet of property line) private drinking water supply wells. Location of public water supply wells within 1,000 feet of property line. Distance to Class AA streams (tributary to public drinking water supply).

2.01.915 Site and building plans showing all information required pursuant to Sections 10.01.400 through 10.01.500 herein.

2.01.916 Whether public sanitary sewers and water supply are approved to service the use.

2.01.917 Septic system location, size, and capacity.

2.01.918 Details of the hydrologic budget, including natural and man-induced sources of recharge and withdrawal.

2.01.919 Potential impacts resulting from the planned discharges or withdrawals, including:
(a) impacts to other users of the aquifer (wells, surface expressions of groundwater, etc.)
(b) quantity of water available and induced quality changes.
(c) impacts resulting from induced infiltration, including quantity implications to both the ground water and surface water systems.

2.01.920 Provisions for storm water management and pretreatment.

2.01.921 Emergency plan to protect and control hazardous material leaks and spills, including but not limited to inspections, notification of officials, containment, and cleanup procedures.

2.01.1000 Aquifer Protection Standards

The following minimum standards shall be met for all uses within an aquifer protection district.

2.01.1010 Storm Water Management

2.01.1011 No wastewater discharges shall be connected to the storm water system.

2.01.1012 Storm water from developed site areas shall require pretreatment of runoff prior to discharge. The design shall provide detention ponds, basins, swales, oil separators, or other measures designed to treat runoff, contain pollution, control peak flow, and/or allow for clean water infiltration into the ground.

2.01.1013 Storm water contact with sources of pollution (such as dumpsters and waste receptacles) shall be prevented with roofs, covers, berms, or by directing runoff away from sources.

2.01.1014 Parking, storage, loading and other areas where vehicular activity occurs shall be an impervious surface.

2.01.1020 Floor Drains

Floor drains are prohibited except where connected to public sanitary sewers in accordance with DEP (or local authorized agent) approval.

2.01.1030 Pesticide and Fertilizer Use

Any use which includes more than 2 acres of land used for crop, lawn, garden, or landscaping shall be accompanied by a management plan. The management plan shall indicate types of materials, application schedule, if any, chemical pesticides or fertilizers and conformance with applicable best management practices.

2.01.1040 Manufacture and Storage of Hazardous Materials

At all areas and facilities where hazardous materials are already manufactured, stored, transported, processed or disposed of prior to June 21, 1999, any change to the existing use or improvements at the facility shall be designed for the control of inadvertent or accidental spills, leaks, or other discharges. The following standards shall apply:

2.01.1041 Manufacturing, processing, or other activities using hazardous materials shall only be conducted on flooring impervious to the material being used and within a building or structure.

2.01.1042 Underground storage tanks and distribution lines for hazardous materials are prohibited.

2.01.1043 Above ground storage tanks, containers or drums shall be within a building or structure meeting the following requirements:

(a) Have an impervious floor and containment area or dike of adequate size to contain thirty percent (30%) of the total storage capacity or one hundred ten percent (110%) of the largest tank, whichever is larger.
(b) Area shall be protected by a roof and adequate sides to prevent exposure to precipitation.

(c) Tank overfill protection devices shall be designed to prevent release of overfill outside the storage area.
(d) Storage areas shall be located outside of flood zones or shall be flood proofed.
(e) Have no floor drains.

2.01.1044 Venting systems for evaporation or distillation of hazardous materials shall be designed with a recovery system to prevent the discharge of contaminated condensate or drippage.

2.01.1045 Loading or transfer activities shall be conducted on impervious surfaces, roofed, and diked to capture and control any spills or leaks.

2.01.1046 Best management practices shall be followed for all usage, storage, or handling of hazardous materials. (Added 6/21/99)

ARTICLE II – OVERLAY DISTRICTS

SECTION 2 – SOUTH MAIN VILLAGE DESIGN DISTRICT

2.02.100 Purpose and Intent

The purpose of the South Main Village Design District (SMVDD) is to establish an overlay zone that identifies the district and provides regulations and design guidelines that will serve to protect the distinctive character, landscape and historic structures within the South Main Street corridor.

The intent of the SMVDD is to help guide development along South Main Street in ways that will:

- protect the distinctive character, landscape and historic structures within the district,
- be appropriate to the location and scale of any particular site,
- maintain and enhance the unique character of South Main Street including the residential and natural characteristics,
- encourage the conservation and preservation of architecturally significant or historic buildings in a manner that maintains the distinctive character of the district,
- provide for compatible economic development,
- manage the amount of traffic that will be generated,
- control traffic access by limiting the number, size and location of driveways onto South Main Street, and
- promote the sharing of parking and other amenities.

2.02.110 DESIGNATED AS DESIGN DISTRICT

To help accomplish the above purpose and intent, the SMVDD is hereby:

- designated as a Village District as authorized by CGS 8-2j.
- recognized as a designated design district adopted by the Newtown Planning and Zoning Commission so that development within the district will be reviewed by the Design Advisory Board as provided pursuant to Newtown Town Ordinances.

2.02.200 Permitted Uses

2.02.210 All principal and accessory uses allowed in the underlying zones are permitted provided that a Site Development Plan or Special Exception approval has been granted, if required. Uses that are not listed shall not be permitted by variance.

2.02.300 Design Review Process

2.02.310 Except for a single family dwelling and uses and structures accessory thereto, new construction, reconstruction or rehabilitation of buildings or signs located within the SMVDD that are in view from public roadways shall obtain a report and recommendation from the Design Advisory Board.

2.02.320 Applicants are strongly encouraged to work with the Design Advisory Board prior to submitting a formal application to the Staff or Commission as applicable.

2.02.330 In accordance with CGS 8-2j(d):
(a) the Design Advisory Board shall be the designated village district consultant,
(b) the Design Advisory Board shall review an application and report to the Staff or Commission, as applicable within thirty-five days of receipt of an application by the Board,
(c) and failure of the Design Advisory Board to report within the thirty-five days period shall not alter or delay any other time limit imposed by the Regulations.

2.02.340 The Commission may seek the recommendations of any town or regional agency or outside specialist with which it wishes to consult.

2.02.341 Any reports or recommendations from such agencies or organizations shall be entered into the public hearing record and considered by the Commission in making its decision.

2.02.400 Design Review Guidelines

2.02.410 To help accomplish the purposes of this section, the exterior of structures shall, to the extent reasonable and practicable, be designed to be consistent with the intent to maintain and enhance a "New England" character in the corridor for areas visible from public roadways.

2.02.420 To help accomplish the purposes of this section following criteria shall be met:
(a) proposed buildings or modifications to existing buildings shall be harmoniously related to their surroundings, and the terrain in the district and to the use, scale and architecture of existing buildings in the district that have a functional or visual relationship to a proposed building or modification,
(b) proposed buildings and site improvements shall reinforce existing buildings and streetscape patterns and the placement of buildings and included site improvements shall assure there is no adverse visual impact on the district;
(c) the scale, proportions, massing and detailing of any proposed building shall be in proportion to the scale, proportion, massing and detailing in the district.
(d) all spaces, structures and related site improvements visible from public roadways shall be designed to be compatible with the elements of the area of the village district in and around the proposed building or modification,
(e) the color, size, height, location, proportion of openings, roof treatments, building materials and landscaping of commercial or residential property shall support the "New England" character of the corridor and be compatible with their surroundings;
(f) the removal or disruption of historic tradition or significant structures or architectural elements shall be minimized.

2.02.430 All development in the district shall be designed to achieve the following compatibility objectives:
(a) The building and layout of buildings and included site improvements shall reinforce existing buildings and streetscape patterns and the placement of buildings and included site improvements shall assure there is no adverse impact on the district;
(b) proposed streets shall be connected to the existing district road network, wherever possible;

(c) open spaces within the proposed development shall reinforce open space patterns of the district, in form and siting;
(d) locally significant features of the site such as distinctive buildings, historic buildings, historic factors or sight lines of vistas from within the district, shall be integrated into the site design;
(e) the landscape design shall complement the district's landscape patterns;
(f) the exterior signs, site lighting and accessory structures shall support a uniform architectural theme if such a theme exists and be compatible with their surroundings; and
(g) the scale, proportions, massing and detailing of any proposed building shall be in proportion to the scale, proportion, massing and detailing in the district.

2.02.500 Adaptive Reuse of Residential Dwellings

The existing residential and related outbuildings, especially those of historical and/or architectural significance, with their landscaped front lawn areas and large trees lining the roadway contribute to the unique landscape and overall character of South Main Street. Most of the existing residential dwellings and outbuildings are modest in scale, are typical of past residential development patterns in Newtown and combine well with the intermittent commercial and industrial properties, open fields and forested areas found along the roadway. The adaptive reuse of existing residential structures is intended to help the preservation, restoration and maintenance of said structures provided the nature and conduct of such adaptive use shall:

(a) enhance and preserve the exterior integrity of the structures;
(b) enhance and preserve the aesthetic appearance of the remainder of the property; and,
(c) maintain the general character of the neighborhood.

2.02.510 In addition to the uses already permitted by Special Exception in the underlying residential zones, the following principal uses are permitted within the Residential and Farming Zones located within the SMVDD Overlay Zone subject to obtaining a Special Exception approval from the Commission in accordance with the standards, criteria, conditions and procedures set forth in Article XI hereof and the additional requirements set forth herein:

2.02.511 Any principal use permitted in the Business and Professional Office (BPO) Zone provided the following parameters can or will be met:

Adaptive reuse of existing residential buildings shall be permitted if they will:

(a) result in a residential use appearance that fits into the context of the immediate area surrounding the property;
(b) maintain or lower existing traffic levels present upon the site, or
(c) complement the unique character of South Main Street.

2.02.512 In conjunction with business or professional uses, residential apartments may be allowed on upper floors within the principal building subject to the capacity of the infrastructure to support residential density of one dwelling unit per one half acre (21,780 sf) of site area.

2.02.513 Any new construction upon a site shall respect the height, bulk, scale and style of architecture that exists and materials used shall be of a similar color, scale, texture and style as that which exists.

2.02.514 Site elements of noteworthy or historical value such as stone walls, outstanding vegetation and other similar site features shall be protected from damage, removal or significant alteration.

2.02.515 Site improvements shall be so designed in space allocation, orientation, texture, materials, landscaping and other features to produce an environment of stable and desirable character, complementing the design and values of the surrounding neighborhood, Plantings and other site elements (such as lighting, paving, site furnishings, signage and parking) shall be located and designed to enhance the "New England" character of the existing structure(s) and surrounding property.

ARTICLE II – OVERLAY DISTRICTS

SECTION 3 – EXIT 10 COMMERCIAL DESIGN DISTRICT

2.03.100 Purpose and Intent

The purpose of the Commercial Design District (CDD) is to establish an overlay zone that identifies the district and provides regulations and design guidelines that will serve to encourage the economic development and fiscal health of the community. The intent of the CDD is to help guide development within the district in ways that will:

(a) Provide flexible development opportunities and increased responsiveness towards economic trends for land having high visibility and access to the major interchange of Interstate 84 at Exit 10.
(b) Empower the Commission with a measure of control over the type and quality of development while encouraging mixed Industrial, Commercial, and Business Uses.
(c) Ensure that such development is accomplished with minimal negative impact to neighboring areas and critical natural resources.

2.03.200 Designated as a Design District

To help accomplish the above purpose and intent, the CDD is hereby recognized as a designated design district adopted by the Newtown Planning and Zoning Commission so that development within the district will be reviewed by the Design Advisory Board as provided pursuant to Newtown Town Ordinances. Applications for development within the CDD design district will only be accepted for the areas abutting: I-84 & Route 6/Church Hill Road (Exit 10) commencing at Interstate 84 and terminating 1200 feet South of the Eastbound ramps (Conners Road), as depicted on the map entitled "Newtown, Connecticut Zoning Map" dated July 1, 1969, as amended.

2.03.300 Permitted Uses

All principal and accessory uses allowed in the underlying zones are permitted provided that a Site Development Plan or Special Exception approval has been granted, if required.

2.03.400 Special Exception Uses

The following principal uses are permitted as principal uses within the CDD subject to the granting of a special exception by the Commission in accordance with the standards, criteria, conditions and procedures which are set forth in Article XI of these regulations.

(a) Restaurants
(b) Restaurants with outside service and drive-through facilities but excluding outside entertainment
(c) Financial Institutions
(d) Financial Institutions with drive-through facilities

2.03.500 Design Review Process

2.03.510 Except for a single family dwelling and uses and structures accessory thereto, new construction, reconstruction or rehabilitation of buildings or signs located within the CDD that are in view from public roadways shall obtain a report and recommendation from the Design Advisory Board.

2.03.520 Applicants are strongly encouraged to work with the Design Advisory Board prior to submitting a formal application to the Staff or Commission as applicable.

2.03.530 The Commission may seek the recommendations of any town or regional agency or outside specialist with which it wishes to consult.

2.03.540 Any reports or recommendations from such agencies or organizations shall be entered into the public hearing record and considered by the Commission in making its decision.

2.03.600 Design Review Guidelines

2.03.610 To help accomplish the purposes of this section, the exterior of structures shall, to the extent reasonable and practicable, be designed to be consistent with the intent to maintain and enhance the character of the Town while promoting the economic development of the designated interchange areas.

2.03.620 To help accomplish the purposes of this section following criteria all development in the district shall be designed to achieve the following compatibility objectives:

(a) The building and layout of buildings and included site improvements shall reinforce existing buildings and streetscape patterns and the placement of buildings and included site improvements shall assure there is no adverse impact on the district;
(b) Proposed streets shall be connected to the existing district road network, wherever possible;
(c) Open spaces within the proposed development shall reinforce open space patterns of the district, in form and siting;
(d) Locally significant features of the site such as distinctive buildings, historic buildings, historic factors or sight lines of vistas from within the district, shall be integrated into the site design;
(e) The landscape design shall complement the district's landscape patterns;
(f) The exterior signs, site lighting and accessory structures shall support a uniform architectural theme if such a theme exists and be compatible with their surroundings; and
(g) The scale, proportions, massing and detailing of any proposed building shall be in proportion to the scale, proportion, massing and detailing in the district.
(h) Any new construction upon a site shall respect the height, bulk, scale and style of architecture that exists and materials used shall be of a similar color, scale, texture and style as that which exists.
(i) Site elements of noteworthy or historical value such as stone walls, outstanding vegetation and other similar site features shall be protected from damage, removal or significant alteration.
(j) Site improvements shall be so designed in space allocation, orientation, texture, materials, landscaping and other features to produce an environment of stable and desirable character,

complementing the design and values of the surrounding neighborhood. Plantings and other site elements (such as lighting, paving, site furnishings, signage and parking) shall be located and designed to enhance the Town character of the existing structure(s) and surrounding property.

2.03.700 Supplemental Standards

2.03.710 Drive-Through Windows

The supplemental standards in this section are intended to supplement the standards in the underlying district for uses proposed to include drive-through windows.

(a) Drive-through lanes shall include a designated bypass lane which shall be designed to prevent circulation congestion both on site and on adjacent streets. The design of these lanes shall be not enter or exit directly into a public street and shall be integrated with the internal site circulation patterns.

(b) Drive-through lanes shall be designed to minimize their crossing of pedestrian walkways and shall not obstruct access to or otherwise impede pedestrian access. Where pedestrian walkways cannot be avoided crossing drive-through lanes, the pedestrian walkways shall be clearly visible and delineated.

(c) Drive-through lanes shall be designed with the following minimum standards:
- Interior radius at curves: 10 feet
- Aisle width: 11 feet
- Distance from Lane Entrance to Access Driveway Intersection: 50 feet

(d) Drive-through lanes shall be constructed with the necessary vehicle queuing capacity so that vehicles do not overflow into parking aisles or public street right-of-ways and shall be located to the rear of the building.

(e) Drive-through lanes shall provide a minimum of 8.0 queuing or stacking spaces with a minimum of 4.0 spaces before the ordering speaker. Each queuing or stacking space is defined to be a minimum of twenty (20) feet in length and ten (10) feet in width.

(f) Exterior service windows and menu boards shall be a minimum of 50 feet from any residential district.

(g) Drive-through lanes shall be designed in a manner that minimizes impacts on adjacent properties from noise, exhaust fumes and headlights from idling vehicles as they queue for drive-through services.

(h) Any audible devices, including speakers, intercom systems, or other means of communication, shall not play continuous audio or video.

(i) Menu boards shall be fixed and shall not incorporate any internally illuminated lighting or any flashing, rotating or otherwise moving lights, displays or messages. Lighting of menu boards and service windows shall not include neon or unshielded light sources.

(j) Any vehicular traffic that will visit a restaurant with a drive thru facility must access the site via an intersection controlled by a traffic signal.

(k) Restaurants with drive thru shall be limited to lots with a minimum acreage of two (2.0) acres, and shall be restricted to one drive thru facility per lot.

(l) The maximum size of a restaurant with a drive-through shall be limited to 2,500 square feet.

ARTICLE III – RESIDENTIAL USES

SECTION 1 – FARMING AND RESIDENTIAL ZONES

3.01.100 Purpose and Intent

The purpose of the farming and residential zones is to protect the safety, health and welfare of residents and to encourage the development of neighborhoods that will contribute to the health and wellbeing of the community.

The farming and residential zones are intended primarily for single family residences and farms. Certain other uses such as government supported activities, religious worship, clubs, affordable housing developments and other listed uses which are consistent with the need to provide the quality of life necessary for and that which contributes to the overall community are permitted within certain limits.

The farming and residential zones vary in required lot area from one-half (1/2) acre to three (3) acres consistent with soil types, terrain and infrastructure capacity. Development within the farming and residential zones shall be sensitive to maintaining the rural character of the community and of the neighborhood in which they are located.

3.01.200 Permitted Uses

3.01.210 The following principal uses are permitted within a single building provided that Site Development Plan approval has been granted, if required, in accordance with Article X hereof, if so required. Uses that are not listed shall not be permitted by variance.

3.01.211 One-family dwelling, one per lot.

3.01.212 Farming, including dairying, horse raising, sheep raising, and poultry raising but excluding operating a kennel, operating a piggery or pig farm, or the raising of fur bearing animals or wildlife.

3.01.213 An active farm and the residence of the owner thereof on the farm shall be considered only one principal use.
(a) Two farm employees may be lodged within the principal dwelling.
(b) Where housing is provided for more than two farm employees, or for the families of any farm employee, it shall be considered an accessory use of the property as a farm, provided that
(c) each family is housed in a detached dwelling meeting the requirements for a single family dwelling in such zone and
(d) so situated that each lot meets the area and size, frontage (not necessarily on an existing street) and minimum square requirements of the zone in which the farm lies can be drawn and shown on the Zoning Permit or the application for Certificate of Zoning Compliance for each such dwelling.

3.01.214 Schools operated by the Town

3.01.215 Parks and playgrounds operated by the Town

3.01.216 Horticulture and wildlife reservations not operated for profit

3.01.217 Public libraries, public museums, government buildings and uses, excluding municipal garages or public works storage yards, dumps, incinerators or other waste handling or disposal areas

3.01.218 Nurseries and greenhouses provided that no plants or produce is sold at retail or displayed to retail customers

3.01.219 Community residence, one per lot

3.01.220 Vineyards and wineries provided that no products are sold at retail or displayed to retail customers; and provided that no tours or tasting of free samples are offered to the general public (Added effective 2/15/93)

3.01.221 If prior to December 28, 1986, the caring for, boarding and keeping of horses for trade or sale and/or the training of boarded horses and owners of said horses occurred upon a property, then such use of property may be continued provided that such operations or buildings shall not be expanded or intensified above the level at which such activity existed on December 28, 1986, provided that the owners of such existing properties shall register with the Newtown Land Use Office no later than August 13, 2002 (Effective August 18, 2001).

3.01.300 Special Exception Uses

3.01.310 The following uses are permitted as principal uses subject to the granting of a special exception by the Commission in accordance with the standards, criteria, conditions and procedures which are set forth in Article XI of these regulations.
(a) The minimum lot area for such uses shall be computed as the greater of
(b) Four (4) times the usable gross floor area of all buildings on the lot;
(c) Two (2) times the area of the lot devoted to the proposed use, including without limitation the gross floor area of all buildings and the area of all other structures, parking areas, loading areas and driveways but not including the area used for any in-ground planting whether permanent or for purposes of transplanting
(d) the minimum lot area of the highest acre zone in which any part of the lot lies; o
(e) the acreage specified for each use.

3.01.311 Clubs

3.01.312 Places of religious worship

3.01.313 Private schools and seasonal camps**.** Camps shall be conducted by a non- profit corporation, association or religious society and may be either a boarding or day camp, provided that they do not admit campers over eighteen (18) years of age.

3.01.314 Public utilities buildings having no material storage or motor vehicle service or storage

yards and which primarily serve residents of the Town.

3.01.315 Hospitals.

3.01.316 Public utility water tanks and pump stations.

3.01.317 Sanitary landfills, except within the Aquifer Protection District, incinerators, waste collection and sorting facilities, public works garages and storage areas operated by or on behalf of the Town.

3.01.318 Nurseries, greenhouses and truck gardening with retail sales on lots of at least twenty (20) acres. The sale of any items not grown or raised on the premises for at least one (1) growing season, fertilizer and garden tools is prohibited.

3.01.319 (Reserved)

3.01.320 The boarding and keeping of horses for trade or sale. Boarding of horses, training of boarded horses, owners of said horses, and keeping of horses for trade or sale on lots having at least fifteen (15) acres provided that the following minimum standards are met:

3.01.321 There shall be no more than two (2) horses per acre on any lot.

3.01.322 Manure which is stacked or composted on site must meet the following minimum setbacks:

(a) Manure must be located at least one hundred (100) feet from any well, stream, or other watercourse.
(b) Manure must be located at least one hundred (100) feet from any property line.

3.01.323 There shall be a minimum of two thousand five hundred (2,500) square feet of turnout area for each horse.

3.01.324 Turnout area shall be defined as enclosed open space suitable for the exercise of horses. Separate enclosures for each horse are not required.

3.01.325 The boundary of any riding ring shall be located a minimum of 100 feet from any property line.

3.01.326 The nature and extent of training activities shall be specifically set forth in the special exception application.

3.01.327 Additional lands under common ownership with the lot containing the barns, and separated by no more than a road or right of way from said lot, may be used for turnout or horseback riding.

3.01.328 Additional parking for the horseback lesson programs and horse day camps shall be provided pursuant to these regulations.

3.01.329 (Reserved)

3.01.330 One (1) apartment accessory to a single family dwelling located in a separate building (detached dwelling) provided the following criteria can be met:

3.01.331 The subject accessory building proposed for the apartment was constructed and assessed as an accessory building by the Town Assessor seven (7) years prior to application.

3.01.332 The single family dwelling to which the apartment is accessory shall be:
(a) located on a lot zoned Residential 1-acre or more and such lot shall have a minimum lot size equal to one and one half (1.5) times the requirement of its respective zone designation,
(b) the main dwelling shall have a minimum floor area of fifteen hundred 1,500 square feet, and
(c) either the dwelling or the apartment shall be occupied by the owner of the premises.

3.01.333 The accessory apartment shall be provided with not more than one bedroom, a living room, a kitchen and complete bathroom, as well as with two means of egress, including a separate outside door. The apartment shall have a maximum floor area of eight hundred (800) square feet or thirty-five (35) percent of the main dwelling floor area, whichever is less.

3.01.334 The single family dwelling and accessory apartment combination shall have a design that maintains the appearance of the premises as a single family dwelling use. The apartment shall be provided with two (2) off-street parking spaces.

3.01.335 Any request for an accessory apartment under these regulations shall be accompanied by the following:
(a) Approval from the Newtown Building Inspector that he or she has reviewed the plans for the proposed accessory apartment from a safety point of view and has no objection to same;
(b) A statement from the Town Sanitarian regarding the adequacy of the water supply and waste disposal system for the existing dwelling and the proposed accessory apartment;
(c) An affidavit of ownership signed by the owner of the premises and affirming intent that the owner will occupy the premises as the principle place of residence;
(d) A site survey showing all structures upon the site, the lot area, set back distances, well and septic areas;
(e) Floor plans for the proposed accessory apartment with dimensions, means of egress and photographs of the building that is proposed for the apartment;
(f) A copy of the Assessor's Card for the lot.

3.01.340 Vineyards and wineries with sales at retail on lots of at least 20 acres. Sales shall be limited to sealed bottles or other sealed containers of wine manufactured in such winery, but for consumption off the premises.

3.01.341 Tours and the offering and tasting of free samples of wine to visitors and prospective retail customers for consumption on the premises shall be permitted provided that a manufacturer permit for a farm winery has been issued by the State of Connecticut in accordance with Section 30-16 of the Connecticut General Statutes, as amended, and such permit is currently in effect at the premises. (Added 2/15/93)

3.01.350 Commercial dairy farms with retail sales on lots of at least twenty (20) acres. Sales shall be limited to frozen desserts and soft drinks to be consumed on or off premises and other products directly related to the products produced by such farm or other area commercial farms including seasonal items and specialty foods. Sales may be offered in a detached building for such purposes. The detached building may not exceed 1,000 (one thousand) square feet. (Added 9/1/2003)

3.01.400 Accessory Uses
The following are permitted accessory uses in Farming and Residential Zones so long as they remain clearly accessory to the principal use on a lot and are limited as set forth below:

3.01.410 Roadside stands for the sale of farm produce grown on the farms on which they are located.

3.01.411 Where said roadside stand is a permanent structure, a permit will not be issued until provisions have been made for at least 10 off-street parking spaces. Where said roadside stand is not a permanent structure, there shall be a place available for at least three cars to park completely off the paved portion of the street or, if said street is not paved or the traveled portion thereof is wider than the paved portion, then said parking must be completely off the traveled portion. Although said parking spaces need not be paved, they must be capable of being used during the weather conditions ordinarily expected during the season or seasons of use.

3.01.420 Home occupation activities and uses shall conform to the following standards and require a zoning permit and a certificate of zoning compliance**.**

3.01.421 The person or person conducting the office or home enterprise shall be a member of the family occupying the dwelling unit.

3.01.422 There shall be no more than two (2) non-family members or non-resident persons engaged in the office or home enterprise activity at any time.

3.01.423 The total floor area used for such office or home enterprise shall not exceed an area equal to twenty-five (25) percent of the floor area of the principal dwelling excluding the basement and the attic.

3.01.424 No finished consumer goods shall be acquired outside the dwelling unit for sale on the premises in connection with such office or home enterprise.

3.01.425 There shall be no evidence of any office or home enterprise outside the building in which it is located except for a sign as permitted under Article VIII, Section 1.

3.01.426 The office or home enterprise and the conduct thereof shall not impair the residential character of the premises nor impair the reasonable use, enjoyment and value of other residential property in the neighborhood.

3.01.427 The use does not create interference with radio and television reception in the vicinity and does not create any noise, odor, vibrations, light or unsightly conditions outside the dwelling

in which said uses are conducted.

3.01.428 The application for a zoning permit shall be signed by the person or persons proposing to conduct the office or home enterprise and shall be accompanied by a detail description of the proposed use and a disclosure statement concerning toxic or hazardous material.

3.01.429 Each certificate of zoning compliance shall automatically terminate when the applicant no longer resides in the dwelling unit.

3.01.430 Antique shop provided that**:**

3.01.431 The accessory use is conducted entirely within a building upon the lot which the dwelling exists.

3.01.432 The accessory use does not change the residential character of the lot or dwelling in any visible manner, nor shall there be any external evidence of the accessory use except a sign as permitted by these regulations.

3.01.433 The total floor area occupied by the accessory use does not exceed 25 percent of the floor area of the principal dwelling excluding the basement and the attic.

3.01.434 The accessory use does not create interference with radio and television reception in the vicinity and does not create any noise, odor, vibrations, light or unsightly conditions outside the dwelling in which said use is conducted.

3.01.435 There shall be no more than two (2) non-family members or non-resident persons engaged in the accessory use at any time.

3.01.440 Day Care Home, Family

3.01.450 Keeping not more than two (2) roomers or boarders by a resident family in the dwelling, exclusive of domestic employees.

3.01.460 Storage of not more than one unoccupied recreational vehicle bearing a current registration.

3.01.470 Docks and boathouses.

3.01.480 One guest house provided that all of the following criteria are met:

3.01.481 There shall be no permanent occupancy of a guest house and such guest house may be constructed on the same lot as the principal dwelling where such lot has four or more acres.

3.01.482 Said lot may not be reduced below four acres in size subsequent to the erection of said guest house.

3.01.483 A plot plan submitted with an application for the construction of a guest house shall show

all existing and proposed structures and septic systems upon a lot.

3.01.484 Where the person seeking to construct a guest house is required to use all or a portion of two or more otherwise valid subdivision lots, said person shall take action to merge the two or more lots into one lot so as to eliminate their identity as separate lots, prior to the application for the Zoning Permit for said guest house.

3.01.490 The keeping of dogs over the age of six months not for profit as follows:
(a) Three (3) or fewer - any lot;
(b) Four (4) or five (5) - minimum lot size of 2 acres;
(c) Six (6) to ten (10) minimum lot size of 4 acres.

3.01.500 One (1) apartment accessory to a single family dwelling, provided all of the following criteria are met:

3.01.501 The lot shall have a minimum of one acre unless served by public water and sewer and the dwelling or the accessory apartment shall be occupied by the owner of the premises.

3.01.502 The accessory apartment shall be located in the same building as the single family dwelling. The accessory apartment shall be provided with not more than one bedroom, a living room, a kitchen, and a complete bathroom and shall have two means of egress, including a separate outside door. Two (2) off-street parking spaces shall be provided for the accessory apartment.

3.01.503 Any single family dwelling containing an accessory apartment shall have a minimum floor area of 1,500 square feet. The accessory apartment shall have a maximum floor area of 800 square feet or 35 percent of the total floor area of the building, whichever is less. No accessory apartment shall be located in a basement or cellar unless such basement or cellar constitutes a full story.

3.01.504 The single family dwelling and accessory apartment combination shall have a design that maintains the appearance of the premises as a single family house. The entrance to the accessory apartment must be from other than the front unless there are two existing doors in the front of the house, in which case, one of them may be used for the accessory apartment.

3.01.505 Any request for zoning approval of an accessory apartment shall be accompanied by the following:
(a) Approval from the Newtown Building Inspector that he or she has reviewed the plans for the proposed accessory apartment from a safety point of view and has no objection to the use.
(b) A statement from the Town Sanitarian of the adequacy of the water supply and waste disposal system for the single family dwelling and the proposed accessory apartment.
(c) An affidavit of ownership signed by the owner of the premises and affirming intent that the owner will occupy the premises as the principle place of residence.

3.01.506 If all of the above criteria are met, the Zoning Enforcement Officer shall issue a Certificate of Zoning Compliance for the proposed accessory apartment provided, however, that the aforesaid certificate shall terminate when the owner of the premises (whether present or future) no longer resides thereon.

3.01.510 The boarding of horses on lots having four (4) acres or more provided that all of the following criteria are met:

3.01.511 No more than one and a half (1½) horses, six months old or older, per acre with a maximum of fifteen (15) horses kept on any lot.

3.01.512 Manure, which is stacked or composted on site, shall meet the following minimum setbacks:
(a) Manure shall be located at least one hundred (100) feet from any well, stream or other watercourse
(b) Manure shall be located at least one hundred (100) feet from any property line

3.01.513 There shall be a minimum of two thousand five hundred (2,500) square feet of turnout area for each horse.

- Turnout area shall be defined as enclosed open space suitable for the exercise of horses. Separate enclosures for each horse are not required.

3.01.514 The boundary of any riding ring shall be located a minimum of one hundred (100) feet from any property line.

3.01.515 Parking shall be provided pursuant to Article VIII, Section 3 of these regulations.

3.01.516 Indoor rings and lighted outdoor rings shall be by special exception pursuant to these regulations.

3.01.517 No shows are allowed. (Added February 18, 2002)

3.01.520 Horse boarding stables and not-for-profit horse riding clubs located on lots having ten (10) acres or more provided that the following standards are met:

3.01.521 No more than one and a half (1 ½) horses, six months old or older, per acre with a maximum of fifteen (15) horses kept on any lot.

3.01.522 Manure, which is stacked or composted on site, must meet the following minimum setbacks:
(a) Manure must be located at least one hundred (100) feet from any well, stream or other watercourse
(b) Manure must be located at least one hundred (100) feet from any property line

3.01.523 There shall be a minimum of two thousand five hundred (2,500) square feet of turnout area for each horse.

- Turnout area shall be defined as enclosed open space suitable for the exercise of horses. Separate enclosures for each horse are not required.

3.01.524 The boundry of any riding ring shall be located a minimum of 100 feet from any property line.

3.01.525 Parking shall be provided pursuant to Article VIII, Section 3 of these regulations.

3.01.526 Indoor rings and lighted outdoor rings shall be by Special Exception pursuant to Article XI of these regulations. (Added February 18, 2002)

Added effective March 5, 2010:
3.01.530 Apartments for farm employees caring for horses, located in a detached barn, accessory to a single family dwelling, provided all of the following criteria are met:

3.01.531 The apartment (s) shall be located in a two acre zone or more and lot shall have a minimum lot size equal to one half (1.5) times the zone acreage and the principal dwelling shall be occupied by the owner of the premises. The number of apartments allowed shall be calculated as one apartment per 10 horse stalls.

3.01.532 Each accessory apartment shall be provided with not more than one bedroom, a living room, a kitchen, and a complete bathroom and shall have two means of egress, including a separate outside door.

3.01.533 Each accessory apartment shall have a minimum floor area of 480 square feet and a maximum floor area of 800 square feet. No accessory apartment shall be located in a basement or cellar unless such basement or cellar constitutes a full story. The barn and accessory apartment combination shall have a design that maintains the appearance of the premises as a barn.

3.01.534 Any request for zoning approval of an accessory apartment (s) shall be accompanied by the following:
(a) Approval from the Newtown Building Inspector that he or she has reviewed the plans for the proposed accessory apartment (s) from a safety point of view and has no objection to the use.
(b) A statement from the Town Sanitarian of the adequacy of the water supply and waste disposal system for the single family dwelling and the proposed accessory apartment (s).
(c) An affidavit of ownership signed by the owner of the principal dwelling and affirming intent that the owner will occupy the premises as the principle place of residence.

3.01.535 If all of the above criteria are met, the Zoning Enforcement Officer shall issue a Certificate of Zoning Compliance for the proposed accessory apartment (s) provided, however, that the aforesaid certificate shall terminate when the owner of the premises (whether present or future) no longer resides thereon. (Added effective March 5, 2010)

3.01.600 Area, Height and Yard Requirements

Article VII, Area, Height and Yard Requirements and all other applicable sections of these regulations apply.

3.01.700 Supplemental Regulations

Article VIII, Supplemental Regulations including signs, access management, landscaping, lighting and all other applicable sections of these regulations apply.

ARTICLE III – RESIDENTIAL USES

SECTION 2 – ELDERLY HOUSING ZONE

3.02 Elderly Housing Zone (EH-10)

3.02.100 Purpose and Intent. The intent of this zone is to allow for housing explicitly suited for the elderly, including housing for those now well and able-bodied, those who are frail, and those in need of medical care, so that housing is available in Newtown for senior citizens to age in place. Elderly housing may be designed with one principal use or a mixture of principal uses within the development, as permitted herein.

It is the purpose of this zone to encourage the provision of multiple family housing for the elderly consistent with soil types, terrain and infrastructure capacity of the land. The design for elderly housing shall be sensitive to maintaining the rural character of the community in general and the neighborhood surrounding the development in particular.

Only elderly families may occupy elderly housing.

3.02.200 Special Exception Uses

The following principal uses are permitted in an EH-10 zone subject to the granting of a special exception by the Commission in accordance with the standards, criteria, conditions and procedures set forth in Article XI. No use variance shall be granted to allow any principal or accessory use in this zone which is not expressly permitted. The principal uses shall be known hereinafter jointly and severally as "elderly housing":
(a) Dwelling units for elderly families
(b) Congregate housing for elderly families
(c) Hospital for elderly families
(d) Assisted living facility for the elderly
(e) Condominium/Apartment Units for elderly families
(f) Affordable housing development for elderly families

3.02.300 Accessory Uses

The following are permitted accessory uses so long as they remain clearly accessory to the principal use on the lot and are to be utilized solely by the persons residing or working on the lot and their guests:
(a) Clubhouse/community center
(b) Community kitchen and dining room
(c) Computer/communications lab
(d) Lecture hall/theater/audiovisual room
(e) Indoor or outdoor exercise facility
(f) Indoor swimming pool
(g) Whirlpool/sauna for exercise or therapy
(h) Art studio

(i) Customary home occupation
(j) Administrative offices
(k) Home Health Care Agency as defined by §19a-490(d) of the Connecticut General Statues (added effective 2/28/11)

3.02.310 Additional Accessory Uses Permitted Only As Accessory To Congregate Housing For Elderly Families

The following are permitted accessory uses only where congregate housing for elderly families forms more than fifty (50%) percent of the principal use on the lot. These additional accessory uses shall remain clearly accessory to the principal uses on the lot and shall be designed to be utilized primarily by the persons residing or working on the lot and secondarily by the general public:
(a) Medical care facility
(b) Dental care facility
(c) Physical therapy facility
(d) Indoor swimming pool
(e) Whirlpool/sauna for exercise or therapy
(f) Child day care center
(g) Personal care or beauty care facility
(h) Laundry Facilities

3.02.400 Area, Height and Yard Requirements

Article VII, Area, Height and Yard Requirements and all other applicable sections of these regulations apply, and in addition:

3.02.410 Setbacks. A minimum setback of one hundred (100) feet shall be provided from all property boundaries except for two cases as follows:
(a) When a side or rear yard is adjacent to an EH-10 Zone, the setback shall be twenty-five (25) feet along such boundary.
(b) When a side or rear yard is adjacent to a business or industrial zone, the setback shall be fifty (50) feet along such property boundary.

No private street, driveway, parking area, sidewalk, patio, structure or overhang shall be within the minimum setback area other than that portion of a private street the sole purpose being for entrance or egress from the property to the street.

3.02.420 Pre-existing government-subsidized affordable elderly housing. When a lot already contains a government-subsidized affordable elderly housing operating under a previously approved special exception, the limitations established in Section 3.02.410 shall not apply to any additions provided that such additions will provide additional affordable elderly housing. In such cases, the setback requirements that were in effect under the previously approved special exception shall supersede the requirements of Section 3.02.410.

3.02.421 Pre-existing structures. When a pre-existing structure is made non-conforming to

Section 3.02.410 by virtue of a change of zone to EH-10, the limitations imposed by Section 3.02.410 shall not apply to any additions to said structure provided the structure is used for a use or an accessory use permitted in the EH-10 Zone and the additions are not more non-conforming to said Section 3.02.410 than the structure was before the addition. (added effective 2/28/11)

3.02.430 Density calculation. Land having wetlands, watercourses and ponds shall be deducted from the total lot area before the density calculation is made.

3.02.440 Pre-existing hospital. When the lot on which elderly housing is to be located already contains a hospital operating under a previously approved special exception, the limitations established in Sections 3.02.450 and 3.02.460 shall not apply to the hospital portion of the lot, except that the area containing existing hospital structures plus two acres shall be excluded from the calculation of lot acreage.

3.02.450 Density for Dwelling Units. Except as set forth in Section 2.01.400 concerning the aquifer protection district, the number of dwelling units for elderly families permitted shall not exceed four (4) times the lot acreage as calculated pursuant to Section 3.02.430 or one hundred fifty (150) units, whichever is less. (amended effective December 13, 2010).

3.02.460 Density for congregate housing. Except as set forth in Sec. 2.01.400 concerning the aquifer protection district, the number of congregate housing for elderly family units permitted shall not exceed six (6) times the lot acreage as calculated pursuant to Section 3.02.430 or three hundred (300) units, whichever is less.

3.02.470 - Density for Condominiums/Apartments - Except as set forth in Section 2.01.400 concerning the aquifer protection district, the number of condominium/apartment units for elderly families permitted shall not exceed four (4) times the lot acreage as calculated pursuant to Section 3.02.430 or one hundred fifty, (150) units, whichever is less. (Added effective December 13, 2010).

3.02.471 – No combination of the above dwelling unit density calculations shall exceed 300 units per lot. (Added effective December 13, 2010)

3.02.480 – No Elderly Housing Townhouse buildings or structures may exceed forty two (42) feet in *height* above the average finished ground level on any side of the building and no portion of the structure shall be more than ten (10) feet below the average finished ground level at the front of the building. (Added effective December 13, 2010)

3.02.490 – No Elderly Housing Condominium/Apartment or Congregate Buildings shall exceed sixty (60) feet to the highest point of the building from any ground level point on any side of the building and forty-two (42) feet to the mid-point of the roof in the front and no portion of the structure shall be more than ten (10) feet below the average finished ground level at the front of the building.

(Added effective December 13, 2010)

3.02.500 Building Design Standards and Infrastructure

3.02.510 Exterior walls. No building shall exceed two hundred (200) feet in a single dimension. No exterior wall shall exceed fifty (50) feet in length in an unbroken plan without an offset of at least four (4) feet (amended effective December 13, 2010).

3.02.520 Minimum distance between buildings. In no case shall the distance between buildings be less than thirty (30) feet (amended effective December 13, 2010).

3.02.530 Ramps and elevators. Where the main entrance to a dwelling unit or congregate housing for elderly family unit is at a level different from ground level, an elevator that rises to the level of each unit or a ramp, suitable for use by a wheelchair shall be provided to the main entrance of each dwelling unit. Such ramp or elevator may be common to more than one unit.

3.02.540 Bedrooms. No dwelling unit or congregate housing for elderly family unit shall contain more than two (2) bedrooms.

3.02.550 – Units per building, No Elderly Housing Condominium/Apartment or Congregate building shall contain more than 22 dwelling units per building, Dwelling Units for Elderly Family buildings shall contain no more than 8 dwelling units per building (amended effective December 13, 2010).

3.02.560 – Wastewater discharge and water supply: Any lots considered for EH-10 zoning shall have access to public sewers and public water and any development shall be connected to public sewers and public water before final Certificate of Occupancy (amended effective December 13, 2010).

3.02.570 Utilities. All utilities on the lot shall be underground.

3.02.580 Fire suppression. Fire suppression systems shall be provided in conformance with Section 8.14 of these regulations.

3.02.590 Steep Slopes. Site layout should be designed to minimize development upon and recontouring of slopes having twenty-five (25) percent or more grades. Disturbance of steep slopes and the creation of steep slopes shall be avoided to the greatest extent possible.

3.02.600 Accessways, Private Streets, Driveways, Sidewalks and Parking

3.02.610 Accessways. Each lot shall be served by a strip of land having a width of not less than one hundred (100) feet throughout its length from a public highway through which vehicular access is provided. This shall contain a private street as the primary accessway for ingress and egress. This primary accessway shall be constructed with a planted median strip separating the ingress and egress lanes of the accessway.

Each lot containing forty (40) or more units of elderly housing shall have a secondary accessway suitable for use by emergency vehicles. The secondary accessway shall be not less than twenty (20) feet wide throughout its length. It may be located within the same strip of land as the primary accessway or in a separate location, but may not encroach upon the private street, which is the primary accessway. The secondary accessway need not be paved with an impervious surface however it shall be hard surfaced and accessible by fire apparatus. The secondary accessway shall be clear and maintained at all times so that there are no impediments to emergency vehicle use.

3.02.620 The streets within the lot shall remain in private ownership and shall be designed for safe and easy circulation of traffic within the lot. The private streets shall be laid out with attention to the natural contours of the land and natural features on the lot. The private streets must be capable of providing easy access for all emergency vehicles.

The design speed shall be 15 mph and so posted with proper signs. The minimum horizontal curve radius shall be 70 feet, the minimum stopping sight distance shall be 65 feet and the minimum sight distance for intersections shall be 70 feet. All other construction methods and materials of the private streets shall conform to the standards for a local residential street as set forth in the Newtown Road Ordinance, as amended, except that no easement, right of way or dedication of land to the Town shall be required for the private streets (amended effective December 13, 2010).

All phases of the construction of the streets shall be inspected and certified by the applicant's licensed professional engineer. All certifications must be provided to the Newtown Land Use Agency prior to the release of any bonds. (amended effective August 28, 2006)

3.02.630 Intersection with public highway. Private streets shall enter a public highway only in locations where the sight distance in each direction meet or exceed the requirements of the Newtown Road Ordinance and any applicable state regulations. No private street in an elderly housing development shall enter a public highway less than seventy-five (75) feet from the centerline of the nearest intersecting highway or private street on the same side of the public highway. Proposed private streets shall intersect existing and other proposed streets at right angles for a distance of at least one hundred (100) feet from the intersecting street lines unless otherwise approved by the Commission. Such approval shall not be granted where the intersection is at an angle less than sixty (60) degrees.

3.02.640 Driveways and Parking. Article VIII, Section 3 shall apply to the Elderly Housing Zone with the following exceptions, which shall supersede the requirements of Article VIII, Section 3.

3.02.641 Driveways. Each driveway serving structures, dwelling units for elderly families, congregate housing, hospitals for elderly families or accessory uses shall meet the following criteria:

(a) **Travel width.** The travel width of the driveway shall at no point be less than ten (10) feet. Driveways serving more than one dwelling unit shall be no less than sixteen (16) feet wide.

(b) **Grading.** Driveways within the lot shall not contain grades greater than five (5%) percent.

(c) All driveways upon the site shall intersect with the private street in the development. No driveway shall intersect directly with a public highway.

3.02.642 Sidewalks. Sidewalks shall connect the main entrance of each building and each dwelling unit that has an individual entrance to the outside to a convenient parking area. Where dwelling units have common first floor entrances or are at a second or third floor level, sidewalks shall connect an entrance to the building near an elevator to a convenient parking area. Sidewalks may connect each building with each other building on the lot. Sidewalks shall not be pitched at a slope greater than 1 to 20. The use of steps on a sidewalk is prohibited. Sidewalks shall be at least three (3) feet wide.

3.02.643 Parking location and space size. All parking spaces shall be provided off the private street, but on the same lot as the elderly housing. Each parking space shall contain a rectangle no less than nine (9) feet in width and twenty (20) feet in length. Parking spaces may be provided by use of a garage, a carport, or a paved surface dedicated to parking. In addition, a driveway in front of a garage serving a single dwelling unit for elderly family may be considered a parking space, provided that the length of the driveway is no less than twenty-two (22) feet and no part of the twenty-two (22) feet encroaches upon a dwelling unit. All parking for an accessory use shall be located within one hundred fifty (150) feet of the entrance to the accessory use.

3.02.644 Parking grade. No parking space shall have a grade greater than five (5%) percent.

3.02.645 Number of parking spaces. The minimum number of parking spaces is set forth in the following schedule and shall be cumulative: sidewalk. All parking for a dwelling unit shall be located within one hundred fifty (150) feet of its associated

(a) Dwelling units for elderly families. Two spaces per dwelling unit plus one visitor space for every five (5) dwelling units (rounded to the next higher number).
(b) Congregate housing for elderly family. See Section 8.03.600.
(c) Hospitals for elderly families. One space for six (6) patient beds.
(d) Employees/On-site workers. One parking space for each employee or on-site worker on the largest shift.
(e) Accessory uses.

1) Clubhouse/Community center. Ten (10) spaces.
2) Community kitchen and dining room. No additional spaces.
3) Computer/communications lab. No additional spaces.
4) Lecture hall/theater/audio visual room. Ten (10) spaces.
5) Indoor or outdoor exercise facility. Two (2) spaces.
6) Indoor swimming pool. Four (4) spaces.
7) Whirlpool/sauna for exercise or therapy. Four (4) spaces.
8) Art studio. No additional spaces.
9) Customary home occupation. No additional spaces.
10) Administrative offices. No additional spaces.
11) Medical care facility. Two (2) spaces.
12) Dental care facility. Two (2) spaces.
13) Physical therapy facility. Two (2) spaces.
14) Pre-school. Four (4) spaces.
15) Personal care or beauty care facility. Two (2) spaces.

3.02.646 Sufficient parking spaces shall be provided to accommodate all persons reasonably expected to be on site at any one time. Where the applicant sufficiently demonstrates that the minimum parking requirements set forth herein exceed the number of spaces that are necessary, the Commission may waive the immediate construction of such excessive parking spaces up to the extent of fifty (50%) percent provided the following criteria are met:

(a) The site plan shall be designed with the minimum number of spaces as required herein and shall clearly indicate those spaces for which an immediate construction waiver is requested.

(b) No structures or other improvements, except parking, driveways and underground utilities, may be constructed within the unimproved parking area, and said area shall be suitably landscaped.

3.02.647 The Commission may require that the area for which a parking waiver has been granted be properly improved if, after public hearing, the Commission determines that the improvement of such parking area is necessary to meet the parking needs of the elderly housing development. A bond in an amount equal to one hundred (100%) percent of the cost of construction of the parking area shall be submitted to guarantee that the parking area, or a portion thereof, is properly improved. The bond shall be in force for a period not to exceed two (2) years from the date of issuance of a final certificate of zoning compliance for the elderly housing development.

3.02.700 Lighting. All private streets, parking areas, and sidewalks shall be artificially illuminated. Such lighting shall be residential in character and shall be coordinated with the landscaping plan. No direct rays from such lighting shall fall off the lot or shine into the windows of the elderly housing within the lot. All exterior lighting shall comply with the provisions of Article VIII Section 5 herein.

ARTICLE III – RESIDENTIAL USES

SECTION 3 – INCENTIVE HOUSING OVERLAY ZONE-10 (IHOZ-10)
(Amended effective January 26, 2015)

3.03 Incentive Housing Overlay Zone (IHOZ-10)

3.03.100 Purpose and Intent. The intent of this zone is to allow affordable housing in mixed-use developments at locations with adequate transportation and utility services, in order to provide housing choice and variety for those working in Newtown, single-parent households and aging households, among others. It is a further intent of these regulations to protect open spaces and rural areas of the community by encouraging development in smart growth locations.

The purpose of this zone is to promote the inclusion of affordable housing units in mixed-use, mixed-income developments consistent with topography, soil types and infrastructure capacity. Another purpose is to ensure high-quality design that is sensitive to the rural character of the community and the neighborhood surrounding the development in particular.

As an overlay zone, the IHOZ offers additional regulations to the applicable underlying zoning district regulations. Except as modified in this Section 3, the provisions of the underlying district will govern.

3.03.200 Location Criteria Applications for a IHOZ-permitted use must meet the following criteria:

(a) Application to amend Official Zoning Map to include IHOZ overlay zone to a particular parcel(s).

(b) Minimum lot size of ten (10) acres.

(c) All parcel(s) must have frontage on a principal arterial roads or State Route.

(d) Applicants must demonstrate that all parcels have access to public sanitary sewer and public water or that the applicant has the ability to acquire such access prior to construction.

3.03.300 Permitted Uses. In all IHOZ developments, not less than twenty percent (20%) of the dwelling units will be conveyed by deeds containing covenants or restrictions which shall require that, for at least thirty years after the initial occupation of the proposed development, such dwelling units shall be sold or rented at, or below, prices which will preserve the units as housing for which persons and families pay thirty percent or less of their annual income, where such income is less than or equal to eighty percent of the area median income. Each application will require an affordability plan, which shall describe in detail how the development will comply with these regulations, and how the affordability covenants and restrictions will be administered.

3.03.310 The following IHOZ uses are permitted by Special Exception:

(a) The following uses are permitted by Special Exception in addition to the uses allowed in the underlying zone. The following uses shall be limited to the R-2, R-3 and Business Zones,

provided, however, that the use or uses allowed in this overlay zone may not be in conflict with the primary uses allowed in the underlying zone, so that Apartments and Town Houses will only be allowed in parcels zoned for Residential uses and Mixed-Us e Buildings and Developments will only be allowed in parcels zoned for Business uses.

(b) Townhouses and Garden Apartments. There shall be no more than twelve (12) units per usable acre based upon deduction of area as applicable. Such density shall be calculated as usable using the total site acreage. Acreage having a slope of 25 percent (25%) of more shall be calculated using 50 percent (50%) of such area. Acreage having wetlands, watercourses or area within base flood elevation as determined by the Federal Emergency Management Agency shall be calculated as usable using 25 percent (25%) of such areas. All other acreage is considered usable site and density shall be calculated at 100 percent (100%).

(c) Mixed-Use Buildings. Mixed-use buildings must contain commercial and residential uses, and meet the following provisions:

1) Residential uses are not permitted on the first floor.
2) Commercial uses in such buildings are limited to retail, professional office, restaurant, financial institutions, and personal service establishments.
3) No more than 12 dwelling units per usable acre are allowed. Such density shall be calculated as usable using the total site acreage. Acreage having a slope of 25 percent (25%) of more shall be calculated using 50 percent (50%) of such area. Acreage having wetlands, watercourses or area within base flood elevation as determined by the Federal Emergency Management Agency shall be calculated as usable using 25 percent (25%) of such areas. All other acreage is considered usable site and density shall be calculated at 100 percent (100%).

(d) Mixed-Use Developments. Mixed-use developments are developments of multiple buildings on a parcel or adjacent parcels under unified ownership or control that includes at least one building containing residential use and at least one building containing commercial use(s). Mixed-use developments shall meet the following provisions

1) Residential units are permitted in townhouse and garden apartment structures only.
2) Commercial uses are limited to retail, professional office, restaurant, financial institutions.
3) No more than twelve (12) dwelling units per usable acre are allowed. Such density shall be calculated as usable using the total site acreage. Acreage having a slope of 25 percent (25%) of more shall be calculated using 50 percent (50%) of such area. Acreage having wetlands, watercourses or area within base flood elevation as determined by the Federal Emergency Management Agency shall be calculated as usable using 25 percent (25%) of such areas. All other acreage is considered usable site and density shall be calculated at 100 percent (100%).

3.03.400 Area, Height, Yard and Building Coverage Requirements. Article VII, Area, Height and Yard Requirements and all other applicable sections of these regulations apply, in addition:

(a) Street frontage. Each lot shall have a minimum frontage of 100 feet.

(b) Front yard setback. The minimum setback from the street shall be seventy-five (75) feet from the street line and in the Hawleyville and Sandy Hook Design Districts, the front setback shall be in compliance with the applicable zone regulations. Adjacent parcels to the Design Districts could utilize the front setbacks for the specific Design District at the discretion of the Commission.

(c) Side and Rear Setbacks. The minimum side yards shall be thirty-five (35) feet, and the minimum rear yard shall be fifty (50) feet.

(d) Building Height: No building shall exceed thirty-six (36) feet in height above the average finished ground level to the midpoint of the roof at the side of the building closest to the street or private road and no portion of the structure shall be more fifty- four (54) feet to the highest point of the ground level on any side of the building and no structure shall be more than ten (10) feet below the average finished ground level at the front of the building.

(e) Building coverage: Building coverage shall not exceed thirty percent (30%)

(f) The Commission by a 4/5 vote can approve modifications to 3.03.400 on a project specific basis, including but not limited to the following parameters; topography, building design and aesthetics.

3.03.500 Building Design Standards

Each Townhouse dwelling unit shall have an entrance providing direct access to the exterior, which access shall not be shared in common with any other dwelling unit.

Affordable units shall be of a construction quality that is comparable to market-rate units within the development, and shall be dispersed throughout the development.

3.03.600 Building Design Standards

Dwelling units shall contain no less than one (1) bedroom and no more than three (3) bedrooms.

Affordable units shall be of a construction quality and design that is comparable to market-rate units within the development, and shall be dispersed throughout the development. The set-aside units shall contain at least twenty percent (20%) of the total bedrooms proposed for the project.

(a) Facades

1. Building greater than sixty (60) feet in length shall be visually broken into smaller elements and incorporate architectural details in order to add visual character and human scale.
2. Ground floor "front facing" facades shall incorporate projecting covered entries at least three (3) feet in depth.
    a. Entrances should be designed to reflect a scale for the number of dwellings / tenants served.
    b. Entrances serving multiple dwellings / tenants may use a variety of detailing to provide identity within a building and a complex.
3. No uninterrupted length of any façade, except as noted below, shall be permitted to exceed the lesser of forty (40%) percent of total length of the façade or forty (40) feet without incorporating a change in color, material, texture / pattern, projection, recess, window, balcony, trellis, or similar architectural feature.
    a. Exception. Accessory structures less than twenty (20) feet in height and

twenty-four (24) feet in depth used for housing automobiles; for example, carports and garages that are designed to complement the building and site and that incorporate like materials. Clubhouse is not an accessory structure. Cupolas are also allowed on top of the roofs of carports and garages.

4. Front façade design may incorporate a distinction between ground floor and upper stories through the use of masonry water-tables, entry features, and other architectural elements appropriate to the scale and design of the building.
5. Placement of windows and other major architectural elements / features on upper stories shall to the extent practicable be arranged with a balanced spacing and evident rhythm.
6. Blank wall surfaces greater than twenty (20) feet along the horizontal plane of the building are prohibited at the street level on any building façade adjacent to a sidewalk or public way.
7. Where blank wall surfaces are permitted and deemed necessary, wall panels, pilasters, building bays, or other architectural elements shall be carried across the blank surface to relieve uninteresting facades. A waiver may be granted by the commission to this requirement for facades that are within, or will be within, ten (10) feet of an adjacent building and therefore not visible from the public ways.
8. Residential side and rear facades which are visible from the public ways shall be articulated in a manner compatible with the design of the front façade.

(b) Materials and Colors

1. New building materials shall be selected to convey a sense of quality, durability and permanence, and shall be economically maintained and able to retain their appearance over time.
2. Building façade materials permitted within the district include brick, stone, wood, cementitious fiberboard, cast stone, manufactured limestone, PVC trim and vinyl.
    a. Artificial / faux materials can be used provided they are of good quality and consistent with "natural" / traditional materials.
3. Stone, cast stone, cultured stone or brick veneers can be used as an accent material to provide scale to a building. It is encouraged to use stone water-tables at the first floor and to establish a horizontal datum for the building to grow from the site. These veneer materials are encouraged to be used as architectural elements such as piers, columns, column bases, chimneys, stepped vertical material offsets, etc. to provide scale and detail to larger building(s).
4. Poured-in-place concrete or pre-cast concrete are appropriate as a basic building material provided special consideration is given to formwork, pigments, and aggregates to create a rich surface.

5. A limited but consistent pallet of materials is encouraged to be used to establish both uniformity and variety at human scale with-in the zone.

(c) Roofs

1. Roof forms shall complement the buildings in terms of style, detailing and material.
2. Roof forms may vary within a building and shall include sloped roofs, parapets, decorative cornice treatments, soffits, overhangs from six (6) inches to thirty-six (36) inches, dormers, cupolas, or other architectural element to complement the building without creating a cluttered visual appearance. Cupolas, parapets, bulkheads and

mechanical screening can range from 4 feet to 17 feet and are in addition to maximum building height.

3. Flat roofs shall be screened from public view using parapets or other architectural elements.
4. Mechanical equipment, metal chimneys, chimneys, elevator shafts and stair bulkhead roofs shall be encouraged to be screened from public view using parapets or other architectural element.

3.03.610 Parking. Parking shall conform to the requirements of Article VIII, Section 3 in general.

Shared parking for mixed-use buildings and mixed-use developments is encouraged to reduce impervious surfaces. Applicants should submit a Parking Demand Study conducted by a qualified firm, which details peak parking demand by uses and recommends a shared parking arrangement.

The minimum number of parking spaces required shall generally comply with Section 8.03.600. The Commission may reduce parking requirements where the applicant submits data or a plan demonstrating the adequacy of the lower number.

3.03.620 Private roads. Private roads within IHOZ developments shall be twenty-two (22) feet wide with a surface that meets Town standards (may want to encourage/incentivize pervious surfaces).

3.03.630 Pedestrian Circulation. In all developments, sidewalks and pedestrian pathways shall be constructed on frontage roads to connect with proposed or existing Town sidewalks. Internal on-site sidewalks constructed at the Commission's discretion.

3.03.640 Landscaping. Existing vegetation and natural changes in topography shall be maintained to the greatest extent possible in designing site development. Screening from adjacent properties shall be enhanced by maintaining existing vegetation and topography shall be supplemented with fences, walls, berms and dense landscaping which will adequately screen MUMI developments from adjacent properties year round.

3.03.650 – Lighting – Lighting Plan shall conform to Article VIII - Supplemental Regulations, Section 5- Exterior Lighting.

3.03.660 – Design Advisory Board – The project shall be reviewed by the Design Advisory Board in compliance with Newtown Zoning Regulation, 2.02.330.

3.03.650 – Traffic Report – A traffic impact analysis shall be completed by a certified traffic engineer.

ARTICLE III – RESIDENTIAL USES

SECTION 4 – MIXED INCOME HOUSING DEVELOPMENT ZONE
(Added Effective June 27, 2011)

3.04.100 Purpose and Intent. It is the purpose of the Mixed Income Housing Development regulations to encourage flexibility in site design and housing construction thereby promoting housing choice, economic diversity and open space preservation. Variety in housing types, including single family cluster development, will help meet community needs now and in the future including the need for lower cost residential housing. These regulations are intended to ensure that lower cost housing developments are constructed in full compliance with all of the requirements of this section as well as other applicable town ordinances and regulations. A mixed income housing development shall be consistent with soil types, terrain and infrastructure capacity and shall be sensitive to maintaining the rural character of the community and of the neighborhood in which it is located.

3.04.101 Definitions

(a) "Mixed Income Housing Development" (MIHD) shall mean a housing development in which not less than thirty percent of the dwelling units will be conveyed by deeds containing covenants or restrictions which shall require that, for at least forty years after the initial occupation of the proposed development, such dwelling units shall be sold at, or below, prices which will preserve the units as housing for persons and families whose income is less than or equal to eighty percent or sixty percent of the median income. Of the units conveyed by deeds containing deed restrictions, a number of dwelling units equal to not less than fifteen percent of all dwelling units in the development shall be sold to persons or families whose income is less than or equal to sixty percent of the median income and the remainder of the dwelling units conveyed by deeds containing deed restrictions shall be sold to persons or families whose income is less than or equal to eighty percent of the median income.

(b) "Median Income" shall mean the lesser of the state median income or the area median income of the Town of Newtown, as determined by the United States Department of Housing and Urban Development (HUD).

(c) "Affordable Unit" shall mean a Unit in a Mixed Income Housing Development conveyed by a deed containing covenants or restrictions which shall require that, for at least forty years after the initial occupation of the proposed development, such Unit shall be sold at, or below, prices which will preserve the Unit as housing for persons and families whose income is less than or equal to eighty percent or sixty percent of the median income.

(d) "Maximum Monthly Housing Cost" shall mean the costs that are to be included when calculating maximum allowed rents and sale prices for the Affordable Units. Maximum monthly housing cost shall not be greater than thirty percent of income, where such income is equal to or less than eighty percent or sixty percent of the median income, and which cost shall include the costs for periodic mortgage payments, based on a commercially reasonable

down payment for housing buyers and prevailing interest rates at the time of sale; taxes; insurance; common charges in the case of ownership in a common interest community; heat; and utility costs, including hot water and electricity, but excluding cable television.

3.04.200 Procedure. A Mixed Income Housing Development shall be permitted as a principal use in the Mixed Income Housing Development Zone, subject to the Site Development Plan approval provisions of Section 9.00. The Site Development Plan shall meet the standards, criteria, conditions and procedures which are set forth in section 9.09 hereof, and the additional standards and criteria set forth below:

(a) A Mixed Income Housing Development shall be located on parcels of land having direct access to and frontage on an arterial or major collector roadway as such roadways are identified in the Newtown Plan of Development, as amended, so as to provide traffic access to such Mixed Income Housing Developments without generating excessive traffic on minor or local streets in residential areas.

(b) Affordability Plan. In conjunction with the submission of an application for approval of a mixed income housing development the applicant shall submit an Affordability Plan, which shall describe in detail how the development will comply with the regulations regarding maximum monthly housing costs and how the covenants and restrictions will be administered as set forth in Section 3.03.200. Such Affordability Plan shall be consistent with the regulations set forth herein.

An Affordability Plan shall include at least the following:

(a) designation of the person, entity or agency that will be responsible for the duration of any maximum monthly housing cost restrictions, for the administration of the affordability plan and its compliance with the income limits and sale price set forth herein;
(b) an affirmative fair housing marketing plan governing the sale of all dwelling units;
(c) a sample calculation of the maximum sales price of the intended Affordable Units;
(d) a description of the projected sequence in which the Affordable Units will be built and offered for occupancy and the specific location of such Units within the proposed development;
(e) conditions of approvals, deeds, or restrictive covenants that will govern the Affordable Units;
(f) the mechanism for maintaining common recreational facilities and open space areas within the development.

3.04.300 Area, Yard and Density Requirements.

3.04.310 Minimum lot area. The lot containing a Mixed Income Housing Development shall be at least four and one-half (4 ½) acres of contiguous land owned or controlled by the applicant.

3.04.311 Street frontage. Each Mixed Income Housing Development shall have a minimum frontage of 100 feet.

3.04.312 Front yard setback. Where the lot has the required minimum street frontage, the

minimum setback from the street shall be 25 feet from the street line or 50 feet from the centerline of the street, whichever is greater. In establishing front, side and rear yards for any lot without the required minimum street frontage, the front yard of any such lot shall be located on that portion of the rear lot nearest to the street to which access is provided.

3.04.313 Side and Rear Setbacks. The minimum side and rear yards shall be 20 feet.

3.04.314 Density.

(a) The overall number of dwelling units permitted shall not exceed five and three-quarters (5.75) units per gross acre.

(b) The number of dwelling units shall not exceed eight (8) units per usable acre based upon deduction of area as follows: Acreage having slopes of 25 percent (25%) or more shall be calculated using 50 percent (50%) of such area. Acreage having wetlands, watercourses or area within the base flood elevation as determined by the Federal Emergency Management Agency shall be calculated as usable using 25 percent (25%) of such areas. All other acreage is considered usable site area and density shall be calculated at 100 percent (100%). In no case, regardless of acreage, shall an MIHD project exceed 100 units.

3.04.315 Building Height. No dwelling, building or other structure may exceed forty-two (42) feet to the highest point of the building from any ground level point on any side of the building.

3.04.320 Site Utilities.

3.04.321 Any Mixed Income Housing Development shall be served by and all Units in an MIHD shall be connected to a public water supply.

3.04.322 Any Mixed Income Housing Development shall be served by and all Units in an MIHD shall be connected to sanitary sewers in accordance with the policies, procedures or regulations established by the Newtown Water Pollution Control Authority, and all wastewater discharges shall be directed thereto.

3.04.323 Adequate provision for storm drainage shall be made as determined by the Town Engineer in accordance with Town standards.

3.04.324 All utilities in a Mixed Income Housing Development shall be underground.

3.04.325 Fire protection facilities shall be provided and the water storage and rates of flow available to such shall be adequate to fight any fire which could occur on the property.

3.04.330 Building Design Standards.

3.04.331 All multifamily dwellings included in a Mixed Income Housing Development shall be designed in a townhouse or garden apartment type construction. There shall be no more than one (1) Unit or portion thereof located above another Unit.

3.04.332 Each Unit shall have an entrance providing direct access to the exterior, which access shall not be shared in common with any other Unit.

3.04.333 No building shall contain more than six Units. No building shall exceed 125 feet in a single dimension. No exterior wall shall exceed 85 feet in length in an unbroken plane without an offset of at least 2 feet.

3.04.334 The minimum distance between buildings shall not be less than 30 feet, unless the Unit in the building offers an attached garage. In the latter case the distance shall not be less than 20 feet.

3.04.335 Units shall contain no less than one bedroom and no more than three bedrooms.

3.04.336 Affordable Units shall be of a construction quality that is comparable to Market-Rate Units within the development, and shall be dispersed throughout the development. The Units designated as Affordable Units shall contain at least thirty percent (30%) of the total bedrooms proposed for the project. Such Affordable Units shall be equally distributed in conformance with Section 4.27.101 (1.).

3.04.337 If the development is to be built in phases, the Affordable Units will be built on a pro rata basis as construction proceeds.

3.04.340 Private roadways, parking, sidewalks and landscaping.

3.04.341 Private roadways within the development shall be at least 22 feet wide with a surface of bituminous concrete or equivalent in accordance with Town standards, except for emergency roadways which shall be at least 12 feet wide. Private roadways shall be designed for easy circulation within the development and safe intersections with public highways, which intersections shall not be less than 75 feet from the center line of the nearest intersecting street on the same side of the street as the access roadway.

3.04.342 Parking shall conform to the requirements of Sections 7.01, 7.02, 7.03, 7.06.100 and 7.06.300. Off street parking spaces shall be provided at a ratio of two (2) spaces per Unit. Eleven additional parking spaces for visitors shall be provided for every 26 units and shall be located with resident parking areas. Parking areas and garages shall be located adjacent to the dwelling units they will serve and shall not be located greater than 150 feet from Unit entrances.

3.04.344 If parking areas and sidewalks are proposed to be artificially illuminated, then such lighting shall be arranged so that no direct rays from such lighting fall off the lot or shine into the windows of any Unit within the development. All parking areas shall be suitably landscaped, using such techniques as planted islands and preservation of existing large trees and natural buffers. Adequate screening of such parking areas from adjacent properties shall be provided utilizing natural contours and vegetation to the greatest extent possible. No source of external illumination shall be visible from offsite.

3.04.345 Parking areas shall not be permitted within front, side or rear setbacks or within

accessway areas. Such setback areas shall be landscaped so as to maintain a residential character and so as to provide a natural buffer from adjoining properties.

3.04.346 Landscaping. Existing vegetation and natural changes in topography shall be maintained to the greatest extent possible in designing site development. Screening from adjacent properties shall be enhanced by maintaining existing vegetation and topography and shall be supplemented with fences, walls, berms and dense landscaping which will adequately screen a mixed income housing development from adjacent properties year-round.

3.04.347 Excavation. All excavation, grading and placement of fill material shall be permitted as part of a Site Development Plan approval in the Mixed Income Housing Development zone, provided that the information required by Section 8.03 of the Zoning Regulations and Sections 2.01 and 2.02 of the Newtown Sand and Gravel Regulations is submitted to the Planning and Zoning Commission in connection with the site plan.

3.04.348 Aquifer Impact Review. In connection with Planning and Zoning Commission consideration of a Site Development Plan for a Mixed Income Housing District, the Site Plan shall be referred to the Conservation Commission and the Newtown Health District, which shall provide an Aquifer Impact Assessment using the standards set forth in Sections 4.04.600 and 404.04.610.

3.04.400 Regulations for Affordable Units.

3.04.411 The maximum monthly housing cost for Affordable Units shall be established as defined in Section 4.27.101 (1), (2), (3) and (4) herein.

3.04.412 Any Affordable Unit which is sold shall be conveyed only by a deed which restricts the maximum price upon resale to an amount that will maintain the Unit as an Affordable Unit in accordance with Section 4.27.101(1.).

3.04.413 An Affordable Unit shall be occupied only as the purchaser's primary residence. Leasing and subletting shall be strictly and specifically prohibited for each Affordable Unit.

3.04.414 The forty year period during which thirty percent of the Units shall remain as Affordable Units shall begin on the date of initial conveyance of title. During the forty year period the designated units within the development shall be maintained as Affordable Units so as to maintain the minimum thirty percent set aside and the development as a whole shall continue to comply with all requirements of this section.

ARTICLE IV – BUSINESS COMMERCIAL & PROFESSIONAL USES

SECTION 1 – BUSINESS AND PROFESSIONAL OFFICE ZONE (BPO)

4.01.100 Purpose and Intent

The purpose of the BPO Business & Professional Office Zone is to provide a business district where limited commercial activity single family residential and limited hospitality uses can co-exist.

The intent of the BPO Business Professional Office Zone is to limit the number, size and type of commercial uses that may be conducted within the zone.

4.01.200 Permitted Uses

4.01.210 The following principal uses are permitted within a single building provided that Site Development Plan approval has been granted, if required, in accordance with Article X hereof. Uses that are not listed shall not be permitted by variance.

4.01.211 One or two-family dwelling, one per lot. (Amended effective May 29, 2012.

4.01.212 A one-family dwelling plus the office of a professional person.

4.01.213 A community residence, one per lot.

4.01.214 A community residence plus the office of a professional person.

4.01.215 A bed and breakfast, one per lot.

4.01.216 One or more of the following uses may occupy a single building of less than 10,000 square feet provided that not more than five uses (tenants) may locate on the first floor and not more than five uses (tenants) may locate on the second floor:
(a) Financial institution
(b) Medical or dental laboratory
(b) Office

4.01 300 Special Exception Uses (BPO)

4.01.310 The following principal uses and building size are permitted in the BPO Zone subject to obtaining a Special Exception approval from the Commission in accordance with the standards, criteria, conditions and procedures set forth in Article XI hereof, and the additional standards and criteria set forth herein:

4.01.311 An adult day care or child day care center (amended effective May 14, 2012).

4.01.312 a personal service establishment

4.01.313 a single building which is arranged, designed, intended to house or is capable of housing more than five permitted uses (tenants) on the first floor, or more than five permitted uses (tenants) on the second floor or when such building exceeds 10,000 square feet.

(a) The minimum lot area shall be computed at a ratio of 43,560 square feet for each 9,000 square feet of usable gross floor area (or fraction thereof);
(b) Lot frontage shall be equal to at least one-half (1/2) the average depth of the lot, but not less than 150 feet;
(c) Sufficient parking spaces shall be provided to accommodate all persons reasonably expected to patronize said business building at any one time;
(d) The requirements of Article VII hereof shall otherwise be met except that the Commission may require wider buffers, wider side or rear yards and a deeper building setback than are otherwise required where needed to screen adequately residential zones, or to meet the standards set forth in Article XI, provided that structural coverage including parking and loading areas is not required to be reduced to less than sixty percent (60%) of lot area;
(e) The wall of the business building facing the street shall not be longer than 200 feet or twice the distance which is setback from the street line, whichever is greater.

4.01.314 Veterinary hospital

4.01.315 Place of religious worship

4.01.400 Accessory Uses
Article IV, Section 4 regarding Accessory Uses in Business Zones shall apply.

4.01.500 Site and Building Standards in Business Zones
Article IV, Section 5 regarding Site and Building Design Standards in Business Zones shall apply.

4.01.600 Area, Height and Yard Requirements
Article VII, Area, Height and Yard Requirements and all other applicable sections of these regulations apply.

4.01.700 Supplemental Regulations
Article VIII, Supplemental Regulations including, but not limited to, signs, access management, parking, landscaping, lighting and all other applicable sections of these regulations apply.

ARTICLE IV – BUSINESS COMMERCIAL & PROFESSIONAL USES

SECTION 2 – RETAIL BUSINESS ZONE (B-1)

4.02.100 Purpose and Intent

The purpose of the B-1 Retail Business Zone is to encourage small-scale commercial activity where retail and office space is provided for businesses consistent with the character of Newtown.

The intent of the B-1 Retail Business Zone is to limit the maximum size and configuration of the commercial building relative to the lot size and to permit opportunities for small scale commercial activities.

4.02.200 Permitted Uses

4.02.210 One or more of the following principal uses are permitted within a single building upon a lot subject to the criteria set forth herein and provided that Site Development Plan approval has been granted in accordance with Article X hereof, if so required. Uses, buildings or structures that are not listed shall not be permitted by variance.

4.02.211 Store or shop for the conduct of retail business, including, without limitation, a liquor package store.

(a) The permanent sales areas of all such stores or shops shall be wholly enclosed and there shall be no permanent outdoor storage of merchandise.

(b) The maximum gross floor area for any single retail business shall be limited to 40,000 square feet.

4.02.212 Personal service establishment.

4.02.213 Financial Institution.

4.02.214 Offices.

4.02.215 Restaurant.

4.02.216 Telephone exchange, electric substation or other public utility use, except for towers and antennas and other structures exceeding height limitations of Article VII.

4.02.217 Residential dwellings within a commercial building and above any permitted commercial use. Density of the dwellings shall not exceed fifty (50) percent of the **gross floor area** excluding the basement as defined in the Newtown Zoning Regulations. The individual dwellings units shall be a minimum of eight hundred (800) square feet and a maximum of one thousand two hundred (1,200) square feet. (AMENDED EFFECTIVE JUNE 16, 2014).

4.02.218 Bed and Breakfast

4.02.220 Building Size and Permitted Use Criteria

4.02.221 Building having Less Than 4,500 Square Feet: More than one permitted use may occupy a single building provided the maximum number of permitted uses does not exceed the building floor area divided by 1,000.

4.02.222 Building having More Than 4,500 Square Feet and Less than 10,000 square feet. Any lot having at least 43,560 square feet and a minimum of 150 feet of frontage at the street line may have a building larger than 4,500 square feet and less than 10,000 square feet. More than one permitted use may occupy a single building provided the maximum number of uses does not exceed the building floor area divided by 1,000.

4.02.300 Special Exception Uses (B-1)

4.02.310 The following principal uses and larger building size are permitted subject to obtaining a Special Exception approval from the Commission in accordance with the standards, criteria, conditions and procedures set forth in Article XI hereof, and the additional standards and criteria set forth herein:

4.02.311 Adult day care or child day care centers (includes B-2 zone). (amended effective May 14, 2012).

4.02.312 Veterinary hospital.

4.02.313 Medical or Dental Laboratory

4.02.314 Any building larger than 10,000 square feet, provided the following criteria is satisfied:

(a) The minimum lot area shall be computed proportionally as follows: for each 9,000 square feet of gross floor area, the lot shall contain 43,560 square feet;
(b) Lot frontage shall be equal to at least one-half (1/2) the average depth of the lot, but not less than 150 feet;
(c) Sufficient parking spaces shall be provided to accommodate all persons reasonably expected to patronize said business building at any one time;
(d) The requirements of Article VII hereof shall otherwise be met except that the Commission may require wider buffers, wider side or rear yards and a deeper building setback than are otherwise required where needed to screen adequately adjacent residential zones, or to meet the standards set forth in Article XI, provided that structural coverage including parking and loading areas is not required to be reduced to less than 60 percent of lot area;
(e) The wall of the business building facing the street shall not be longer than 200 feet or twice the distance which it is set back from the street line, whichever is greater;
(f) The lot area shall not exceed 10 acres unless all portions of the lot in excess of 10 acres are excluded in determining maximum structural coverage permitted;
(g) The maximum gross floor area allowed for any single retail store or shop shall be limited to 40,000 square feet.

4.02.400 Accessory Uses
Article IV, Section 4 regarding Accessory Uses in Business Zones shall apply.

4.02.500 Site and Building Standards in Business Zones
Article IV, Section 5 regarding Site and Building Design Standards in Business Zones shall apply.

4.02.600 Area, Height and Yard Requirements
Article VII, Area, Height and Yard Requirements and all other applicable sections of these regulations apply.

4.02.700 Supplemental Regulations
Article VIII, Supplemental Regulations including, but not limited to, signs, access management, parking, landscaping, lighting and all other applicable sections of these regulations apply.

ARTICLE IV – BUSINESS COMMERCIAL & PROFESSIONAL USES

SECTION 3 – GENERAL BUSINESS ZONE (B-2)

4.03.100 Purpose and Intent

The purpose of the B-2 General Business Zone is to encourage a diversity in commercial activities that contribute to health and wellbeing of the community.

The intent of the B-2 General Business Zone Regulations is to encourage development consistent with the capacity of the lot on which it is located and the infrastructure to support it.

4.03.200 Permitted Uses

4.03.210 One or more of the following principal uses are permitted within a single building upon a lot subject to the criteria set forth herein and provided that Site Development Plan approval has been granted in accordance with Article X hereof, if so required. Uses that are not listed shall not be permitted by variance.

4.03.211 Uses in other Zones
All uses permitted in the B-1 Retail Business Zone. If a Special Exception is required in said B-l Zone, it is also required for the B-2 Zone unless otherwise stated herein.

4.03.212 Publishing and Printing establishments. (Effective 6/21/99)

4.03.213 Hotel or Motel.

4.03.214 Public passenger terminal (other than airline).

4.03.215 Restaurant whether or not selling alcoholic beverages. (See 8.12 for restrictions on the sale of alcoholic beverages.)

4.03.216 Salesroom for the display and sale of new automobiles, farm equipment, trucks and motorcycles.

4.03.217 Place of religious worship. (Effective 9/7/91)

4.03.218 Store or shop for the conduct of wholesale business. The maximum gross floor area shall be limited to 40,000 square feet. (Effective 8/12/96)

4.03.219 Bed and Breakfast

4.03.300 Special Exception Uses

4.03.310 One or more of the following additional principal uses and larger building sizes are permitted subject to obtaining a Special Exception approval from the Commission in accordance

with the standards, criteria, conditions and procedures set forth in Article XI hereof, and the additional standards and criteria set forth herein. If a Special Exception is required in said B-l Zone, it is also required for the B-2 Zone unless otherwise stated herein.

4.03.311 Uses in other Zones
All uses permitted in the B-1 Retail Business Zone.

4.03.312 Bowling alley.

4.03.313 Indoor theater.

4.03.314 Laundromat, dry cleaning or laundry establishment.

4.03.315 Storage in bulk of, or a warehouse for, building materials, clothing, cotton, drugs, dry goods, feed, food, furniture, hardware, ice, machinery, paint, paint supplies, pipe, rubber, shop supplies, tobacco or wood. If storage is to be provided outdoors a planted or natural buffer shall be provided between the items stored and the front and side lot lines and between the items stored and the rear lot line if adjacent to a residential zone, one per lot

4.03.316 Operating a kennel, one per lot.

4.03.317 A public garage or filling station except within the Aquifer Protection District provided the following criteria is satisfied:
(a) One use per lot as described herein;
(b) Any Special Exception granted hereunder shall be contingent upon the applicant subsequently obtaining a certificate of approval of location from the Zoning Board of Appeals pursuant to the relevant motor vehicle laws of the State of Connecticut;
(c) No gasoline filling station or public garage shall have any entrance or exit on a street within a distance of 300 feet of any public park, playground, school, church, library, theater, hospital or other public garage or filling station located on either side of said street or on an intersecting street within 300 feet measured along the street lines from said entrance or exit. (Effective 10/26/92)
(d) No existing filling station or public garage or one which subsequently becomes permitted pursuant to this section, shall be deemed to become nonconforming through the subsequent erection of one of the buildings listed under the second bullet point in this section above within less than 300 feet of said entrance or exit. (Effective 10/26/92)
(e) No gasoline pump or other device used for the dispensing of flammable liquids shall be located within any building setback line.
Added effective 3/31/14:
Any existing filling station, whether or not operated in conjunction with a public garage or one that is permitted by this Section may be used as a combination filling station and convenience store provided:
(a) The square footage of the building or other structure devoted to the combined filling station, food service and convenience store use does not exceed 3,500 square feet.
(b) Adequate parking is provided for the store in accordance with Article VIII Section 3, for a retail business.

(c) Groceries, hot and cold sandwiches, salads and other food products are sold for use or consumption only off the premises; no space is provided on the premises or in the building for tables, counters or other facilities designed to be used for eating. Food service will be limited to a Class III Food Establishment as defined by the State of Connecticut Department of Public Health.
(d) Food products shall be defined as edible commodities and meals, whether processed, raw, cooked, canned, or in any other form.
(e) Restaurants as defined in the Newtown Zoning Regulations shall not be allowed.
(f) The filling station and convenience store portions of the building can be operated by separate businesses.
(g) Drive through pick up windows shall not be allowed.
(h) Doors providing public access to the convenience store shall not enter upon a yard in which gas pumps are located unless the distance between the wall containing said door and the edge of the gas pump island facing said wall is not less than 20 feet at the nearest point.
(i) Sections 4.02.210 and 4.02.221 of the Newtown Zoning Regulations shall not apply to the operation of a public garage, it being the intent of this Regulation that no more than two separate businesses shall be permitted per lot.
(j) Persons operating the gas pumps or otherwise servicing motor vehicles shall not prepare, sell or dispense any food products in the convenience store portion of the premises, provided however, nothing shall prohibit a cashier from acting as a filling station cashier, convenience store cashier and/or food service cashier.
(k) Any existing filling station or combination filling station and convenience store or one subsequently permitted by this Section may include a Car Wash with a Special Exception in compliance with 4.03.318, Newtown Zoning Regulations.

4.03.318 A car wash except within the Aquifer Protection District, one per lot.
(a) Any Special Exception granted hereunder for a car wash shall be contingent on the applicant obtaining and maintaining in force a discharge permit if required from the Connecticut Department of Environmental Protection.
(b) No Special Exception for a car wash shall be approved unless all discharges are connected to a municipal sanitary sewer line or the car wash system is designed so that the water used in all of the wash and rinse functions is recyclable and there shall be no discharge from the car washing equipment. Any solids or waste waters which cannot be recycled shall be held and removed from the premises by a waste hauler licensed in Connecticut for this purpose. (Effective 10/26/92)
(c) No car wash shall have any entrance or exit from or to a street within a distance of 300 feet of any public park, playground, school, church, library, theater, or hospital.(Effective 10/26/92)
(d) No existing car wash, or one which subsequently becomes permitted pursuant to this section, shall be deemed to become nonconforming through the subsequent erection of one of the buildings listed in the third bullet point of this section above within less than 300 feet of said entrance or exit. (Effective 10/26/92)
(e) In addition to the requirements of Article XI, any applicant for a car wash shall submit details of the facility including, but not limited to specifications for its water usage, water discharge or recycling capability, waste containment and drainage. The applicant shall also submit a certified statement from a licensed professional engineer regarding the system's compliance with the second bullet point of this section. (Effective 10/26/92)

4.03.319 A Shopping Center

(a) The minimum area of a lot containing a shopping center shall be 10 acres.
(b) Such lot need not have street frontage provided that:
(c) it is served by a strip of land 100 feet wide,
(d) the lot line closest to the street is at least twice the distance from the street line as the required minimum lot width in the zone in which the land fronting on the street is located, and
(e) a buffer is provided along the strip of land and between the shopping center lot and the rear yards of the land having street frontage, where required by the Commission.
(f) More than one detached building may be placed on the lot. Buildings and parking areas shall be arranged in such a way as to promote the orderly and safe flow of traffic within the shopping center and promote the convenience and safety of pedestrians therein.
(g) All buildings within a shopping center shall be in harmony with each other as to architectural design and exterior surface.
(h) The maximum gross floor area allowed for any single retail store or shop located within a shopping center shall be limited to 40,000 square feet. (Effective 8/12/96)
(i) In addition to the uses which are permitted in a business building per Section 4.02.314, a shopping center may contain the uses permitted by 4.03.212, 4.03.213, 4.03.214, 4.03.215, 4.03.312, 4.03.313, and 4.03.314. (amended effective 5/12/03).
(j) The requirements of Article VII hereof shall otherwise be met except that the Commission may require wider buffers, wider side or rear yards and a deeper building setback than are otherwise required where needed to screen adequately adjacent residential zones, or meet the standards set forth in Article XI, provided that structural coverage, including parking and loading areas, is not required to be reduced to less than 60 percent of lot area.
(k) If the proposed shopping center has frontage on a street then the wall of any building running in the same general direction as the street shall not be longer than 200 feet or twice the distance which it is set back from the street line, whichever is greater.
(l) All uses permitted in the B-1 Retail Business Zone. If a Special Exception is required in said B-l Zone, it is also required for the B-2 Zone unless otherwise stated herein (Added 10/15/10).

4.03.400 Accessory Uses

Article IV, Section 4 regarding Accessory Uses in Business Zones shall apply.

4.03.500 Site and Building Standards in Business Zones

Article IV, Section 5 regarding Site and Building Design Standards in Business Zones shall apply.

4.03.600 Area, Height and Yard Requirements

Article VII, Area, Height and Yard Requirements and all other applicable sections of these regulations apply.

4.03.700 Supplemental Regulations

Article VIII, Supplemental Regulations including, but not limited to, signs, access management, parking, landscaping, lighting and all other applicable sections of these regulations apply.

ARTICLE IV – BUSINESS COMMERCIAL & PROFESSIONAL USES

SECTION 4 – ACCESSORY USES IN BUSINESS ZONES

4.04.100 Accessory Uses Permitted in Business Zones.

The following uses will be permitted in all Business Zones as long as they remain clearly accessory to the principal use on each lot:

4.04.110 Outdoor electrical and mechanical apparatus the sole function of which is to service to the buildings on the lot provided they are adequately screened from view

4.04.120 Containers for the disposal of refuse provided they are:
(a) Emptied periodically, at least weekly.
(b) Behind the setbacks
(c) Are located on a side which is not the primary entrance
(d) Are fully screened from any view

4.04.130 One (1) outdoor above ground tank not to exceed a capacity of 3,500 cubic feet for the storage of propane provided it is:
(a) Behind the setbacks
(b) Are located on a side which is not the primary entrance
(c) Are fully screened from any view

4.04.140 Point of sale terminals, (POS) and point of sale terminals connected to automated cash dispensing mechanisms, (ATM's) primarily offered and maintained for the benefit of the customers of the site. (Effective 4/16/2001)

4.04.150 Storage of other machinery, equipment, merchandise or similar items outdoors is prohibited, except as provided in 4.03.315.

4.04.160 Ice dispensing machines having dimensions not exceeding 7 feet wide by 7 feet high by 3 feet deep.

4.04.170 – Drive through windows and pneumatic delivery stations may be permitted as an accessory use to a Financial Institution. (added effective 7/13/09).

4.04.180 – A Drive through window may be permitted as an accessory use at a Pharmacy, to pick up prescriptions only. (added effective 7/13/09).

ARTICLE IV – BUSINESS COMMERCIAL & PROFESSIONAL USES

SECTION 5 SITE AND BUILDING DESIGN STANDARDS IN BUSINESS ZONES

4.05.100 In addition to the minimum standards for site development as set forth in these regulations, the following minimum design standards shall be met for all development within the Business Zones.

4.05.200 Site development shall contribute to the overall physical improvement of the area in which it is located.

4.05.300 Where more than one detached building is placed upon a lot, the buildings shall be in harmony with each other and the specific layout shall be appropriate to the physical limitations of the lot.

4.05.400 Architectural design, landscaping and signage may be subject to review by the Design Advisory Board.

4.05.500 Parking areas and buildings shall be arranged in such a way as to provide for the orderly and safe flow of traffic and the safety and convenience of pedestrians
(a) within the property;
(b) between properties as applicable; and
(c) into the surrounding area.

4.05.600 All utilities shall be installed underground.

4.05.700 The requirements of Article VIII Section 4 Landscape, Screening and Buffer Requirements shall be utilized as a minimum standard for landscaping, however, all parking areas that are adjacent to a residential zone shall be landscaped to have a visually impenetrable screen year round.

ARTICLE V – INDUSTRIAL ZONES

SECTION 1 – ALL INDUSTRIAL ZONES (M-1, M-2A, M-3, M-4, M-5)

5.01.100 Purpose and Intent – All Industrial Zones

The purpose of the Industrial Zones is to permit light industrial and limited commercial uses such as manufacturing and assembly of products, research and development, storage of certain products and equipment, distribution facilities and corporate functions. The uses should provide an important contribution to the Town's economic base providing local tax benefits and employment while at the same time contribute to the diversity of land uses and opportunity. Generally these types of uses are dependent upon the proximity of a wide range of transportation infrastructure that will facilitate delivery of materials and products and provide access to the labor force. The industrial zones are located in close proximity or directly accessible to Interstate interchanges, State highways and the railroad lines to provide access. Newtown is divided into five industrial zones that permit a single or multiple use upon a lot. Uses vary in degree to be consistent with available infrastructure, neighboring land uses and environmental conditions in the area in which they are located.

The intent of the Industrial Zones is to promote sustainable economic development consistent with protection of public health, safety and general welfare of the community. The Industrial Zones are intended to be separate from residential and commercial neighborhoods although larger commercial development and accessory uses, such as a shopping center, are permitted in the Industrial Zones to provide residents with convenient access to the services generally offered in these projects. The land uses outlined below are intended to contribute to diversity in the local economic base, provide employment and contribute to the quality of life and overall character of the Town of Newtown.

ARTICLE V – INDUSTRIAL ZONES

SECTION 2 - INDUSTRIAL ZONE M-1

5.02.100 Purpose and Intent

The purpose and intent of the Industrial Zone M-1 is to encourage low to moderate density industrial and commercial development to reinforce and diversify Newtown's economic base. The land use mix is intended to include facilities for light industrial operations, multi-tenant office buildings, wholesale distribution, bulk storage, laboratory space and research and development.

5.02.200 Permitted Uses

The following principal uses are permitted in Industrial Zone M-1 subject to conditions provided herein and subject to obtaining Site Development Plan approval, if required, in accordance with Article X hereof. Uses that are not listed as permitted shall not be permitted by variance.

More than one principal use may be permitted within the same structure or building.

5.02.210 Laboratory devoted to research, design, and experimentation.

5.02.220 Office building or office buildings.

5.02.230 Light industrial use including manufacturing, fabricating, processing, converting, altering, packaging, bottling or assembling of products, the operations of which are conducted solely within an enclosed building or group of buildings.

5.02.240 Operation of a public utility authorized to furnish service to residents of the Town or to the region, including among such operations, a utility service center at which may be conducted general office use, customer services, maintenance of utility service operations, vehicle maintenance, and accessory uses, outdoor storage of materials for utility service and outdoor parking of service vehicles.

5.02.250 Public works garage and public storage areas operated by the Town.

5.02.260 Printing and/or publishing establishment.

5.02.270 Wholesale business.

5.02.280 Storage in bulk of, and warehouses for, such materials as building materials, clothing, cotton, drugs, dry goods, feed, food, furniture, hardware, ice machinery, paint and paint supplies, pipe, rubber, shop supplies, tobacco, or wood. If storage is to be provided outdoors, a planted or natural buffer shall be provided between the items stored and the lot lines.

5.02.290 Veterinary Hospital.

5.02.300 Special Exception Uses

The following principal uses are permitted in Industrial Zone M-1 subject to obtaining a Special

Exception in accordance with criteria, standards and conditions set forth in Article XI, Special Exceptions.

5.02.310 Hotel and/or motel.

5.02.320 Recycling center or transfer station operated by or on behalf of the Town.

5.02.330 Shopping center per the requirements of Section 4.03.319.

5.02.340 Private School permitted prior to December 31, 2000.

5.02.350 Garages to shelter commercial vehicles and construction equipment used off the lot. All vehicles and equipment stored on said lot shall be stored wholly within said garage. Maintenance on vehicles, if any, shall be conducted wholly within said garage and only on those vehicles stored therein on a permanent basis.

5.02.360 Buildings containing seven (7) or more tenants.

5.02.370 Indoor and/or outdoor commercial tennis, paddle tennis/platform tennis, racquet ball, hand ball, squash, soccer and/or swimming facility and/or other similar recreational and sports activities (Amended effective December 2011).

5.02.380 Commercial golf course.

5.02.390 Indoor ice skating facility.

5.02.400 Accessory Uses
Article V, Section 7 regarding Accessory Uses in Industrial Zones shall apply.

5.02.500 Site and Building Standards in Industrial Zones
Article V, Section 8 regarding Site and Building Design Standards in Industrial Zones shall apply.

5.02.600 Area, Height and Yard Requirements
Article VII, Area, Height and Yard Requirements and all other applicable sections of these regulations apply.

5.02.700 Supplemental Regulations
Article VIII, Supplemental Regulations including, but not limited to, signs, access management, parking, landscaping, lighting and all other applicable sections of these regulations apply.

ARTICLE V – INDUSTRIAL ZONES

SECTION 3 - INDUSTRIAL ZONE M-2A

5.03.100 Purpose and Intent
The purpose and intent of the M-2A Zone is to provide for significant economic development activities without adversely impacting the basic character of the surrounding neighborhoods or overburdening the natural or built environment. It is intended that the land in the district will be developed as a cohesive unit where the development of any parcel will complement the district as a whole. The land use mix features a variety of principal uses including office buildings, a hotel/conference center, light industrial, indoor and/or outdoor recreation sports and research and development facilities. Limited retail and service establishments are permitted as accessory uses and are intended to support the principal uses permitted. A pedestrian friendly environment and transit access must be considered in the design of the site.

5.03.200 Permitted Uses
The following principal uses are permitted in Industrial Zone M-2A subject to conditions provided herein and subject to obtaining Site Development Plan approval, if required, in accordance with Article X hereof. For each property having more than one principal use, each principal use shall have a minimum gross floor area of 10,000 square feet. Uses that are not listed as permitted shall not be permitted by variance.

5.03.210 Laboratory devoted to research, design, and experimentation.

5.03.220 Office building or office buildings.

5.03.230 Light industrial use including manufacturing, fabricating, processing, converting, altering, packaging, bottling or assembling of products, the operations of which are conducted solely within an enclosed building or group of buildings.

5.03.240 Hotel and conference center having no more than 250 guest rooms.

5.03.300 Special Exception Uses
The following principal uses are permitted in Industrial Zone M-2A subject to obtaining a Special Exception in accordance with criteria, standards and conditions set forth in Article XI, Special Exceptions.

5.03.310 Recreation/Sports Facility. Such facility may include indoor and/or outdoor golf courses, dance studios, health and exercise facilities, racquetball, squash, basketball, volleyball and tennis courts, baseball, football, soccer and lacrosse fields, field hockey, track and field, swimming pools, ice-skating rinks, and any other recognized collegiate sport. The facility may include seating for spectators.

5.03.400 Accessory Uses
In addition to the accessory uses permitted in the Industrial zones pursuant to Article V, Section 7, the following accessory uses are also permitted in Industrial Zone M-2 so long as they remain

clearly accessory and incidental to the principal use on each lot. Such accessory uses shall not exceed five percent (5%) of the total building area occupied by the principal use on each lot:

5.03.410 Retail sales shall be enclosed, no outdoor storage of merchandise shall be permitted and, the maximum gross floor area for any single retail tenant shall be 5,000 square feet.

5.03.420 Personal service establishment.

5.03.430 Financial institution.

5.03.440 Restaurant including outside service but excluding drive-through facilities and outside entertainment.

5.03.450 Child day care center.

5.03.460 Adult day care center.

5.03.500 Site and Building Standards in Industrial Zones
Article V, Section 8 regarding Site and Building Design Standards in Industrial Zones shall apply.

5.03.600 Area, Height and Yard Requirements
Article VII, Area, Height and Yard Requirements and all other applicable sections of these regulations apply and in addition:

5.03.610 All lots which are adjacent to a residential zone or a single family dwelling that was existing on April 17, 2000 shall maintain a seventy-five foot (75') wide natural buffer along such boundary. In the absence of such a natural buffer, a planted buffer shall be required.

5.03.700 Supplemental Regulations
Article VIII, Supplemental Regulations including, but not limited to, signs, access management, parking, landscaping, lighting and all other applicable sections of these regulations apply.

5.03.710 All parking and loading areas shall be located behind the minimum building setbacks.

ARTICLE V – INDUSTRIAL ZONES

SECTION 4- INDUSTRIAL ZONE M-3

5.04.100 Purpose and Intent
The purpose and intent of the M-3 zone is to encourage low density industrial and commercial development. The land use mix is intended to be similar to the M-1 zone, but with development situated on larger lots (twenty (20) acres minimum).

5.04.200 Permitted Uses
The following principal uses are permitted in Industrial Zone M-3 subject to conditions provided herein and subject to obtaining Site Development Plan approval, if required, in accordance with Article X hereof. Uses that are not listed as permitted shall not be permitted by variance.

More than one of these principal uses may be permitted within the same structure or building.

5.04.210 Laboratory devoted to research, design, and experimentation.

5.04.220 Office building or office buildings.

5.04.230 Light industrial use including manufacturing, fabricating, processing, converting, altering, packaging, bottling or assembling of products, the operations of which are conducted solely within an enclosed building or group of buildings.

5.04.240 Printing and/or publishing establishment.

5.04.250 Wholesale business.

5.04.260 Storage in bulk of, and warehouses for, such materials as building materials, clothing, cotton, drugs, dry goods, feed, food, furniture, hardware, ice machinery, paint and paint supplies, pipe, rubber, shop supplies, tobacco, or wood. If storage is to be provided outdoors, a planted or natural buffer shall be provided between the items stored and the lot lines.

5.04.270 Veterinary Hospital.

5.04.300 Special Exception Uses
The following principal uses are permitted in Industrial Zone M-3 subject to obtaining a Special Exception in accordance with criteria, standards and conditions set forth in Article XI, Special Exceptions.

5.04.310 Garages to shelter commercial vehicles and construction equipment used off the lot. All vehicles and equipment stored on said lot shall be stored wholly within said garage. Maintenance on vehicles, if any, shall be conducted wholly within said garage and only on those vehicles stored therein on a permanent basis.

5.04.320 Buildings containing seven (7) or more tenants.

5.04.330 Indoor and/or outdoor commercial tennis, paddle tennis/platform tennis, racquet ball, hand ball, squash, soccer and/or swimming facility and/or other similar recreational and sports activities (Amended effective December 2011).

5.04.340 Indoor ice skating facility.

5.04.400 Accessory Uses
Article V, Section 7 regarding Accessory Uses in Industrial Zones shall apply.

5.04.500 Site and Building Standards in Industrial Zones
Article V, Section 8 regarding Site and Building Design Standards in Industrial Zones shall apply.

5.04.600 Area, Height and Yard Requirements
Article VII, Area, Height and Yard Requirements and all other applicable sections of these regulations apply.

5.04.700 Supplemental Regulations
Article VIII, Supplemental Regulations including signs, access management, landscaping, lighting and all other applicable sections of these regulations apply.

ARTICLE V – INDUSTRIAL ZONES

SECTION 5- INDUSTRIAL ZONE M-4

5.05.100 Purpose and Intent
The purpose and intent of the M-4 zone is to encourage moderate to high density industrial and commercial development. The land use mix is intended to be similar to the M-1 and M-3 zones, but with development situated on smaller lots (one (1) acre minimum).

5.05.200 Permitted Uses
The following principal uses are permitted in Industrial Zone M-4 subject to conditions provided herein and subject to obtaining Site Development Plan approval, if required, in accordance with Article X hereof. Uses that are not listed as permitted shall not be permitted by variance.

More than one of these principal uses may be permitted within the same structure or building.

5.05.210 Laboratory devoted to research, design, and experimentation.

5.05.220 Office building or office buildings.

5.05.230 Light industrial use including manufacturing, fabricating, processing, converting, altering, packaging, bottling or assembling of products, the operations of which are conducted solely within an enclosed building or group of buildings.

5.05.240 Operation of a public utility authorized to furnish service to residents of the Town or to the region, including among such operations, a utility service center at which may be conducted general office use, customer services, maintenance of utility service operations, vehicle maintenance, and accessory uses, outdoor storage of materials for utility service and outdoor parking of service vehicles.

5.05.250 Public works garage and public storage areas operated by the Town.

5.05.260 Printing and/or publishing establishment.

5.05.270 Wholesale business.

5.05.280 Storage in bulk of, and warehouses for, such materials as building materials, clothing, cotton, drugs, dry goods, feed, food, furniture, hardware, ice machinery, paint and paint supplies, pipe, rubber, shop supplies, tobacco, or wood. If storage is to be provided outdoors, a planted or natural buffer shall be provided between the items stored and the lot lines.

5.05.290 Veterinary Hospital.

5.05.300 Special Exception Uses
The following principal uses are permitted in Industrial Zone M-4 subject to obtaining a Special Exception in accordance with criteria, standards and conditions set forth in Article XI, Special

Exceptions.

5.05.310 Garages to shelter commercial vehicles and construction equipment used off the lot. All vehicles and equipment stored on said lot shall be stored wholly within said garage. Maintenance on vehicles, if any, shall be conducted wholly within said garage and only on those vehicles stored therein on a permanent basis.

5.05.320 Buildings containing seven (7) or more tenants.

5.05.330 Indoor ice skating facility and other recognized collegiate sports.

5.05.340 Indoor/Outdoor commercial tennis, paddle/tennis/platform tennis, racquet ball, hand ball, squash, soccer, swimming facility and/or other similar recreational and sports activities. (Added effective December 2011)..

5.05.400 Accessory Uses
Article V, Section 7 regarding Accessory Uses in Industrial Zones shall apply.

5.05.500 Site and Building Standards in Industrial Zones
Article V, Section 8 regarding Site and Building Design Standards in Industrial Zones shall apply.

5.05.600 Area, Height and Yard Requirements
Article VII, Area, Height and Yard Requirements and all other applicable sections of these regulations apply.

5.05.700 Supplemental Regulations
Article VIII, Supplemental Regulations including, but not limited to, signs, access management, parking, landscaping, lighting and all other applicable sections of these regulations apply.

ARTICLE V – INDUSTRIAL ZONES

SECTION 6- INDUSTRIAL ZONE M-5

5.06.100 Purpose and Intent
The purpose and intent of the M-5 zone is to encourage a moderate to high density mix of industrial, commercial, limited retail and service businesses on smaller lots (two (2) acre minimum).

5.06.200 Permitted Uses
The following principal uses are permitted in Industrial Zone M-5 subject to conditions provided herein and subject to obtaining Site Development Plan approval, if required, in accordance with Article X hereof. Uses that are not listed as permitted shall not be permitted by variance.

More than one of these principal uses may be permitted within the same structure or building.

5.06.210 Laboratory devoted to research, design, and experimentation.

5.06.220 Office building or office buildings.

5.06.230 Light industrial use including manufacturing, fabricating, processing, converting, altering, packaging, bottling or assembling of products, the operations of which are conducted solely within an enclosed building or group of buildings.

5.06.240 Operation of a public utility authorized to furnish service to residents of the Town or to the region, including among such operations, a utility service center at which may be conducted general office use, customer services, maintenance of utility service operations, vehicle maintenance, and accessory uses, outdoor storage of materials for utility service and outdoor parking of service vehicles.

5.06.250 Public works garage and public storage areas operated by the Town.

5.06.260 Printing and/or publishing establishment.

5.06.270 Wholesale business.

5.06.280 Storage in bulk of, and warehouses for, such materials as building materials, clothing, cotton, drugs, dry goods, feed, food, furniture, hardware, ice machinery, paint and paint supplies, pipe, rubber, shop supplies, tobacco, or wood. If storage is to be provided outdoors, a planted or natural buffer shall be provided between the items stored and the lot lines.

5.06.290 Veterinary Hospital

5.06.300 Store or shop for the conduct of retail business, including, without limitation, a liquor package store.
(a) The permanent sales areas of all such stores or shops shall be wholly enclosed and there shall

be no permanent outdoor storage of merchandise.

(b) The maximum gross floor area for any single retail business shall be limited to 40,000 square feet.

5.06.310 Personal service establishment.

5.06.320 Financial institution.

5.06.330 Limousine service business.

5.06.400 Special Exception Uses

The following principal use**s** are permitted in Industrial Zone M-5 subject to obtaining a Special Exception in accordance with criteria, standards and conditions set forth in Article XI, Special Exceptions.

5.06.410 Hotel and/or motel.

5.06.420 Self-service storage facility.

5.06.430 Child day care center.

5.06.440 Waste Treatment Facility operated by or on behalf of the Town.

5.06.450 Garages to shelter commercial vehicles and construction equipment used off the lot. All vehicles and equipment stored on said lot shall be stored wholly within said garage. Maintenance on vehicles, if any, shall be conducted wholly within said garage and only on those vehicles stored therein on a permanent basis.

5.06.460 Buildings containing seven (7) or more tenants.

5.06.470 Indoor and/or outdoor commercial tennis, paddle tennis/platform tennis, racquet ball, hand ball, squash, soccer and/or swimming facility and/or other similar recreational and sports activities (Amended effective December 2011).

5.06.480 Indoor ice skating facility.

5.06.490 - A public garage to be allowed in the M-5 Zone with a Special Exception, except within the Aquifer Protection District provided the following criteria are satisfied :

(a) One Public Garage per lot as described herein;

(b) Any Special Exception granted hereunder shall be contingent upon the applicant subsequently obtaining a certificate of approval of location from the Zoning Board of Appeals pursuant to the relevant motor vehicle laws of the State of Connecticut (Effective 6/1/09).

(c) No public garage shall have any entrance or exit within 300 feet of any public park,

playground, school, church, library, theater, hospital or other public garage or filling station on an intersecting street within 300 feet measured along the street lines from said entrance or exit. Effective 10/26/92, amended effective 6/1/09).

(d) No public garage permitted by to this section shall be deemed to become nonconforming through the subsequent erection of one of the buildings mentioned in the third bullet point above in this section. (Effective 10/26/92, amended effective 6/1/09)

(e) A public garage located in the M-5 Zone shall not engage in the repair of vehicles outside of the enclosed by areas of the public garage (Effective 10/26/92, amended effective 6/1/09).

(f) A public garage located within the M-5 Zone shall have all vehicles parked solely within designated parking spaces on the lot and the parking area shall be screened from adjacent lots or roadways by a solid fence, structure, natural buffer or planted buffer (Effective 6/1/09).

5.06.490 – Animal Control Facility – An Animal Control Facility to be allowed in the M-5 zone with a Special Exception, if operated on or on behalf of the Town of Newtown (added effective January 19, 2010).

5.06.500 Accessory Uses

Article V, Section 7 regarding Accessory Uses in Industrial Zones shall apply.

5.06.600 Site and Building Standards in Industrial Zones

Article V, Section 8 regarding Site and Building Design Standards in Industrial Zones shall apply.

5.06.700 Area, Height and Yard Requirements

Article VII, Area, Height and Yard Requirements and all other applicable sections of these regulations apply.

5.06.800 Supplemental Regulations

Article VIII, Supplemental Regulations including, but not limited to, signs, access management, parking, landscaping, lighting and all other applicable sections of these regulations apply.

ARTICLE V – INDUSTRIAL ZONES

SECTION 7 INDUSTRIAL ZONES ACCESSORY USES

5.07.100 The following uses will be permitted in all Industrial Zones so long as they remain clearly accessory to the principal use on each lot:

5.07.110 Eating facility for the accommodation of persons employed on the premises and for visitors but not open to the general public.

5.07.120 Facility to shelter vehicles owned by the person, business or industry occupying the lot and his or its agents and employees.

5.07.130 Outdoor electrical and mechanical apparatus the sole function of which is to provide electric service to the buildings on the lot provided they are adequately screened from view and located behind the setbacks.

5.07.140 Point of sale terminals, (POS) and point of sale terminals connected to automated cash dispensing mechanisms, (ATM's) primarily offered and maintained for the benefit of the customers of the site.

5.07.150 Containers for the disposal of refuse provided they are:
(a) emptied periodically, at least weekly.
(b) behind the setbacks
(c) located on a side which is not the primary entrance
(d) fully screened from any view

5.07.160 (AMENDED EFFECTIVE 2/18/13) One (1) outdoor above ground tank not to exceed a maximum capacity of 30,000 gallons for the storage of propane provided it is:
(a) behind the setbacks
(b) located on a side which is not the primary entrance
(c) adequately screened from any view

5.07.170 (amended effective October 12, 2012) One (1) outdoor above ground tank not to exceed a capacity of 5,000 gallons for the storage of Class 2 fuel for fleet vehicles that are utilized to service the principal use of the property and not for resale or for the storage of material used or consumed in the manufacturing process taking place within the building(s) on the lot, provided that said material is not hazardous or toxic provided it is:
(a) behind the setbacks
(b) located on a side which is not the primary entrance
(c) adequately screened from any view

In addition Class 2 fuel tanks shall also be:
(d) steel tank with secondary containment construction with concrete enclosure (vault) and in compliance with NFPA-30, 30-A and 31, UL-142 and UL-2085.
(e) constructed with a spill containment structure with a volume consisting of 110% of the tank

volume. (amended effective May 29, 2008)

5.07.180 Retail sales accessory to the principal uses of wholesale business, warehousing and/or manufacturing of consumer products only, and only when conducted by the person, partnership or corporation conducting the principal use. Said sales shall include items wholesaled, warehoused or manufactured, but need not be limited thereto. The area devoted to such sales shall be located wholly within the building in which the principal use is conducted and shall be limited to 2,500 square feet or ten percent (10%) of the gross floor area devoted to the principal use, whichever is less. Parking facilities for the area devoted to retail sales shall be provided pursuant to Article VIII, Section 3 Parking, Driveway and Loading Standards in addition to the facilities required for the principal uses. The area devoted to retail sales shall be clearly identified and no items shall be sold or displayed in any part of the building or lot outside the area devoted to retail sales, even on an occasional and temporary (such as a "warehouse" sale) basis, except as provided under the provisions of Section 5.07.190.

5.07.190 Temporary retail sales accessory to the principal uses of wholesale business, warehouse and/or manufacturing of consumer products are permitted. The person, partnership or corporation conducting a wholesale business, warehouse or manufacturing of consumer products shall be permitted to conduct a temporary retail sale of those goods wholesaled, warehoused or manufactured in connection with the principal use only after obtaining a permit from the Zoning Enforcement Officer and subject to the following regulations:

(a) An application for a permit must be filed with the Zoning Enforcement Officer who shall grant or deny said application within 30 days of the date of the application.
(b) The permit shall be effective for not more than nine (9) consecutive days commencing with the first day of the sale, but shall not be effective on Sundays, provided however, that said Sunday shall not be counted in computing the nine (9) days.
(c) An application fee and security deposit paid pursuant to the Fee Schedule payable in cash or by bank or certified check to the order of the Town of Newtown. Such security deposit shall be returned to the permittee, if and only if, all the regulations set forth herein are complied with.
(d) The area devoted to the retail sales shall be clearly identified and shall be limited to 7,000 square feet. The amount of floor area in square feet to be devoted to the retail sale shall be indicated on the application.
(e) The area devoted to the retail sale shall be located wholly within the building in which the principal use is conducted and no item shall be sold or displayed in any part of the building or lot outside the area devoted to the retail sale. Only items which are physically located within the area devoted to the retail sale shall be sold.
(f) The permittee shall be permitted to erect within the limits of the permittee's property two single faced signs not in excess of 3 square feet while the permit is effective which shall be removed immediately when the permit expires.
(g) In addition to the parking facilities provided for the principal use, the permittee shall provide temporary parking space on the basis of one parking space for every 100 square feet of the area devoted to the retail sale. Said parking spaces shall comply in all respects with the provisions of Article VIII, Section 3.
(h) The permittee shall provide at its own cost such adequate traffic and safety control measures

including, but not limited to, traffic patrolmen and traffic signs as may be deemed necessary by the Zoning Enforcement Officer to avoid undue traffic congestion and/or traffic hazards. Said traffic and safety control measures shall be specifically set forth in the permit.

(i) A second permit for the wholesale business or warehouse or manufacturer shall not be issued until the expiration of six (6) months from the first effective date of the preceding permit.

5.07.200 Accessory Uses to a Golf Course

The following uses are permitted as accessory to a golf course so long as they remain clearly accessory to the principal use of a golf course located on the lot:

5.07.210 Golf range.

5.07.220 Sales at retail, repair and assembly of golf equipment accessory to the use of the golf range, or golf course.

5.07.230 Golf instruction.

ARTICLE V – INDUSTRIAL ZONES

SECTION 8 SITE AND BUILDING DESIGN STANDARDS IN INDUSTRIAL ZONES

5.08.100 In addition to the minimum standards for site development as set forth in these regulations, the following minimum design standards shall be met for all development within the Industrial Zones.

5.08.200 Site development shall contribute to the overall physical improvement of the area in which it is located.

5.08.300 Where more than one detached building is placed upon a lot, the buildings shall be in harmony with each other and the specific layout shall be appropriate to the physical limitations of the lot.

5.08.400 Architectural design, landscaping and signage may be subject to review by the Design Advisory Board.

5.08.500 Parking areas and buildings shall be arranged in such a way as to provide for the orderly and safe flow of traffic and the safety and convenience of pedestrians
(a) within the property;
(b) between properties as applicable; and
(c) into the surrounding area.

5.08.600 All utilities shall be installed underground.

5.08.700 The requirements of Article VIII Section 4 Landscape, Screening and Buffer Requirements shall be utilized as a minimum standard for landscaping, however, all parking areas that are adjacent to a residential zone shall be landscaped to have a visually impenetrable screen year round.

ARTICLE VI – SPECIAL DISTRICTS

SECTION 1 – CONSERVATION AND AGRICULTURE (C & A)

6.01.100 Purpose and Intent. The purpose of this zone is to provide for the long-term maintenance of land in an undeveloped state by limiting its use to wildlife habitats, the growing of agricultural crops, foresting, and passive recreation.

The intent is to preserve and protect existing and potential drinking water supplies, preserve and protect plant and animal wildlife and unique natural features, preserve and protect watersheds and stream feeders to promote healthy aquatic life, maintain vistas, protect sensitive archaeological sites, provide recreational opportunities for the general public, and retain agriculture as a beneficial industry within the Town of Newtown.

The following lands shall be eligible for designation as a CA zone: municipally-owned land, state and federally-owned land, and privately owned forest land, nature preserves, fish or game preserves, undeveloped land, land currently used for any kind of farming, land immediately over a sole source aquifer and any land immediately adjacent to any land previously listed in this paragraph and any land immediately adjacent to land zoned CA.

6.01.200 Permitted Uses. No land, building or other structure shall be used, altered or added to which is arranged, designed, intended to be used or capable of being used except for one of the following principal uses. Uses that are not listed as permitted shall not be permitted by variance.
(a) Foresting, including without limitation the harvesting of lumber.
(b) Pedestrian hiking trails.
(c) Natural wildlife habitat.
(d) Nature preserve.
(e) Open space.
(f) Public water wells and pumping stations.

6.01.300 Special Exception Uses. Notwithstanding the provisions of Section 6.01.200, the following principal uses are permitted in the CA zone subject to obtaining a special exception from the Commission in accordance with the standards, criteria, conditions and procedures set forth in Article XI hereof, and the additional standards and criteria set forth herein below. No land, building or other structure shall be used, altered or added to which is arranged, designed, intended to be used or capable of being used except for one of the following principal uses. Uses that are not listed as permitted shall not be permitted by variance.
(a) Crop farming.
(b) Bicycle trail.
(c) Equestrian trail.
(d) Playground for children's outdoor games and recreation.
(e) Outdoor sport field.

6.01.310 No new building, structure, or parking shall be permitted in the CA zone in expansion of those buildings, structures and parking already extant as of May 21, 1998.

6.01.320 Any playground, outdoor sport field, or crop farming within a CA zone shall be controlled through the utilization of management practices which minimize the use of chemicals to control weeds and pests and which minimize the use of fertilizers. As part of the special exception application, the applicant shall submit to the Commission a turf management and environmental management plan detailing methods to be employed to avert harmful effects to the environmental health of the property and adjacent properties. The plan shall include any potential use of pesticides, fungicides, weed killers, and fertilizers.

6.01.330 Any playground or outdoor sport field within a CA zone shall not be paved nor served by grandstands or bleachers for spectators.

6.01.400 Accessory Uses. Notwithstanding the provisions of Sections 6.01.300, 6.01.310, and 6.01.320, the following uses are permitted in the CA zone as long as they remain clearly accessory to the principal use:

(a) Greenhouses.
(b) Surface parking, including without limitation paved parking areas. The provisions of Section 8.03.320 shall apply.
(c) Playground structures intended for use by children only.

6.01.500 Area, Height, and Yard Requirements. Article VII of these regulations concerning height limitations shall apply to the CA zone. The conversion of existing structures shall be encouraged. If any existing structure in the zone now exceeds or breaches the requirements of Article VII, the nonconformity shall not be expanded, but may be altered to facilitate the reuse of the existing building.

6.01.600 Supplemental Regulations

Article VIII, Supplemental Regulations including, but not limited to, signs, access management, parking, landscaping, lighting and all other applicable sections of these regulations apply.

ARTICLE VI – SPECIAL DISTRICTS

SECTION 2 – PUBLIC SCHOOL ZONE (PS)

6.02.100 Purpose and Intent
The purpose of the public school zone is to provide for the placement of public school facilities that will contribute to the wellbeing of our community by integrating the various functions of education with the proper siting criteria. The intent of the public school zone is to provide support for public educational activities within the community.

6.02.200 Permitted Uses
The following principal uses are permitted within a single building or group of buildings provided that Site Development Plan approval has been granted in accordance with Article X hereof uses that are not listed shall not be permitted by variance.
(a) Schools operated by the Town
(b) Parks and playgrounds operated by the Town
(c) Municipal shop operated by the Town

6.02.300 Area, Height and Yard Requirements
Article VII, Area, Height and Yard Requirements and all other applicable sections of these regulations apply and in addition:

All lot boundaries which are adjacent to a residential zone or an existing single family dwelling shall maintain a twenty-five foot (25') buffer along any such boundary.

6.02.400 Signs
The general provisions of the sign regulations, Sections 8.01.100 and 8.01.200 shall apply to all uses in the public school zone.

6.02.500 Parking and Landscaping
Article VIII, Sections 3 and 4 and all applicable sections of these regulations shall apply and in addition:

No parking space shall be permitted within twenty feet (20') of any street line or property line.

6.02.600 Supplemental Regulations
Article VIII, Supplemental Regulations including, but not limited to, signs, access management, parking, landscaping, lighting and all other applicable sections of these regulations apply.

ARTICLE VI – SPECIAL DISTRICTS

SECTION 3 – FAIRFIELD HILLS ADAPTIVE REUSE (FHAR)

6.03 Fairfield Hills Adaptive Reuse

6.03.100 Purpose and Intent. The purpose of this zone is to permit the conversion and reuse of the former Fairfield Hills Hospital campus in a manner that is in harmony with the character of the existing campus and surrounding neighborhood. The zone is designed to allow the economic reuse of the site so as to contribute to the wellbeing of the community while at the same time encourage the conservation of the overall site design and cohesive layout of the main campus. The zone encourages the maintenance of the historic integrity of the campus and existing structures located there.

The intent of the FHAR zone is to focus on a campus setting and encourage use of the property, existing buildings and new structures that will reinforce and contribute to the overall cohesiveness of the area. A campus setting is typically characterized by an integrated site design with complementary land uses that work together as a whole. The property has a unique central location in the community and Fairfield Hills Hospital played a major role in Newtown's overall development and history. The property is environmentally sensitive and has areas located within the aquifer protection district. The reuse of the property should be planned, new structures should blend in with existing historic structures, and the environmental integrity of the site should be maintained.

6.03.200 Procedure. The Fairfield Hills site possesses unique circumstances that shall require multiple steps and approvals for the reuse of the campus as outlined herein.

6.03.210 The first step involves the creation of a master planned development proposal for the entire campus and the submission of such plan to the Commission for its consideration and action.

6.03.211 A master planned development proposal shall provide the following information and studies as set forth below.

(a) An overall development scenario, a description of the project phasing, potential impact on historic factors and natural resources and the capacity of the infrastructure.
(b) An environmental impact study concerning the effect the master planned development will have upon the environment in general, the aquifer, and the campus character.
(c) A plan for vehicular and pedestrian circulation patterns and parking areas. The plan shall be designed to demonstrate a harmonious integration of traffic and parking within the campus and the area immediately surrounding the campus. Shared parking areas are desirable and encouraged.
(d) A landscaping plan.

6.03.212 Following receipt of a master plan, or subsequent modifications, the Commission may hold a public hearing. If a public hearing is held, it shall commence within 65 days following receipt. The Commission shall take action to approve, modify and approve or disapprove the master planned development proposal within sixty-five (65) days following the close of a public

hearing should one be held.

6.03.213 The Commission may refer the master plan, for review and comment, to any other appropriate agency as deemed necessary.

6.03.214 In making its decision, the Commission shall consider the suitability of the particular uses and general layout of the campus plan. The master plan, and any subsequent modifications to the plan, shall be approved by the Commission upon its finding that the plan:
(a) is consistent with the FHAR, C&A and APD zones, as applicable;
(b) will not cause unacceptable congestion or traffic hazards on neighboring streets;
(c) will not substantially impair property values in the neighborhood;
(d) will not create a health or safety hazard to persons or property on or off the campus;
(e) is consistent with the Newtown Plan of Conservation and Development.

6.03.220 Subsequent to the Commission's approval of a master plan or any modifications thereof, development shall be subject to obtaining a site development plan approval in accordance with Article X hereof, if so required, or in lieu thereof, when such development in located in the aquifer protection district, then subject to obtaining a special exception in accordance with the standards, criteria, conditions, and procedures as set forth in Article XI hereof and the additional standards, criteria, conditions and procedures set forth in Section 2.01.600. Uses shall be consistent with the approved master plan and all applicable sections of these regulations.

6.03.221 No Site Development Plan application shall be approved if the Commission finds that it is not consistent with the approved master plan for the Fairfield Hills Campus.

6.03.222 Notwithstanding Section 10.01.200 hereof, the development of outdoor recreational or sport fields shall require Site Development Plan approval in accordance with Article X hereof or in lieu thereof, when such development in located in the aquifer protection district, then subject to obtaining a special exception in accordance with the standards, criteria, conditions, and procedures as set forth in Article XI hereof and the additional standards, criteria, conditions and procedures set forth in Section 2.01.600.

6.03.223 Interior renovations and adaptive reuse of existing buildings consistent with the approved master plan shall not be subjected to Site Development Plan approval.

6.03.230 Amendments to the approved master plan may be considered by the Commission upon application by the Town of Newtown or its authorized representatives. Any such amendments and subsequent uses shall be subjected to the same procedures, standards, and criteria set forth in Sections 6.03.200 through 6.03.223 herein.

6.03.300 Permitted Uses. The following principal and accessory uses and structures are permitted. Uses that are not listed as permitted shall not be permitted by variance.
(a) Recreational or sport facilities and fields, indoor or outdoor
(b) Museums, art galleries, cultural centers
(c) Performing art theatres
(d) Public library

(e) Senior center
(f) Teen center
(g) Municipal Town Hall complex and government uses but not including dumps, incinerators, recycling centers, transfer stations and other garbage disposal or handling areas, municipal garages or public works storage yards.
(h) Educational facility, including accessory housing and sport facilities
(i) Shops and stores for retail sales, limited to no more than 10,000 square feet per tenant
(j) Shops where personal services are offered including, beauty salon or barber shop, day spa, dry cleaning services that do not conduct on-site cleaning, gymnastics, fitness centers, shoe repair, tailoring or dressmaking, photographic studio, copy center, rental services, counseling services
(k) Restaurants, including outside service, but excluding drive-thru facilities
(l) Banks, financial institutions
(m) General, professional, governmental, Town and Board of Education offices
(n) Medical, dental offices
(o) Research and development facilities dedicated to the development and/or testing of products or specimens
(p) Corporate headquarters for one or more corporations
(q) Publishing establishments
(r) Hospitals
(s) Conference center or meeting halls
(t) Child day care centers
(u) Elderly day care centers
(v) Nursery, greenhouse, provided that such is clearly incidental to a permitted use
(w) Crop farming in open space areas
(x) Structured parking, providing that such parking is clearly incidental to a principal permitted use
(y) Multi-specialty veterinary hospital providing, but not limited to, surgical, emergency, medical and oncology treatments for animals referred by outside veterinarians. Such a hospital does not provide routine or general veterinary services (i.e. vaccines, boarding or grooming). No outdoor runs are permitted and such a hospital shall be connected to public sewer. (Added effective October 14, 2008)
(z) Farmer's Market – A Certified Farmer's Market as defined by the Connecticut Department of Agriculture in CGS 22-6r and in compliance with the Newtown Zoning Farmer's Market definition, to be located at a site designated by the Fairfield Hills Authority. A banner sign of 30 square feet in front of the Fairfield Hills Campus, and two sandwich signs on Wasserman Way will be allowed as temporary advertisement from the Friday before the event to the market on Tuesday. Exact locations of signs to be determined by the Zoning Enforcement Officer. (added effective July 26, 2010)
(aa) A community activity such as a fair, concert or similar type event conducted by non-profit Town organizations or National charities with local affiliations, in off-street areas, with no permanent structures allowed. (added effective August 13, 2012)

The event can include, sporting events, amusements, non-profit sales of merchandise/ food and for-profit vendors that are affiliated with and donate all or a portion of the sale profits to the sponsoring non-profit organization. The donation can also be in the form of a space rental fee paid by the for-profit business to the sponsoring non-profit organization.

Said permit will not be issued until the applicant has made provision for adequate parking as determined by the Zoning Enforcement Officer, nor will such permit be issued until the approval of such Town Boards, Departments or Agencies as is required by other Town ordinances or regulations is obtained.

The application shall be submitted 21 working days, but not more than six months prior to the event. Said permit shall be effective for a period of not more than 10 days. (added effective August 13, 2012)

6.03.400 Area, Height and Yard Requirements.

Article VII of these regulations and the following limitations shall apply:

6.03.410 Minimum lot area. The minimum lot area shall be at least 150 acres of contiguous land owned or controlled by the applicant. Town roads located in the Fairfield Hills campus shall not divide the property into separate lots.

6.03.420 Minimum setbacks. Any structure shall be setback 100 feet from the street line or 125 feet from the centerline of the street, whichever is greater. Minimum setbacks shall only apply to Wasserman Way, Nunnawauk Road and Mile Hill Road South. All structures shall be setback 100 feet from the nearest property line. The right of way for the roads within the campus streets shall not be considered property lines.

6.03.430 Number of stories. All structures shall be limited to three stories.

6.03.440 Building height. Building height shall comply with Article VII, section 7.03.155 of these regulations. The conversion of existing structures shall be encouraged. If any existing structures in the zone now exceed or breach the requirements of Article VII, the nonconformity shall not be expanded but may be altered to facilitate the reuse of existing buildings.

6.03.450 Maximum structural coverage. The maximum building coverage shall be 10% of the entire lot. The maximum building, storage loading, paved areas, parking, roadways, driveways and sidewalk coverage shall be 20% of the entire lot.

6.03.500 Parking and Pedestrian Walkways. Sections 8.03.320, 8.03.430, 8.03.600 and 8.03.720 of these regulations concerning parking shall apply. The placement of parking areas and pedestrian walkways shall allow convenient passage for motor vehicles and pedestrians upon the campus. Parking areas, whether structured parking areas or not, shall be landscaped to buffer the parking from the sight of neighboring properties. Parking areas shall be located so as to maintain the main campus character but to allow for expansive lawn and planted areas to be incorporated into the design.

6.03.600 Signs.
All applicable provisions of the sign regulations as set forth in Article VIII Section 1 shall apply with the following exception:

Wasserman Way, Nunnawauk Road and Mile Hill Road South are the only public streets that shall be used in applying the sign setback provisions. Sign setbacks within the interior campus street system are exempt.

6.03.610 Permitted signs. The permitted signs as set forth in Article VIII, Section 1 may be externally illuminated signs. A uniform sign plan shall be utilized to address all permitted signs located upon the campus. Such plan shall provide for a consistent design theme for all of the signs located upon the lot and upon the buildings in terms of standardized location, lighting, generalized design features etc. The signage plan shall be tasteful, complementary to the architecture of the buildings and shall have consistent details that tie the various elements of the campus together to complement the overall design of the campus. Only those signs listed in Article VIII Section 1 shall be permitted. The size is the maximum area.

ARTICLE VI – SPECIAL DISTRICTS

SECTION 4 – HAWLEYVILLE CENTER DESIGN DISTRICT (HCDD)

6.04.100 Purpose and Intent.

The purpose of the Hawleyville Center Design District (HCDD) is to encourage and promote the creation of a neighborhood business district that will include mixed use activities, improvements and development typical of a village center. The intent is to promote business activities within the district that will serve the surrounding neighborhoods and, to a lesser degree, accommodate services that are compatible with the district's proximity to Exit 9 of Interstate 84.

Development in the district will be expected to achieve the highest quality of design that will blend the pedestrian scale of a village center with the functions of Route 25, I-84 and the railroad line as regional transportation linkages. Development is expected to respect the environmental conditions and history in the area and will help to achieve an integrated, cohesive New England village center. On site public amenities will be required in order to tie the district together and to provide circulation patterns typical of a business center.

Overall, it is envisioned that the Hawleyville Center Design District will result in the development of a mixture of uses including 30,000 square feet of retail space, 30,000 square feet of office and personal services space and a total of 24 housing units. (Added effective 8/9/99, amended effective 7/26/04)

6.04.200 General Use Regulations and Design Guidelines

The land and buildings shall be used for the principal and accessory uses listed herein. Uses that are not listed shall not be permitted by variance.

In order to achieve the highest quality of design, the Commission created and adopted the Hawleyville Center Design Guidelines. The guidelines describe the elements of context, scale, site design and amenities that are necessary to achieve a cohesive district consistent with and which reflects the character of a New England Village. It is anticipated that all development within the district will be planned to help achieve the purpose and intent of the district. The Hawleyville Center Design Guidelines provide examples of specific design elements that have been found to be important and necessary for ensuring a cohesive and functional district. Proposals for development should incorporate the site design elements described in the guidelines into the project. (Added effective 7/26/04)

6.04.300 Permitted Uses

One or more of the following principal uses are permitted within a single structure subject to obtaining site development plan approval, if required, in accordance with Article X:

(a) Retail - permanent sales shall be enclosed and no permanent outdoor storage of merchandise. No single retailer may occupy more than 15,000 square feet.
(b) Personal Service Establishments
(c) Banks
(d) Offices

(e) Restaurants including outside service but excluding drive-thru facilities and outside entertainment
(f) Museums, galleries and meeting halls
(g) Places of religious worship
(h) Government buildings and uses including fire station, post office, library, commuter parking, transportation terminal area but excluding dumps, incinerators and other garbage disposal, transfer and recycling areas, municipal garage, public works storage yard or commercial type recreation facilities.
(i) Residential dwellings within a commercial building and above any permitted commercial use. Density of the dwellings shall not exceed 50 percent of the gross floor area excluding the basement as defined in the Newtown Zoning Regulations. The individual dwelling units shall be a minimum of eight hundred (800) square feet and a maximum of one thousand two hundred (1,200) square feet. (Amended effective 6/12/17)

6.04.400 Special Exception Uses
The following principal uses and structures are permitted subject to obtaining a special exception approval in accordance with the standards, criteria, conditions, and procedures set forth in Article XI.
(a) Two or more commercial buildings upon a lot containing one or more principal uses as listed in Section 6.04.300. (added effective 8/9/99)
(b) Reserved. (Added effective 8/9/99, amended effective 7/26/04)
(c) Any building which has more than 10,000 square feet of floor area. (Added effective 9/8/99, amended effective 7/26/04)
(d) Residential dwellings located within a commercial building when not located above a commercial use or when designed as part of a commercial complex where the units are not located above a commercial use at a density no greater than one (1) dwelling per one-half (½) acre of land as calculated pursuant to Section 6.04.600 1. (Added 8/9/99, amended effective 7/26/04)

6.04.500 Accessory Uses
Accessory uses permitted in business zones are set forth in Section 4.04 of these regulations.

6.04.600 Area, Height and Yard Requirements (Added 8/9/99 amended 7/26/04)
Article VII, Area, Height and Yard Requirements and all other applicable sections of these regulations apply, and in addition:
(a) The maximum number of residential dwellings that may be located upon any single lot shall be computed by deducting the following areas from the total lot area: wetlands, watercourses and areas located within the FEMA flood hazard area.
(b) All lots which are adjacent to a residential zone or an existing single family dwelling shall maintain a 25 foot wide natural or planted buffer along such boundary.
(c) Rear and side yard requirements and the buffer as required above may be waived or modified by the Commission provided the Commission finds that the following conditions are or will be met:
    1. The overall design of the project is appropriate to the site and contributes to the improvement of Hawleyville Center.
    2. The overall design of the project is consistent with the Hawleyville Center Design Guidelines.
    3. The project design will enhance or maximize public enjoyment of the property or such

a modification will enhance traffic or pedestrian circulation patterns in Hawleyville Center.

4. The project design and land use is consistent with the Hawleyville Center Design District.
5. That a public accessway may be located within the buffer area provided a planted area no less than ten (10) feet wide and/or an appropriate screen is installed along the boundary. Such public accessways shall be in the form of landscaped walks, esplanades or other suitable design to encourage active use by the public and shall be dedicated as such in the deed to the property.

6.04.700 Signs (Added effective 8/9/99, Amended effective 7/26/04)

The **Hawleyville Center Design Guidelines** and all applicable general provisions of the sign regulations, Article VIII, Section 1 shall apply with the following exceptions:

(a) All signs permitted in the HCDD may be externally illuminated.
(b) Any wall sign attached perpendicular to the front building wall shall be limited to a 30 inch projection.
(c) No exterior sign shall be internally lit.
(d) No sign shall advertise the availability of alcoholic beverages or tobacco, by product name or otherwise, within 300 feet of the nearest property line of land occupied by any school or church.

6.04.800 Parking (Added 8/9/99, Amended effective 7/26/04)

Article VIII, Section 3 and all applicable sections of these regulations shall apply, and in addition:

(a) Parking shall be located to the rear or to the side of buildings which are positioned along the street frontage so as to maintain the street wall and character of the Hawleyville Center.
(b) Notwithstanding Section 8.03.420, the Commission may approve required parking on a different lot from the principal use provided the following criteria are met:
    1. That the off-site parking facility is located on a lot which is within the Hawleyville Center Design District.
    2. That the off-site parking facility is within a reasonable walking distance of the building containing the use being served and there is a sidewalk or accessway between the properties.
    3. That the off-site parking facility is clearly marked as parking for the commercial use being served.
    4. That a long term instrument acceptable to the Commission will assure that the use of such off-site parking remains available to the user. Such instrument shall be filed on the land records.
    5. That the site design for the principal use and the parking facility shall be consistent with the **Hawleyville Center Design Guidelines.**
    6. In no case shall parking be a principal use on any lot.
(c) Whenever possible, vehicle access to parking lots shall be shared with adjacent properties and a minimum of curb cuts shall be utilized.
(d) All parking lots shall be arranged to promote easy circulation of vehicles and pedestrians.

6.04.900 Supplemental Regulations

Article VIII, Supplemental Regulations including, but not limited to, signs, access management, parking, landscaping, lighting and all other applicable sections of these regulations apply.

ARTICLE VI – SPECIAL DISTRICTS

SECTION 5 – SANDY HOOK DESIGN DISTRICT (SHDD)

6.05.100 Purpose and Intent:

The purpose of the Sandy Hook Design District is to encourage a diversity of compatible uses that will enforce the district as an historic, mixed use hamlet. Land uses which are oriented to the surrounding neighborhood and to visitors to the area are encouraged and are vital to continuing the district's place in Newtown's history and its future as a viable neighborhood commercial hub.

Future development should emphasize the pedestrian scale, historic quality and natural resources found here. It is intended that the district will have infrastructure of sufficient capacity to support efficient use of land and mixed-use developments which places housing convenient to employment, shopping services and related activities. Due to the unique characteristics of the general area and the desire to create an attractive environment, these regulations are intended to be flexible to maximize the benefits to the Town and will improve the human environment by encouraging public walkways, bike paths, shared off-street parking facilities and landscaped public space.

6.05.200 General Regulations

The land and buildings shall be used for the principle uses listed below. Uses that are not listed as permitted by right or by special exception shall not be permitted by variance.

In order to achieve the highest quality of design, the Commission created and adopted the **Sandy Hook Design District Guidelines**. The guidelines describe the elements of context, scale, site design and amenities that are necessary to achieve a cohesive district consistent with and which reflects the character of a New England Village. It is anticipated that all development within the district will be planned to help achieve the purpose and intent of the district. The **Sandy Hook Design District Design Guidelines** provide examples of specific design elements that have been found to be important and necessary for ensuring a cohesive and functional district. Proposals for development should incorporate the site design elements described in the guidelines into the project.

6.05.300 Permitted Uses

6.05.310 One or more of the following principal uses are permitted within a single structure in the SHDD subject to obtaining site development plan approval, if required, in accordance with Article X:

(a) Retail - permanent sales shall be enclosed and no permanent outdoor storage of merchandise.
(b) Personal service establishments.
(c) Banks.
(d) Offices.
(e) Restaurants including outside service but excluding drive-thru facilities and outside entertainment.
(f) Museums, galleries and meeting halls.
(g) Places of religious worship.
(h) Residential dwelling units within a commercial building and above any permitted commercial use. Density of the dwellings shall not exceed fifty (50) percent of the gross

floor area excluding the basement of the building. The individual dwellings units shall be a maximum of one thousand two hundred (1,200) square feet. (Amended effective 2/5/15)

(i) Single family residence.
(j) Bed and breakfast.
(k) Publishing establishment.
(l) Veterinary Hospital, for surgery and recovery only, and must be connected to public sewers.
(m) Adult day care or child Day Care Center (amended effective May 14, 2012)).

6.05.400 Special Exception Uses

6.05.410 The following principal uses and structures are permitted in the SHDD subject to obtaining a special exception permit in accordance with the standards, criteria, conditions, and procedures set forth in Article XI:

(a) Two or more commercial buildings upon a lot containing one or more principal uses as listed in Section 6.05.310.
(b) Reserved (Effective 6/21/99)
(c) Residential dwellings and commercial uses within separate buildings and/or the density of the dwellings exceeds fifty (50) percent of the gross floor area excluding the basement of all the buildings. The individual dwellings units shall be a maximum of one thousand two hundred (1,200) square feet. (Amended effective 2/5/15)
(d) Inn.
(e) Any building containing one or more principal uses which has more than 10,000 sf of floor area.
(f) Laundromats and dry cleaners.
(g) One residential dwelling and one commercial building, on one lot (added effective 6/18/12).
(h) One residential dwelling and one apartment (maximum size 800 square feet) located in an existing detached building, assessed as an accessory building for seven (7) years prior to application (added effective 5/19/16).

6.05.500 Accessory Uses

In addition to the accessory uses permitted in business zones pursuant to Section 4.04, the following accessory use will be permitted so long as it remains clearly accessory to the principal use on the lot (added effective April 28, 2003).

6.05.510 A farmer's market on lots in off-street areas during weekend days and holidays during day-light hours. No permanent structures shall be permitted (added effective April 28, 2003).

6.05.511 – A *Festival* conducted by non-profit Town organizations and/or for-profit businesses in store front and off-street areas, with no permanent structures allowed. Said permit will not be issued until the applicant has made provision for adequate off-street parking as determined by the Zoning Enforcement Officer nor will such permit be issued until the approval of such Town Boards or Agencies as is required by other Town ordinances or regulations is obtained (added effective 4/16/12).

In determining the adequate number of parking spaces required, the Zoning Enforcement Officer may consider the greatest number of persons likely to arrive per car. ~Said parking spaces may be provided by the applicant on a lot off the lot on which the permitted activity is to be conducted provided that the owner thereof joins the applicant in applying for the special permit to use the premises in question for parking. ~Said permit shall be effective for a period of not more than 10 days (added effective 4/16/12)..

6.05.600 Area, Height and Yard Requirements. Article VII Area, Height and Yard Requirements and all other applicable sections of these regulations apply, and in addition:

(a) All lots which are adjacent to a residential zone shall maintain a 25-foot wide planted buffer along such boundary.

(b) Rear and side yard requirements and the buffer as required in subsection (1) above and Article VII may be waived or modified by the Commission subject to the following conditions:

1. The overall design of the project is appropriate to the site and contributes to the improvement of Sandy Hook Design District.
2. The overall design of the project is consistent with the Sandy Hook Design District Guidelines.
3. The design will enhance or maximize public enjoyment of the property or such a modification will enhance traffic or pedestrian circulation patterns in the SHDD.
4. The waiver is considered to be consistent with the purpose and intent of the SHDD.
5. That a public accessway may be located within the buffer area provided a planted area of approximately ten (10) feet is maintained and/or an appropriate screen is installed along the boundary. Such public accessways shall be in the form of landscaped walks, esplanades, boardwalks or other suitable design to encourage active use by the public and shall be dedicated as such in the deed to the property.

6.05.700 Signs

Proposed sign regulations modifications in the Sandy Hook Design District temporary A-frames signs (effective October 31, 2011 through October 31, 2013.) Also extended to shopping centers as they are defined in the Town of Newtown zoning regulations (amended effective October 29, 2012).

(a) All temporary A-frame signs shall not exceed 16 square feet.
(b) Signs shall not be illuminated.
(c) For profit businesses are allowed signs only at the business location.
(d) Signs must be a temporary nature. Signs cannot be permanently installed in the ground.
(e) Signs must be self-supporting/portable. They cannot be attached to an immovable object such as a utility pole, etc.
(f) Signs must be located on premises. Signs located either off site or in a public right of way are not eligible.
(g) Signs must not interfere with pedestrian traffic or block sight lines for drivers.
(h) Only one sign per tenant per property shall be permitted which may be displayed during business hours.
(i) No per event/use permit required. SHOP will purchase a yearly permit for $100.
(j) SHOP will limit the permitted uses of temporary signs to sales, promotions, or events.
(k) SHOP will obtain uniform frames for consistent design and ease of conforming to existing sign standards.

(l) SHOP will advise users as to the proper placement of signs, that they are displayed only during business hours, and that the current 7 days per event and 45 days per grand opening time limits are acknowledged.
(m) SHOP will police the signs, but violators will be handled by the ZEO.

The Sandy Hook Design District Design Guidelines and all applicable general provisions of the

sign regulations, Article VIII, Sections 8.01.100 and 8.01.200, shall apply with the following exceptions:

(a) Wall signs attached flush against or hanging perpendicular to the front building wall is permitted (amended effective May 14, 2012).

(b) A wall sign attached perpendicular to the front building wall shall be limited to a 30 inch projection. (amended effective May 14, 2012).

(c) Roadside signs as permitted in Section 8.01.522 may be located up to the street line, only if the sign does not obstruct motorists and pedestrian lines of sight (added effective May 14, 2012).

(d) All signs in the Sandy Hook Design District shall conform to those permitted by Section 8.01.600.

(e) No sign shall advertise the availability of alcoholic beverages, by product name or otherwise, within 300 feet of the nearest property line of land occupied by any school or church.

6.05.800 Parking

Article VIII, Section 3 and all applicable sections of these regulations shall apply to the Sandy Hook Design District with the following exceptions:

(a) Parking shall be located to the rear or to the side of buildings which are along the street frontage so as to maintain the street wall and character of the SHDD.

(b) Parking may be located on a different lot from the principal use provided that the following criteria are met (amended effective March 4, 2013):

1. That the off-site parking facility is within 300 feet of the building containing the use being served.
2. That a long term instrument acceptable to the Commission will assure that the use of such off-site parking remains available to the user. Such instrument shall be filed on the land records.

(c) Wherever possible, vehicle access to parking lots should be shared with adjacent properties and shall utilize a minimum of curb cuts.

(d) All parking lots shall be arranged to promote orderly circulation of vehicles and pedestrians.

6.05.900 Supplemental Regulations

Article VIII, Supplemental Regulations including, but not limited to, signs, access management, parking, landscaping, lighting and all other applicable sections of these regulations apply.

ARTICLE VI – SPECIAL DISTRICTS

SECTION 6 – SPECIAL DEVELOPMENT DISTRICT (SDD)

**Please note that individual approved SDD regulations can be found in Appendix B attached to, and as part of, these Zoning Regulations.

6.06.100 Purpose and Intent

The purpose of this section is to provide provisions that will permit flexibility in land use development within the SMVDD where significant parcels are to be developed or redeveloped as a planned development containing integrated and harmonious elements, and where the overall design of such elements is so outstanding as to warrant modification of the standards contained elsewhere in these Regulations.

The intent of this Section is to provide a unique opportunity for and guidance in design of development parcels which are likely to have a significant impact upon the South Main Street corridor.

6.06.200 Eligibility

To be eligible under this section, the proposed Special Development District (SDD) must be:

6.06.210 located in the South Main Village Design District (SMVDD), and

6.06.220 in accordance with the Newtown Plan of Conservation and Development as amended, and other applicable plans adopted by the Commission; and

6.06.230 composed of such uses, and in such proportions, as are most appropriate and necessary for the integrated functioning of the planned development and for the community; and

6.06.240 so designed in its space allocation, orientation, texture, materials, landscaping and other features as to produce an environment of stable and desirable character, complementing the design and values of the surrounding neighborhood, and showing such unusual merit as to reflect credit upon the developer and upon the town: and

6.06.300 Process

6.06.310 Any proposed Special Development District shall be considered to be a designated design district so that development within the district will be reviewed by the Design Advisory Board.

6.06.320 Any proposed Special Development District shall be considered to be a village district pursuant to CGS Section 8-2j.

6.06.330 In addition to any other standards or considerations, any proposed Special Development District shall be:

(a) subject to the review process established for the SMVDD, and
(b) evaluated using the design review guidelines established for the SMVDD.

6.06.400 Approval of Concept

6.06.410 Each application for a Special Development District shall:

(a) state the proposed modifications of existing zoning,
(b) be accompanied by schematic plans, including contoured site plans, showing the improvements to be erected upon the tract, the open spaces to be provided, the nature and location of the proposed use or uses, the relationship of the proposed development to surrounding properties, and other pertinent information,
(c) be accompanied by a traffic impact study showing the amount and direction of traffic to be generated by the proposed development and estimating the effect of such traffic on the roadway capacity and safety, and
(d) state whether any proposed division of the tract into separately owned or operated units is proposed.

6.06.420 The application and schematic plans shall be sufficient in scope and character to determine that the same objectives, purpose and intent and design guidelines of the South Main Village Design District (SMVDD) will be met.

6.06.430 In terms of timeframes, the application to establish a Special Development District shall be processed as if it were a Zone Change application in accordance with Article XIII of these Regulations.

6.06.440 Upon specific findings that each of the objectives stated within Section 2.02.100 will be met, the Commission may approve by 4/5 majority vote the establishment of a Special Development District as described in the application and as may be modified by the Commission and such approval shall be construed to amend these Regulations insofar (and only insofar) as specific deletions, additions and changes are made which are related to the land and structures in the tract, and the tract shall be designated as a separate Special Development District provided that the requirements of Subsection 6.06.500 below are met.

6.06.500 Approval of Detailed Plans

6.06.510 After the approval of the application and schematic plans, the applicant shall file detailed plans for review by the Commission showing the details of the proposed development as fully as possible and including elevations and perspectives of proposed construction.

6.06.520 Such detailed plans shall be filed within 180 days of the approval of the schematic plans except that the Commission may grant up to two (2) additional extensions of 90 days each for filing of detailed plans.

6.06.530 If such detailed plans are not filed within the above proscribed period, the approval of

the schematic plans shall be considered null and void.

6.06.540 In terms of timeframes, the application for approval of detailed plans for a Special Development District shall be processed as if it were a Zone Change application in accordance with Article XI of these Regulations. All required materials for a special exception application pursuant to Article XI shall be included with the detailed plans.

6.06.550 If the applicant later wishes to change any of the details of the proposed development, further detailed plans shall be filed for review by the Commission.

6.06.560 Within 90 days after the approval of the detailed plans, a certified copy of such application and detailed plans shall be filed by the applicant at their own expense in the office of the Town Clerk except that the Commission may grant up to two (2) additional extensions of 90 days each.

6.06.570 Once the certified copy is filed in the office of the Town Clerk:
(a) the applicant shall notify the Commission of such filing,
(b) the Commission shall publish a legal notice within fifteen (15) days of such notification by the applicant indicating the effective date of the zone change as the date of publication of the legal notice,
(c) the zoning designation of the parcel shall be considered to have changed to a Special Development District following publication of the legal notice, and
(d**)** the official zoning map shall be modified to carry a notation of the location and boundaries of any Special Development District approved as above, giving a reference to a file in which full information concerning the provisions applying to the same may be found.

6.06.600 Construction

6.06.610 No building permit for the proposed development or any part thereof shall be issued until the Commission has approved detailed plans and determined that the pertinent detailed plans are in accordance with the application and general plans as approved and are consistent with the objectives stated within the Purpose and Intent of Section 2.02.100.

6.06.620 If construction of improvements is not begun and diligently pursued to completion within two (2) years of approval of detailed plans, the Commission may process an application to modify or eliminate the Special Development District designation for the property, except that the Commission may grant the applicant up to two (2) extensions of one (1) year each.

ARTICLE VII – AREA, HEIGHT AND YARD REQUIREMENTS

SECTION 1 – PURPOSE AND INTENT

7.01.100 Purpose and Intent

The purpose of these area, height, and yard requirements is to provide standards for all Zones such that

(a) the intensity of the development will not damage the ecology of the lot and the properties and watersheds it impacts,
(b) structures are sized to conform with acceptable standards for their respective zones,
(c) the structures are located within a lot so that their operations will not encroach on or interfere with neighboring properties or streets. And
(d) provisions are made to protect or improve public health, safety, convenience and property values.

The intent of these requirements is to regulate:

(a) the height, number of stories, size of buildings and other structures, and bulk limitations,
(b) the area of the lot that may be occupied,
(c) the relationship of yards, courts, and other open spaces to the improved areas of the lot, and
(d) the density of population, and
(e) the location and use of buildings, structures and land for trade, industry, residence or other purposes, including water-dependent uses.

ARTICLE VII – AREA, HEIGHT AND YARD REQUIREMENTS

SECTION 2 - SCHEDULE OF AREA, HEIGHT AND BULK OF BUILDINGS AND STRUCTURES

7.02.100 The regulations concerning the minimum lot area, number of stories, yard dimensions, setbacks, bulk limitations and similar requirements for each zone are set forth in Chart VII-1. Unless otherwise explicitly provided in these regulations no structure shall be erected, altered or added to except in conformity with the requirements.

7.02.110 Any new lot created after September 16, 2002 shall contain an area of land at least equal to the minimum lot area in acres for the zone in which it is located exclusive of wetlands, watercourses, vernal pools, FEMA 100-year flood plains, and natural slopes of twenty-five percent (25%) or greater.

CHART VII-1 AREA, HEIGHT, YARD REQUIREMENTS

Zones (See Section 1.03)	R-1/2	R-1	R-2	R-3	BPO	B-1	B-2	M-1	M-2A	M-3	M-4	M-5	EH-10	IHOZ[17]	PS	FHAR	HCDD	SHDD	OSCS
Minimum Lot Requirements																			
Minimum lot area (acres)	0.5	1	2	3	1	0.5 [2]	0.5 [2]	6	6	20	1	2	10	-	20	150 [3]	1	0.5	Note 4
Minimum lot width at street line (ft)	100	150	225	275	150	100	100	250	250	100	100	150	100 [5]	-	275	-	150	100	50 [7]
Minimum square (see definition)	95	135	192	234	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Minimum Setback Front Yard																			
a. From property line (ft)	35	50	50	50	50	50	50	100	150	25	25	50	100 [8]	-	100	100 [3]	50	-	35 [7]
b. From centerline of street (ft)	60	75	75	75	75	75	75	-	-	50	50	75	125 [8]	-	115	125 [3]	75	-	-
c. The average setback of existing structures on the same side of the street within 150 ft of the sidelines of the lot in question. The greater of a) or b) or c) for BPO, B-1, B-2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Maximum Front Yard (ft)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Note 5	
Minimum Side & Rear Yards																			
Minimum side & rear yards (ft)	20	25	25	25	25	25	25	50	50	25	25	25	100 [8]	-	50	-	25	20	10
Minimum side yard for residential subdivision, lots created after 9/18/06 (ft)	-	-	40	40	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Minimum rear yard for residential subdivision, lots created after 9/18/06 (ft)	-	-	50	50	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Minimum side & rear yards adjacent to limited access highways (ft)	-	-	-	-	-	-	-	50	50	25	25	25	-	50	-	-	-	-	-
Gross Floor Area																			
Minimum gross floor area, main dwelling if have accessory apartment sq ft (3.01.503)	1500	1500	1500	1500	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Maximum gross floor area, accessory apartment sq ft (3.01.503)	800 [10]	800 [10]	800 [10]	800 [10]	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Number of Stories	3	3	3	3	2½	2½	2½	2	3	2	2	2	3	-	2½	3 [3]	2½	2½	-
Maximum number of structural coverage in percentage of lot area																			
a. Building alone %	-	-	-	-	25%	35%	35%	35%	35%	50%	50%	35%	-	-	20%	10% [3]	25%	35%	
b. Building, storage, loading & parking area together %	-	-	-	-	50%	70%	70%	70%	70%	80%	80%	70%	25%[8]	-	40%	20% [2]	70%	70%	-
Bulk Requirement: Bulk in cubic feet of all buildings, structures & materials stored outdoors shall not exceed the square footage of lot area times the following number	-	-	-	-	-	-	-	7	8	8	8	8	-	-	-	-	-	-	-
Buffer (ft)	-	-	-	-	-	-	-	-	75 [12]	-	-	-	50 [8]	-	25 [13]	Note 14	25 [15]	25 [16]	75 [7]

Note 1: South Main Street Village Design District (SMVDD) is an overlay zone so the requirements for each underlying zone applies and reference Article II for specifics.
Note 2: One half (0.5) Acre minimum if public water & sewer & one (1) acre minimum if no public water & sewer.
Note 3: See Section 6.03.400.
Note 4: See Section 8.15.800.
Note 5: See Section 3.02.410.

Note 6: Deleted Effective 6/26/15
Note 7: Subject to Section 8.15.1100.
Note 8: See Section 3.02.400.
Note 9: Deleted Effective 2/21/08
Note 10: or thirty-five (35) percent of the main dwelling floor area, whichever is less.

Note 11: Deleted effective 11/14/11
Note 12: See Section 5.03.610
Note 13: See Section 6.02.300
Note 14: See Section 6.03.500
Note 15: See Section 6.04.600
Note 16: See Section 6.05.600
Note 17: See Section 3.03.400

April 19, 2016

ARTICLE VII – AREA, HEIGHT AND YARD REQUIREMENTS

SECTION 3 - SUPPLEMENTAL NOTATIONS

7.03.100 Height Limitations

7.03.110 Residential Front No dwelling, building or other structure may exceed thirty (30) feet in height above the average finished ground level at the side of the building closest to the street or private road and no portion of the structure shall be more than ten (10) feet below the average finished ground level at the front of the building.

7.03.120 Business/Industrial Front No building or structure may exceed thirty (30) feet in height above the average finished ground level at the side of the building closest to the street or private road and no portion of the structure shall be more than ten (10) feet below the average finished ground level at the front of the building.

7.03.130 Multiple Buildings In zones where multiple buildings are allowed or the building front setback is one hundred (100) feet or greater, the side closest to the access driveway may be considered the front at the discretion of the Commission.

7.03.140 Highest Point No dwelling, building or other structure may exceed forty-two (42) feet to the highest point of the building from any ground level point on any side of the building.

7.03.150 Exceptions to Height Limitations

7.03.151 Specialty Structures The height limitations of these regulations shall not apply to spires, towers or belfries of churches; flagpoles; residential radio or television antennae; electric utility transmission towers and cables; or buildings or structures used in farming and not inhabited by humans.

7.03.152 Equipment or Devices Installed on Roof Air conditioning units, elevator shafts and mechanical devices used in connection with manufacturing which cannot be placed at a height of less than thirty (30) feet in the front of the building for engineering or technological reasons may be installed above the roof line of a building within the perimeter of the roof to a reasonable and necessary height as allowed by the Commission.

7.03.153 Outdoor Above Ground Tank Outdoor above ground tanks located in industrial zones for the storage of material used or consumed in the manufacturing processes taking place within a building may extend to a height not to exceed 40 feet above average finished ground level. All such tanks shall be included in determining the structural coverage and bulk limitations.

7.03.154 Hospitals in the EH-10 Zone Enclosures for elevator shafts used in hospital buildings in the EH-10 Zone may exceed the building height limitations established herein to a reasonable and necessary height as allowed by the Commission.

A parapet wall around the roof of a hospital building in an EH-10 Zone may be required to screen roof equipment from view and may be erected to a reasonable and necessary height as allowed by the Commission.

7.03.155 Fairfield Hills Adaptive Reuse Zone

(a) Buildings or structures located in the FHAR Zone erected without a peaked roof may not exceed 42' to the highest point of the building or structure from any ground level point on any side of the building or structure

(b) Buildings or structures located in the FHAR zone with a peaked roof may not exceed 60' to the highest point of the building or structure from any ground level point on any side of the building or structure.

7.03.156 Public Schools Public schools may be erected to exceed thirty (30') feet in height above the average finished ground level at the front of the building provided that the front, rear and side yards shall be increased by two feet (2') for each one foot (1') by which such buildings exceed thirty (30') feet. For any such structure which exceeds the thirty (30') feet in height, such structure shall not exceed sixty (60') feet to the highest point of the building from any ground level point on any side of the building. (Effective 1/15/01)

7.03.200 Special Yard Regulations.

7.03.210 Corner Lots All yards bounding on a street shall meet the minimum requirements for front yards whether or not said street is presently maintained by the Town.

7.03.220 Buildings Housing Animals Any building housing horses, cattle, sheep or poultry, or any other such animal, whether as a principal or accessory use of the premises, shall be located at least one hundred (100) feet from any property line.

7.03.230 Railroad Track There shall be no side or rear yard required in any Industrial Zone adjacent to a railroad right of way actually containing track.

7.03.240 ADA Structural Exemptions. Structural alteration to an existing single family residences including, but not limited to, handrails or wheelchair ramps, which are necessary to provide access for individuals with a physical disability shall be exempt from the applicable minimum yard setback and maximum lot coverage requirements provided that the proposed structure meets the following criteria:

(a) The proposed structural alteration must comply with applicable guidelines for the American with Disabilities Act (ADA), and

(b) An A-2 survey shall not be required provided that the applicant can illustrate, to the satisfaction of the Zoning Enforcement Officer, that the proposed structure is located wholly within the subject property boundary and access will not affect adjoining property or the public right of way.

ARTICLE VII – AREA, HEIGHT AND YARD REQUIREMENTS

SECTION 4 - USE OF EXISTING LOTS

7.04.100 Any Zone A lot in any zone existing as of August 25, 1958, having sole access to a street by means of an easement, right of way or strip of land at least 12 feet wide that will permit unlimited access for the owners of such lot and for all public utilities may be used for the purposes permitted in the zone and the permitted buildings may be erected, altered or enlarged only if subsequent to August 25, 1958 the lot has not been owned (or controlled by a person (or persons) owning (or controlling) contiguous land or lots having frontage on a street or private street, at any time subsequent to August 25, 1958.

7.04.200 A lot in any zone with frontage on a private street may be used for the purposes permitted in the zone and the permitted buildings may be erected, if said lot subsequent to October 2, 1967 has not been owned (or controlled) by a person (or persons) owning (or controlling) contiguous land or lots having frontage on a street and if said lot is in compliance with all current zoning regulations or said lot was part of an approved subdivision per Connecticut State Statutes as amended.

7.04.300 Lots shall conform in all other respects to the provisions of these regulations.

7.04.400 Any construction on a vacant lot in an approved subdivision or re-subdivision may be permitted in compliance with the zoning regulations and zoning boundaries at the date of the subdivision or re-subdivision approval.

7.04.500 Any improved lot in an approved subdivision or re-subdivision may be used and the permitted buildings may be erected, altered or enlarged in compliance with the current zoning regulations and zoning boundaries.

7.04.600 In establishing front, side and rear yards for any lot without street frontage, the front yard of any such lot may be considered located on either that portion of the rear lot nearest to the street to which such lot has access or adjacent to whichever lot line is closest to a dwelling or other building, existing or under construction, on an adjacent lot.

7.04.700 No building or other structure shall be constructed on any lot without street frontage unless each such lot has its own driveway to the street which is constructed with an all-weather surface capable of supporting fire apparatus or similar mobile equipment during all seasons of the year. Exceptions to this requirement are made for those lots with shared driveways or consolidated lots pursuant to these regulations.

7.04.800 No building or other structure shall be constructed on any lot with street frontage unless each lot has its own driveway existing within its property lines to the street which provides the street frontage.

7.04.810 Notwithstanding Sections 8.02.300, 8.02.400, and 8.03.212, exceptions to this regulation shall pertain to:

(a) Properties having frontage on South Main Street (Route 25) may utilize a shared driveway with a neighboring property or may utilize access to a side road provided such arrangements are designed to lessen potential for traffic congestion.
(b) Certain drawings shall be used as a guide in the design and location of driveways on South Main Street (Rt. 25). Such drawings are Figures 2 through 25 in the report entitled Newtown Route 25 Access Management Study, HVCEO Bulletin #85 dated November 1995. Such Bulletin is available in the Planning and Zoning Commission office for the particular site in question.
(c) Upon the receipt of a written request from the Inland Wetlands Commission, the Planning and Zoning Commission may approve a common driveway for two lots with street frontage provided that the shared driveway will serve to minimize wetland disturbance.

7.04.900 Rear Lots Where property exists in an R-2 or R-3 Zone of an area capable of being divided into more lots than it has street frontage for, said property may be divided, or subdivided pursuant to law, into 2 or more lots, which shall be considered conforming lots, provided that the following requirements are met:

7.04.910 Each lot shall conform to current Zoning Regulations**;**

7.04.920 Rear lots shall have direct access to a street by means of a strip of land at least twenty-five (25) feet in width in the same ownership as the rear lot, and front lots shall meet the frontage requirements;

7.04.930 Only one rear lot shall be served by each strip of land at least twenty five (25) feet wide;

7.04.940 That the property to be divided has not been owned or controlled by a person or persons owning or controlling adjacent land having other frontage on any street at any time since August 25, 1958; and

7.04.950 In any conventional subdivision of such property into three or more lots pursuant to law, no more than one rear lot shall be created for every two lots with street frontage. In any open space conservation subdivision, nor more than one rear lot shall be created for every lot with street frontage. In any subdivision, no more than two such strips of land shall adjoin each other and the area of the strip of land shall be indicated on the map but not included in computing the lot area for any lot. (Amended effective August 30, 2004)

7.04.1000 Industrial Zoned Lots Where on June 5, 1970, a tract of land was owned individually or by several individuals having undivided interests in the entire tract and containing Industrially Zoned land lying to the rear of land zoned for business, and the Industrially Zoned land had no industrial frontage or insufficient industrial frontage to meet the frontage requirements for a lot in the applicable industrial zone, then the Industrially Zoned portion of said tract may be considered as a separate lot regardless of such lack of frontage, and may be used for a use permitted in said Industrial Zone, and permitted buildings erected, altered or enlarged thereon, provided:

7.04.1010 That the lot created has either

(a) at least 35 feet of industrial frontage on the street giving said tract frontage, or
(b) is served by a strip of land to said street at least 35 feet in width in the same ownership as the lot;

7.04.1020 That such lot and any building or other structure erected thereon shall conform in all other respects to the provisions of these regulations;

7.04.1030 If the Industrially Zoned portion of said tract is of insufficient size to meet the area requirements for a lot in the zone in which it lies, it shall be used as a separate lot provided:

7.04.1031 Said tract is made conforming to the minimum area requirements for said Industrial Zone by addition of adjacent Business Zoned property.

7.04.1032 No more Business Zoned property shall be proposed for industrial use than is needed to create a lot which conforms to the minimum size requirements in said Industrial Zone, provided that the Business Zoned property remaining and not used for a right of way to the industrial lot shall be of sufficient size for a conforming business lot.

7.04.1033 The Commission shall find that said Industrially Zoned tract

(a) has not at any time subsequent to June 5, 1970, been reduced in area; and
(b) does not and has not since said date adjoined other improved or unimproved Business or Industrially Zoned land owned or controlled by the same owner or owners of the tract in question.

7.04.1040 Lots otherwise meeting the Regulations for the Business or Industrial Zone in which they lie may be created with the required frontage on a strip of land or a private road rather than a public highway, and permitted buildings may be erected, altered or enlarged thereon provided that:
(a) the strip or private road was in existence and used to provide access to the Industrially-Zoned property on June 5, 1970;
(b) the strip or private road is at least fifty (50) feet wide; and
(c) the lot being created has an unlimited right of access over said strip or private road to and from the street.

7.04.1100 M-l, and M-2A Industrial Zoned Lots In M-l and M-2A Zones private streets may provide the minimum street frontage for lots devoted to the uses permitted in each respective zone provided that the following requirements are met:

7.04.1110 Each private street shall permit passage of all types of vehicles and access by all public utilities.

7.04.1120 The road in said private street shall be constructed in accordance with all design, materials and construction standards required for Minor Collector Streets (also known as "Commercial or Industrial Streets") by the Newtown Road Ordinance in effect at the time of construction.

(a) Prior to the granting of any Zoning Permit for a lot for which said private street provides the necessary minimum frontage, construction of the road within said private street shall be completed, or a performance bond guaranteeing the completion of said road not later than two years from the date thereof shall be filed with the Commission.
(b) Inspections of said road shall be made during construction in accordance with the inspection procedures of said Road Ordinance. If the road is constructed without such inspections having been made, no Zoning Permit shall be issued until the applicant provides proof that said road conforms in all respects to the applicable Road Ordinance.

7.04.1130 The necessary minimum frontage shall not be provided by said private street for more than three (3) lots.

ARTICLE VII – AREA, HEIGHT AND YARD REQUIREMENTS

SECTION 5 - CONSOLIDATED LOTS

7.05.100 Eligibility Owners of contiguous business or industrial zoned lots may consolidate for the purpose of development. The consolidated lots shall be considered one lot when computing lot area, building and lot coverage, yard setbacks, parking requirements, number of buildings per lot, and permitted uses, provided that each of the following conditions are met:

(a) the owner of each lot shall enter into a permanent written agreement that the lots are consolidated for purposes of zoning and that such agreement shall run with the land giving the right of passage between such lots;
(b) the agreement shall be filed in the land records; and
(c) the consolidated lots are designed to provide an integrated plan involving the buildings, land uses, parking, loading and unloading, and landscaping;

7.05.200 Traffic Concerns The Commission may require or limit use of the access driveways to one or more lots, whether or not under separate ownership, to assure safe traffic movement onto the street and to avoid congestion.

ARTICLE VIII – SUPPLEMENTAL REGULATIONS

SECTION 1 – SIGNS

(Amended effective August 17, 2009)

SECTION 1 - SIGNS

8.01.100 Purpose and Intent
The purpose of these sign regulations is to:
(a) provide identification of commercial enterprises, places of worship, organizations, and government establishments for customers, clients, residents, members, employees, and/or visitors;
(b) establish criteria based both on the zone and the use of the lot in which the sign is located;
(c) assure compatibility of signs with surrounding land usage.

The intent of these sign regulations is to:
(a) provide a basic, coordinated design theme for all signs within the site;
(b) establish consistency within zones;
(c) provide an orderly relationship with site access and development;
(d) preserve the Town's character; and
(e) enhance property values in all zones

8.01.200 General Provisions
All signs, including signs which are inside windows that are visible from outside the building that are hereafter erected or maintained, except official traffic and street signs, shall conform to the provisions of this Section. A sign permit shall be obtained from the Zoning Enforcement Officer or the Commission as applicable before the placement of any sign.

8.01.210 Relationship to Streets

8.01.211 Distance from Street line
Except as allowed in the Design Districts of these regulations no sign shall be located closer than 25 feet from a street line in any zone, except names and addresses attached to mailboxes or signs placed flush against the front wall of a building in existence prior to August 25, 1958, the front wall of which has not been moved closer to the street since said date.

8.01.212 Interference with Motorist's Line of Sight
Signs shall not confuse, distract, mislead or obstruct vision necessary for traffic and pedestrian safety.
(a) Notwithstanding Subsection 8.01.211, no sign shall be located so close to a street line or driveway as to obstruct to any extent the required lines of sight indicated below. Where the paved or traveled portion of such street or driveway is widened, then any sign obstructing the new lines of sight shall be set further back to conform to these requirements. The required lines of sight are:
(b) local residential streets and unclassified streets - 150 feet

(c) arterial streets - 250 feet
(d) minor and major collector streets - 200 feet

8.01.213 Temporary Signs' Location
Notwithstanding Subsection 8.01.211, if any temporary sign allowed pursuant to Sections 8.01.613 or 8.01.619 cannot be seen as setback, the temporary sign may be placed closer than 25 feet from a street line; provided, however, said temporary sign shall not be located so close to a street line as to obstruct to any extent the lines of sight indicated in Subsection 8.01.212. Such temporary signs shall not be illuminated.

8.01.214 Access from More than One Street
Where a lot has vehicular access to more than one street, the permitted sign may be put in the yard adjacent to whichever street the owner chooses and an additional single-facing or double-facing sign not to exceed 8 square feet (12 square feet for a shopping center) may be placed in each yard adjacent to the other streets providing such vehicular access. Any illumination of such signs shall be consistent with the regulations that pertain to the particular land use and zone in which the sign is located.

8.01.300 Application for Site Development Plans and Special Exceptions
Any application submitted for approval by the Commission shall include a complete and detailed signage plan for the entire lot. Such plan shall be submitted to the Commission upon application for a site development plan or special exception approval. The site plan shall include the locations, style, sizes, dimensions and lighting for all site signage. Building elevations shall illustrate sign placement, size and style for all wall signs. All proposed signs shall be a part of the application for site approval. Any such signs shall comply with the overall sign regulations as set forth herein. No signs shall be erected upon such sites until approved by the Commission.

8.01.400 Types of Signs

8.01.410 The following types of signs and limits are the only ones permitted:
(a) Directional Sign
(b) Directory Sign
(c) Double-facing Sign
(d) Natural Sign
(e) Plaque
(f) Single-facing Sign
(g) Traffic Sign
(h) Wall Sign
(i) Yard Sign

8.01.500 Sign Standards

8.01.510 Computation of Sign Area
(a) All framing shall be included in computing the area of the sign, and where the sign is not contained within the outer dimensions of a frame, then the area of the sign shall be computed as the area of the smallest quadrilateral capable of including all lettering or other items

comprising the sign.

(b) Where a double-facing sign is allowed, the permitted area shall apply to each face (side).

(c) Both faces (sides) of a double-facing sign shall be the same.

8.01.520 Sign Supports

8.01.521 Wall Sign

Except for signs that are mounted perpendicular to a wall, a wall sign mounted flush with the wall shall not extend more than 12 inches from said wall, or project above the eave of the roof line or beyond the side of any building.

8.01.522 Free-Standing Ground Sign

If a sign is supported independently of the building or other structure on the premises, the top of said sign or its support shall not be higher than fourteen (14) feet (8 feet for EH-10 zones) from the average ground level in the area of the lot where the sign is located.

8.01.523 Directory Signs

Where directory signs are permitted the spaces for individual listings shall be located beneath the part of the sign, if any, generally describing the building, shopping center, etc. and such spaces shall be uniform as to size, shape, color and materials used.

8.01.530 Lighting

8.01.531 Lighting of signs, where permitted shall be from an indirect source. No internally illuminated signs or neon signs positioned inside a window which makes it visible outside of the building shall be allowed except that a shopping center may have internally illuminated signs when such signs are approved by the Commission and are located more than two hundred feet (200') from the road. One internally illuminated window sign with the word “OPEN” for a retail shop located in a business or industrial zone and a “*Gas Station* or *Filling Station*” may have internally illumined signs for gas pricing and logo signs, provided they are approved by the Zoning/Land Use Enforcement Officer. No variances are permitted. (Amended effective 4/22/15)

8.01.532 Wall or attached signs shall have the light source incorporated into the sign structure or concealed by an architectural feature.

8.01.533 Free-standing ground signs shall either have the light source incorporated into the sign structure or concealed by landscaping.

8.01.534 The light shall be soft lighting directed toward the sign with little or no spillover. The light source shall be shielded from any road and adjacent property.

8.01.535 Lighting type shall be consistent intensity for each sign throughout the site.

8.01.536 Lighting shall be consistent with "dark sky" objectives.

8.01.537 Lighting shall be directed such that it will not in any manner impair the vision of a

motorist or pedestrian.

8.01.540 Sign Materials and Maintenance
All signs shall be:
(a) constructed of strong material which will not warp or distort with weather or age;
(b) firmly supported so as to withstand wind conditions normally expected throughout the year in the Town;
(c) kept freshly painted and otherwise maintained in good and safe condition and repair;
(d) made of materials that are consistent and complimentary to the general architecture of the site; and
(e) consistent between the individual tenants throughout the site.

8.01.550 Information

8.01.551 Signs may be established for the identification and promotion of the development and individual tenants within the site.

8.01.560 Signs Off the Lot

8.01.561 Where the primary vehicular access to a lot is through a strip of land, whether or not said lot has frontage on a street, then the signs permitted by these regulations may be placed within said strip of land or on a lot adjacent to said strip of land, provided that the general provisions of the sign regulations are met.

8.01.562 Where a street has been constructed to serve an industrial subdivision, one double-facing directory sign may be maintained on a corner lot formed by the intersection of said street with a highway maintained by the State. Such sign may be externally illuminated.
Size: 8 square feet for the name of said subdivision and
2 square feet for the name of each actively conducted business or industry, not to exceed a total of 60 square feet

8.01.563 Any application for a permit for a sign off the lot to which the sign applies shall be made by the owner of the lot on which the sign is to be located.

8.01.570 Design Standards for Signs

8.01.571 Signage shall be consistent with and complementary to the architectural style and general design scheme for the buildings within the site. A uniform sign plan shall be created for all permitted signs located upon a lot. Such plan shall provide for some consistency between all signs upon the lot and upon the building or buildings in terms of standardized location, lighting, generalized design features etc.

8.01.572 Excessively bright, glaring, or vibrating color hues and schemes are discouraged.

8.01.580 Mailboxes
Names and addresses required to be placed on mailboxes by the United States Post Office may

be in addition to the permitted signs.

8.01.590 Restrictions
The following restrictions apply to signs in all zones.

8.01.591 Signs which rotate, vibrate, move or swing or which have rotating, vibrating, moving or swinging parts, except for clocks, are prohibited.

8.01.593 The number and area of all existing signs on a lot shall be counted toward the number and maximum sign area, respectively, allowable on that lot.

8.01.594 Directional signs shall contain no advertising.

8.01.595 Unless otherwise specified by these regulations, all permitted signs must be located on the same lot as the building or use to which said signs apply.

8.01.596 If any lot lies in more than one zone, the sign regulations for the more restrictive zone shall apply to the lot unless the Commission determines the sign regulations for the less restrictive zone are more appropriate.

8.01.597 No internally illuminated signs or neon signs visible from outside of the building shall be allowed except as provided herein for a shopping center and one window sign with the letters "OPEN" for a retail shop located in a business or industrial zone. No variances are permitted.

8.01.598 No signs shall be erected upon the roof or above the eave of the roof.

8.01.600 Permitted Signs
The following signs are permitted for the uses indicated. Sizes indicated are the maximum area.

8.01.610 All Zones
The following signs and size limits are permitted in all zones and shall not be illuminated.

8.01.611 Signs Marking Civic, Charitable, Religious, Patriotic, Fraternal or Similar Organization
One double-facing sign, including any flag, badge or insignia, identifying any civic, charitable, religious, patriotic, fraternal or similar organization and their meeting hours, located on the lot where regular meetings are held.
Size: 8 square feet

8.01.612 Traffic or Other Direction Signs
(a) Traffic or other direction signs erected by the State, Town or Borough, including, without limitation direction signs to schools, libraries, parks or governmental buildings. Said signs may include the flag, badge or insignia of any government agency.
(b) Agricultural businesses may erect up to 4 directional signs for any agricultural business site.

8.01.613 Temporary Realtor Signs
(a) One single-faced or double-faced temporary realtor sign advertising the sale or lease of the

premises upon which it is located.
Size: 8 square feet for Residential Zones
20 square feet for Business Zones, Industrial Zones and Residential Subdivisions

(b) One additional sign may be erected for each 200 feet of lot frontage on the street on which said sign is located provided said 200 feet of frontage is in addition to the minimum frontages required in the zone in which the lot lies.
(c) The number of signs for a single premise shall not exceed 4.
(d) Such a sign or signs shall be removed as soon as the sale or lease of said property is completed or when the listing agent no longer represents the property owner or when such sign is no longer maintained in good order.

8.01.614 Control of Traffic and Parking Signs
(a) Signs may be erected solely for the control of traffic and parking upon the premises.
(b) Such signs shall only be erected at the intersection of driveways with streets, other driveways and parking areas or, where the parking area is not served by a driveway, at the entrances and exits of any parking area.
Size: 1 square foot each

8.01.615 Driveways and Parking Area Markings
In addition to any other signs, driveways and parking areas may be painted and maintained with directional arrows to control the flow of traffic, and with lines or words to define the parking spaces, crosswalks, stop lines and areas where no parking is to take place.

8.01.616 Signs Prohibiting Trespassing, Hunting or Fishing
(a) Single-facing signs prohibiting trespassing, hunting or fishing are permitted on all land actually being or likely to be used for hunting, trapping, fishing, picnicking or as a passageway by unauthorized persons.
(b) As many such signs may be erected as desired.
(c) Such signs may also be posted on lots with unoccupied dwellings at the rate of not more than 4 per acre.
(d) Said signs need not conform to specified setbacks provided that they are placed within the boundaries of the lot and are attached to a tree, wall or fence.
Size: 1 square foot each.

8.01.617 Signs Marking Open Space, Conservation Areas, Trails and Public Access Areas
Size: 16 square feet

8.01.618 Roadside Stands
One double-facing sign or two single-facing signs
Size: 8 square feet

8.01.619 – (Amended effective July 18, 2011) The following signs are allowed with a special temporary sign permit;
(a) Special Event Temporary Signs are allowed with a special permit. A maximum of 2 temporary signs at location of event, including pennants, valances, flags, streamers, inflatables, or A-frame signs are allowed provided that:

1. a temporary sign permit has been issued by the Zoning Enforcement Officer.
2. the permit shall be valid for a period not to exceed seven (7) days.
3. Grand Opening sign permits are valid for 45 days maximum.
4. the signs shall be removed within forty-eight (48) hours after the valid permit period.
5. such signs are not illuminated.
6. temporary signs shall not exceed sixteen (16) square feet.
7. up to six (6) temporary sign permits may be obtained in any one (1) calendar year relating to a single location.
8. For profit businesses are allowed signs only at the business location.
9. Non-profit permanent organizations within the Town can place one temporary sign (maximum size - 3 square feet) per lot with the permission of the property owner. One event sign allowed per lot with a maximum of twenty (20) signs per event.

8.01.620 Farming and Residential Zones
The signs permitted herein may be externally illuminated signs.

8.01.621 Residential Use Only
One single or double-facing sign containing name and address only.
Size: 1 square foot

8.01.622 Residential Use Plus Permitted Accessory Use other than a roadside stand
One single or double-facing sign
Size: 2 square feet

8.01.623 Town Buildings or Uses and the Uses Permitted by Special Exception When Not Otherwise Indicated Herein
Size: 16 square feet
8.01.624 Active Farming
One double-facing sign or two single-facing signs.

If two single-facing signs are used, each one shall be located within 200 feet of the principal driveway or largest building on the farm.
Size: 20 square feet each

8.01.625 Actively Operated Legally Non-Conforming Industrial Use
One single-facing or double-facing sign
Size: 20 square feet

8.01.630 Business & Professional Office Zone (BPO)
The signs permitted herein may be externally illuminated signs.

8.01.631 Single Family Home plus Professional Office
One single-facing or double-facing sign
Size: 2 square feet

8.01.632 Single Tenant Professional Office Building
One single-facing or double-facing sign per lot
Size <10,000 square foot Building: 15 square feet
Size >10,000 square foot Building: 20 square feet

8.01.633 Multiple Tenant Professional Office Building or Buildings
Where more than one professional office tenant or more than one building is located upon a lot, each professional building may have one wall sign provided that the total area of each wall sign shall not exceed fifteen percent (15%) of the area of the first floor wall facing the street, including doors and windows, but excluding facades or false fronts extending above the actual roof of said premises plus:

One single- or double-facing directory sign per lot
Size <10,000 square foot Building: 15 square feet
Size >10,000 square foot Building: 20 square feet

8.01.634 Window Sign
One internally lit "OPEN" sign is permitted inside a window for a retail shop
Size < 1 ½ square feet

8.01.640 Business and Design District Zones
The signs permitted herein may be externally illuminated signs.

8.01.641 Permitted Business Uses and Buildings
One wall sign per store, shop, office or business located at each business entrance provided that the total area of all such signs shall not exceed fifteen percent (15%) of the area of the first floor wall facing the street, including doors and windows, but excluding facades or false fronts extending above the actual roof of said premises, plus:

One single-facing or double-facing sign per lot or
Size <10,000 square foot Building: 15 square feet
Size >10,000 square foot Building: 20 square feet

One single-facing or double-facing directory type sign per lot
Size: 10 square feet for name and address of building plus 3 square feet for each store, shop, office or business located therein

8.01.642 Window Sign
One internally lit "OPEN" sign is permitted inside a window for a retail shop
Size < 1 ½ square feet

8.01.650 Industrial Zones
The signs permitted herein may be externally illuminated signs.

8.01.651 Permitted Industrial Uses and Buildings
(a) One wall sign for a single tenant building or one wall sign per tenant entrance where such

single or multiple tenant signs provided that the total area of all such signs shall not exceed ten percent (10%) of the area of the wall supporting it excluding any facades or false fronts extending above the actual roof of the building, plus:

(b) One double-facing sign to be erected in the front yard
Size: 20 square feet

8.01.652 Yard Sign in Lieu of Wall Sign
One single-facing sign may be erected and maintained in any yard in lieu of the wall signs permitted for Industrial Zone provided that

(a) it is no less than 50 feet from any lot line,
(b) the size of said sign is no greater than half the size of the sign that would be permitted on the wall of said building,
(c) the bottom of said sign shall not be more than one foot and the top not more than 10 feet above average ground level of the lot where the sign is located, and
(d) any landscaping surrounding the sign shall not be included in computing the area of the sign.

8.01.653 Natural Signs

(a) In lieu of the wall or yard signs, consisting of living plants and the spaces between them may be planted and maintained without regard to size.
(b) Plants forming part of such signs shall be rooted in the ground and not in earth which is supported above the ground level by structures or buildings.

8.01.654 Window Sign
One internally lit "OPEN" sign is permitted inside a window for a retail shop
Size < 1 ½ square feet

8.01.660 Elderly Housing Zone
The signs permitted herein may be externally illuminated signs.

8.01.661 One single-facing or double-facing sign placed near the primary accessway with no part of it more than six (6) feet above grade level.
Size: 8 square feet

8.01.670 Fairfield Hills Adaptive Reuse Zone
The signs permitted herein may be externally illuminated signs.

8.01.671 A uniform sign plan shall be utilized to address all permitted signs located upon the campus. Such plan shall provide for a consistent design theme for all of the signs located upon the lot and upon the buildings in terms of standardized location, lighting, generalized design features etc. The signage plan shall be tasteful, complementary to the architecture of the buildings and shall have consistent details that tie the various elements of the campus together to complement the overall design of the campus. Only the following signs shall be permitted. The size is the maximum area.

(a) One directory sign for the main access road to the campus.
Size: 32 square feet.
(b) Plus one directory sign for the secondary access road to the campus.

Size: 25 square feet.

(c) Plus each shared parking area may include one additional central directory sign to assist visitors in finding the buildings or fields upon the campus.
Size: 20 square feet.

(d) Plus banner signs for the decorative lighting poles. Such banners may include a sponsor's name, trademark or logo.

(e) Plus traffic or other direction signs as needed.

(f) Plus pedestrian walkway signs to facilitate the flow of pedestrian traffic.

(g) Plus for each building of 10,000 square feet or more of gross floor area one wall sign for each main public entrance to identify the name or number of the building.
Size: 12 square feet.

(h) Plus, one wall directory sign for each main public entrance to identify the tenants within the building.
Size: 12 square feet.

(i) Plus one double-facing directory sign or one single-facing sign for the name of the building and/or tenants occupying each building.
Size: 30 square feet

(j) Or for each building (such as the duplexes) of less than 10,000 square feet of gross floor area one wall sign for each main public entrance to identify the tenant.
Size: 6 square feet.

(k) Plus one double-facing directory sign or one single-facing sign for the name of the tenant(s) or the group of buildings (duplexes).
Size: 30 square feet

8.01.672 All signs shall be shown as part of the application for a zoning permit, site development plan or special exception and no other signs shall be erected or maintained, except as permitted herein.

8.01.700 Shopping Centers

The signs permitted herein may be internally illuminated signs. A uniform sign plan shall be created for the shopping center to address all permitted signs located within the shopping center. Such plan shall provide for some consistency between all signs upon the lot and upon the buildings in terms of standardized location, lighting, generalized design features etc. The signage plan shall be tasteful, complementary to the architectural design of the buildings within the shopping center and shall have consistent details that tie the various shops and businesses within the center together as a single project thereby complementing the shopper's experience.

(a) One wall sign per tenant at each business entrance may be installed provided that the total area of all such signs shall not exceed fifteen percent (15%) of the area of the first floor wall facing the street, including doors and windows, but excluding facades or false fronts extending above the actual roof of said premises, plus:

(b) One double-facing directory sign or one single-facing sign for the name of the center may be erected per lot however, if the lot has more than one main driveway serving the shopping center, an additional single-facing or double-facing sign not to exceed 12 square feet may be placed in each yard adjacent to any secondary driveways.
Size: 12 square feet for name and address of building plus 4 square feet for each store, shop, office or business located therein plus,

(c) One additional perpendicular sign per tenant at the main business entrance may be installed under the covered pedestrian walkway if the shopping center has a covered pedestrian walkway.
Size: 2 square feet for name of each business

8.01.800 Residential Subdivisions
The signs permitted herein shall not be illuminated signs.

(a) One single-facing or double-facing sign located at the intersection of a new roadway with an existing street may be erected and maintained by the developer of the subdivision provided such sign is located upon private property within the subdivision, it is fifty (50) feet from all lot lines and contains only the name of the subdivision as approved by the Commission
Size: 8 square feet

ARTICLE VIII – SUPPLEMENTAL REGULATIONS

SECTION 2 – ACCESS MANAGEMENT AND TRAFFIC ANALYSIS

8.02.100 Purpose and Intent

The purpose of this section is to establish criteria, standards and a policy for access management and traffic impact analyses that will serve to promote public safety and lessen traffic congestion.

The intent of this section is to minimize and control the number of curb cuts and access points serving commercial, industrial and multiple family developments along all state highways and town roads and to improve upon the impact that such development has on traffic patterns and circulation.

These regulations are applicable to:
(a) all new commercial, industrial and multiple family buildings erected,
(b) all existing commercial, industrial and multiple family buildings which are enlarged to an extent cumulatively exceeding 20 percent of the floor area which existed on June 15, 1972,
(c) all commercial, industrial and multiple family buildings erected after June 15, 1972 and subsequently enlarged, and
(d) all commercial, industrial and multiple family premises where the use is changed.

8.02.200 Traffic Impact Analysis

8.02.210 A traffic impact analysis, prepared by a professional engineer with expertise in traffic management licensed to practice in the State of Connecticut, is required as part of any site development plan or special exception application involving twenty (20) or more dwelling units or any development project that requires fifty (50) or more parking spaces either in a new or existing parking lot or for any use that will generate one hundred (100) or more vehicle trips per day.

8.02.211 The Commission shall have the discretion to require a traffic impact analysis for any application regardless of size if it feels that one is warranted. Likewise, an applicant may request that the Commission waive the requirement for a traffic impact analysis if an application does not involve an increase in vehicle trips, curb cuts or parking spaces.

8.02.212 The analysis shall include, at least, the following information:
(a) The present roadway conditions (road classification, road widths along the lot frontage, roadway capacity, level of service, sight lines),
(b) Existing traffic conditions on the roadway (average daily traffic volumes, peak hour traffic volumes, accident history),
(c) Impact of proposal upon traffic flow and safety at the point(s) of roadway access and within one-half (1/2) mile of the project (existing and projected trip generation, effect upon peak hour traffic and level of services, proposed sight lines),
(d) Description of improvements that are necessary to mitigate identified traffic impacts (proposed recommendations),

(e) Description of access management options,
(f) All existing uses upon the lot and/or the driveway servicing the lot, not merely any new proposed use inclusive of delivery vehicles.

8.02.213 Where it is projected that the additional traffic resulting from a proposed project will reduce the level of service to D or below, the Commission shall not approve the project unless and until the applicant has made provisions for the improvement of said condition.

8.02.214 The street giving access to any lot shall have the capacity to absorb the additional traffic or it shall be suitably improved to accommodate the amount and types of traffic generated by a proposed use.

8.02.215 Where necessary to safeguard against hazards to traffic and pedestrians and/or to avoid traffic congestion, provision shall be made for turning lanes, traffic directional islands, frontage roads, driveways and traffic controls within the lot and upon the streets.

8.02.216 The Commission shall have the discretion to require a peer review of the applicant's traffic impact analysis if it determines that one is warranted. The cost of the peer review shall be borne by the applicant. Payment shall be made to the Town prior to the decision by the Commission on the application.

8.02.300 Site Design and Access Management Criteria
All lots shall incorporate the following site design and access management criteria:

8.02.310 Vehicle access to a lot and circulation thereon shall be arranged in such a manner so as to provide safe and convenient circulation upon the lot, to safeguard against hazards to traffic, property and pedestrians, and to avoid congestion on the street and upon the lot.

8.02.311 Vehicular access to any commercial or industrial lot situated in or bordered by a residential district shall avoid traffic use of local residential streets whenever a reasonable alternative is available.

8.02.312 Where a lot has frontage on two (2) or more streets, access shall be provided to the street where the potential for traffic congestion and hazards to traffic and pedestrians is less.

8.02.313 Site improvements shall be designed to provide sufficient capacity for all vehicular and pedestrian activity upon the lot including parking, loading and unloading of vehicles. Queuing of vehicles on any street is prohibited.

8.02.314 Access management methods including the provision of common driveways or common access ways between adjoining lots shall be provided upon all lots having access or frontage along arterial and collector roadways. Provisions for immediate or future driveway connections to adjoining lots of similar existing or potential uses shall be made when such driveway connections will facilitate efficient emergency response and/or when such connections will enable the public to travel between lots without the need to travel upon a street. The property owners' right to use and the obligation to maintain common driveways shall be assured by a written dedication and/or

agreement to be recorded in the Newtown Land Records.

8.02.315 Certain drawings and bulletins shall be used as a guide in the design and location of driveways on Connecticut Routes 25 and 6. The traffic management reports are entitled "Bethel-Danbury-Newtown Route 6 Traffic and Curb Cut Management Plan, HVCEO Bulletin #73, dated 1993", "Newtown Route 25 Access Management Study, HVCEO Bulletin #85 dated November 1995" and the "Interstate 84 Exit 9 Hawleyville Transportation and Development Study, HVCEO Bulletin #94, dated August 1997". Such Bulletins are available in the Planning and Zoning Commission office for the particular site in question.

8.02.316 Where the lot has frontage on an existing street, proper provision shall be made for grading and improvement of shoulders and sidewalk areas within the right-of-way of the street and for provision of curbs and sidewalks as approved by the Commission and in accordance with the pattern of development along the street. Where necessary to provide for suitable access or for a system of neighborhood circulation streets, provision shall also be made for appropriate continuation and improvement of street terminating at the property where the use is to be located.

8.02.317 Owners of contiguous lots are encouraged to consolidate their lots for the purpose of development. This provision will reduce side yard building setbacks and may reduce the amount of parking spaces required in exchange for fewer access driveways. (see Article VIII, Section 3)

8.02.400 Access Management Standards

8.02.410 Where street geometry, traffic volumes or traffic patterns warrant, the Commission may:
(a) Limit the number of driveways that provide access to a lot from the street,
(b) Designate the location of any street access
(c) Require the use and/or provision of a common driveway with an adjoining lot, an access easement to an adjoining lot for shared access, and
(d) Limit access to a major street and require access from a minor street.

8.02.420 As part of an application approval, the Commission may require an applicant or owner to:
(a) Establish mutual driveway or other easements to provide a single point of access for two or more abutting lots in a location acceptable to the Commission,
(b) File such easements on the land records in favor of the abutting lot owners and/or the Town of Newtown as shall be acceptable to the Commission and the Town Attorney, and/or
(c) Utilize a mutual driveway or other easement that exists on an abutting lot in lieu of having a separate curb cut onto a road or street.

ARTICLE VIII – SUPPLEMENTAL REGULATIONS

SECTION 3 – PARKING, DRIVEWAY & LOADING STANDARDS

8.03.100 Purpose and Intent

The purpose of this section is to establish criteria and standards for driveways, parking and loading areas.
The intention of this section is to assure that the amount and design of driveways, parking and loading spaces will be sufficient to accommodate the motor vehicles of all occupants, essential services, emergency vehicles and others normally visiting the premises at any one time.

These regulations are applicable to:
(a) all new buildings erected,
(b) all existing buildings which are enlarged to an extent cumulatively exceeding 20 percent of the floor area which existed on June 15, 1972,
(c) all buildings erected after June 15, 1972 and subsequently enlarged, and
all premises where the use is changed.

8.03.200 Driveway Standards

8.03.210 All Driveways shall meet the following standards**:**

8.03.211 Driveway Design
Driveways shall be designed and constructed to:
(a) Accommodate essential service and emergency vehicles with minimum disturbance or alteration of the natural terrain and the indigenous character of the land,
(b) Have any culverts and bridges located under a driveway carry H2O live loads,
(c) Not cast water on the surface of any existing or proposed street, and
(d) Comply with the permitting, sight distances and construction requirements of Article IX of the Newtown Road Ordinance adopted December 1989 and the regulations set forth herein.

8.03.212 Common Driveways
(a) The Commission may allow common driveways for lots with frontage pursuant to Section 8.02.420.
(b) Common driveways are required for adjacent rear lots in subdivisions and resubdivisions pursuant to the Section 8.02.420.
(c) The Commission may require the use of common driveways for two or more adjacent lots in order to reduce the number of curb cuts on the street, to lessen traffic congestion or to avoid a wetland crossing.
(d) The Commission may allow a common driveway for certain lots with road frontage that require a wetlands crossing for driveway construction provided that a written request has been provided by the Inland Wetlands Commission.
(e) Once a common driveway has been constructed, no driveway serving only one of the two lots shall be constructed unless a special permit is issued by the Commission after a hearing at which it is proven that:

1. both lot owners have agreed to construct separate driveways; and

2. circumstances have changed since the common driveway was constructed, or through experience are shown to exist, which make the separate driveways safer within the lot and/or at the entrance to the highway than a common driveway. (Effective 11/13/89)
3. and divisions of land pursuant to Section 7.04.900 and 8.02.420 (added 7/26/10)

8.03.220 Driveways serving Single Family Dwellings shall meet the following standards:

8.03.221 Driveway Intersection
All driveways shall intersect the street
(a) In a location having the sight distance required by the Newtown Road Ordinance,
(b) Consistent with the Access Management section of these regulations,
(c) At right angles when possible.

8.03.222 Driveway Grade
(a) The driveway grade shall be five (5) percent or less for the first thirty (30) feet measured in from the edge of the street. For the purpose of this regulation, the term "street" shall apply to both public and private roadways.
(b) Driveways grades shall not exceed fifteen (15) percent and shall not exceed an average of twelve (12) percent.
(c) Driveway sections having grades of twelve (12) percent or more shall be paved with bituminous concrete or other equal all-weather surface, including ten (10) feet preceding and following the twelve (12) percent or more grades.

8.03.223 Turning Radius
(a) The minimum center turning radius on the primary driveway curves shall not be less than thirty-seven (37) feet.
(b) Based on driveway configuration, the Town Engineer may determine that a turning radius
(c) greater than thirty-seven (37) feet is required for proper accessibility and safety.

8.03.224 Travel Width
(a) The minimum driveway travel width of a residential driveway shall be ten (10) feet.
(b) Common driveways serving more than one single family dwelling shall at no point be less than sixteen (16) feet wide.

8.03.225 Parking Area
(a) An area for parking shall be provided in the driveway within thirty (30) feet of the dwelling.
(b) Such parking area shall have a minimum length of thirty-five (35) feet and a grade of not more than five (5) percent.

8.03.226 Pull-Off Areas
(a) Driveways longer than two hundred fifty (250) feet shall include a pull-off area to accommodate emergency vehicles.
(b) The minimum driveway dimensions at pull-off areas shall be sixteen (16) feet wide and twenty-five (25) feet long.
(c) The maximum distance between pull-off areas shall be two hundred fifty (250) feet.
(d) A common driveway of sixteen (16) feet in width shall be deemed as to having met the requirements of this section.

8.03.230 Driveways serving Commercial, Industrial, and Multiple Family Dwellings shall meet the following standards:

8.03.231 Driveway Intersection

(a) All driveways shall intersect the street
   1. In a location having the sight distance required by the Newtown Road Ordinance, and
   2. At an angle never less than eight-five (85) degrees for a distance of at least forty five (45) feet.

(b) Driveways providing access to a parking area of more than ten (10) parking spaces shall not enter a public highway less than seventy-five (75) feet from the center line of the nearest intersecting street on the same side of the street as the driveway.

(c) Driveways shall be consistent with Article VIII, Section 2 Access Management and Traffic Impact Analysis of these regulations.

8.03.232 Driveway Grade

(a) The driveway grade shall be five (5) percent or less running from the centerline of the street for a distance of no less than forty-five (45) feet.

(b) Driveways grades shall be less than fifteen (15) percent and shall not exceed an average of twelve (12) percent.

8.03.233 Turning Radius

(a) The minimum center turning radius on driveway curves shall be not less than thirty-seven (37) feet.

(b) Based on driveway configuration, the Town Engineer may determine that a turning radius greater than thirty-seven (37) feet is required for proper accessibility and safety.

8.03.234 Driveway Travel Width

(a) Driveways providing access to a parking area from the street shall be at least twelve (12) feet wide if one-way and twenty (20) feet wide if two way.

(b) The dimension of driveways contiguous to parking spaces and designed to be used for one-way travel, shall not be less than the following widths, whether or not the parking spaces are on one or both sides of the driveway:

   1. Twelve (12) feet for parallel and 30 degree angle parking.
   2. Fifteen (15) feet for 45 degree angle parking.
   3. Eighteen (18) feet for 60 degree angle parking.
   4. Twenty (20) feet for 90 degree angle parking.

(c) Driveways contiguous to parking spaces and designed to be used for two-way travel shall not be less than twenty (20) feet wide no matter what the angle of parking.

(d) Common driveways shall meet the following design criteria

   1. Each one-way travel lane is at least twelve (12) feet wide, and
   2. A landscaped median that is not less than three (3) feet wide for at least twenty (20) feet shall separate the travel lanes.

8.03.240 Driveway Widths

DRIVEWAY TYPE	MINIMUM WIDTH OF DRIVEWAY
Single Family Driveway	
One dwelling	10 feet
Two or more dwellings (common driveway)	16 feet
Commercial, Industrial, Multiple Family Access from Street	
One-way	12 feet
Two-way	20 feet
Common Driveway	12 feet (each lane)
Median	3 feet
Commercial, Industrial, Multiple Family One-way w/ Parking	
Parallel and 30 degree angle parking	12 feet
45 degree angle parking	15 feet
60 degree angle parking	18 feet
90 degree angle parking	20 feet

8.03.300 Parking Dimensions, Location, Surface Materials and Illumination

8.03.310 Each parking space shall be capable of containing a rectangle 9 feet in width and 20 feet in length. All parking spaces shall be contiguous to a driveway permitting access to a street.

8.03.320 No parking space or driveway shall be permitted
(a) within the front yard setback in any design district, business, professional, elderly housing, or industrial zone or for an affordable housing development,
(b) closer than twenty (20) feet from the street line if serving a single-family dwelling in any Farming and Residential Zone and without an accessory use requiring parking

8.03.330 Except for the parking required for a single-family dwelling or community residence without an accessory use requiring parking, all parking spaces and driveways shall have
(a) concrete, bituminous concrete or equivalent surfacing,
(b) adequate drainage so that water doesn't collect or stand on the surface,
(c) each parking space clearly marked and driveways marked to indicate the direction of travel.

8.03.340 The Commission may require a pervious surface for parking areas to reduce runoff and increase stormwater infiltration.

8.03.350 All artificial lighting used to illuminate any parking space or area shall be so arranged to meet the Performance Standards and Article VIII Section 5 Exterior Lighting Standards of these Zoning Regulations.

8.03.400 Parking Area Standards

8.03.410 All parking areas having twenty (20) or more parking spaces shall meet the following

standards:

8.03.411 Circulation routes and rows of parking spaces shall be defined by curbed islands distributed throughout the parking lot.
(a) Such islands shall, at a minimum, equal in area 225 square feet per ten (10) parking spaces.
(b) Such islands shall be landscaped to provide shade and shall be maintained in a healthy and growing condition.
(c) The area of the islands shall be considered structural area for purposes of applying the structural coverage ratio required for the zone in which parking area is located.

8.03.412 Parking areas shall meet the site design and access management criteria set forth herein.

8.03.420 Required parking shall be provided on the same lot with the use except that in business, design districts, and industrial zones the required off-street parking facilities may be provided on a different lot, provided that:
(a) the nearest boundary of the paved portion of the parking area is within 400 feet of the lot use being served,
(b) said lot is under the same ownership as the use served, or
(c) a long-term instrument, acceptable to the Commission, assures that the use of such off-site parking remains available to the user and such instrument for parking is filed in the land records.
(d) If the written agreement for the parking is no longer in effect then the use shall immediately conform to these parking regulations.

8.03.430 Shared Parking

8.03.431 In an effort to reduce lot coverage and non-point pollution from parking areas, the Commission may allow up to 50 percent of the required parking to be shared between certain uses provided that
(a) their operations are conducted at different hours, and
(b) their parking areas are located within 500 feet of each other and
(c) a long-term instrument, acceptable to the Commission, assures that the use of such shared parking remains available to the users and such written agreement is filed in the land records.

8.03.432 If the written agreement to share parking is no longer in effect then the uses shall immediately conform to these parking regulations.

8.03.500 Loading Area Standards

8.03.510 Loading areas shall be located
(a) to the rear or side of any building,
(b) behind the minimum building setbacks and
(c) to permit ease of circulation within the lot.

8.03.600 Schedule of Minimum Parking Requirements

The number of parking spaces set forth in the following schedule of requirements will be considered as the minimum required for each such use

(a) The schedule is intended to be representative and not inclusive, and the minimum parking required for permitted uses not specified herein shall be determined by reference to the most similar use for which a requirement is given.

(b) A different number of parking spaces may be required where the Commission reasonably determines that the nature of the use is such that more vehicles than the minimum number of spaces specified herein are likely to be parked in connection with such use at one time.

8.03.610 Parking Schedule of Minimum Requirements

USE OR FACILITY	**PARKING REQUIREMENTS**
Residential	
Affordable Housing Developments and dwelling units for elderly families	**2 spaces per dwelling unit** PLUS **2 additional spaces for every 5 units** and shall be located with resident parking areas.
Assisted living facility	**1 space per 6 assisted units**, PLUS **1 space per employee** on the largest shift.
Community residence	**2 spaces** (which may be provided by the use of an enclosed garage or carport).
Congregate Housing for Elderly Families	**1 space per unit containing not more than one bedroom and 1.25 spaces per two bedroom unit.** Parking spaces for units may be provided by use of a garage or carport. In addition, there shall be **1 space per 6 Assisted Living Units and Health Care Units,** PLUS **1 space per employee** on the largest shift.
Residential dwellings within a commercial structure located in a commercial, professional or design district	**1 space per dwelling** in addition to the commercial spaces.
Roomers or boarders kept by a family pursuant to 3.01.450.	**Single family residential requirements** PLUS **1 space per roomer or boarder.**
Single family residential dwellings	**2 spaces** (which may be provided by the use of an enclosed garage or breeze way).
Commercial/Industrial	
All industrial uses, public utilities, printing establishments, storage in bulk and warehouses	**1 space per employee on the largest shift** PLUS **1 space per industry or business vehicle** usually kept on the premises.
Bowling alleys	**5 per alley**
Commercial recreational facilities, tennis, paddle tennis/platform tennis, racquet ball, handball and squash and/or swimming recreational facility, and similar physical and recreational uses	**40% of the maximum number of members or occupants permitted to use such facility at any one time.**
Home occupation which is neither a professional office nor devoted to retail sales	**2 spaces** PLUS **1 space per employee** not residing on the premises.
Horse farms and riding academies providing horse	**1 space per employee** PLUS **1 space per**

lesson programs or horse day camps	**3 horse lesson students or horse day campers** which will be utilizing the parking facilities during peak hours of operation.
Hotels or motels	**1 space per bedroom**, PLUS **1 space per 2 employees** on the largest shift.
Professional and general offices, banks, motor vehicle salesrooms, wholesale business, kennel, and professional offices carried on as an accessory use to a single family residence	**1 space per 350 square feet of gross floor area** (limited in the case of residences to the areas of the residence actually devoted to the accessory use
Restaurant, bar, grill or tavern	**1 space per 2 seats** (or **1 space per 4 linear feet of bench**), PLUS **1 space for each 2 employees** on the shift with the largest number of employees.
Retail businesses, personal service establishments, medical offices, any single building with multiple use tenants	**1 space per 200 square feet of gross floor area or part thereof**
Roadside stands for a sale of agricultural produce or nursery stock	**1 space per linear foot** measured on the longest dimension of the stand – **or 10 spaces whichever is more.**
Institutional/Health Care	
Child day care centers	**1 space per employee** in the largest shift, reserve parking for visitors, and adequate space for the pick-up and drop-off of children.
Family or group daycare home	**2 spaces** PLUS **1 space per employee or other supervising parent.**
Hospitals or Extended Care Facility	**1 space per 6 patient beds** plus, there shall be **1 space per employee or on-site worker** on the largest shift.
Places of assembly with fixed seats, such as a theater, church, auditorium, or funeral parlor	**1 space per 6 seats.** Where pews or benches are used as fixed seats, **1 space per 9 linear feet.**
Places of assembly without fixed seats such as banquet halls and club houses, including volunteer fire departments	**1 space per 200 square feet of gross floor area** (limited in the case of volunteer fire departments to the area of the firehouse used for meetings or banquets).

8.03.700 Vehicle Storage

8.03.710 Permitted Vehicle Storage

8.03.711 Boats, boat trailers and unoccupied recreational vehicles having a current State of Connecticut registration to use the public highways may be parked or stored outdoors only if parked or stored in a rear or side yard as far from the lot line as possible.

8.03.712 Plumbers, electricians and similar artisans and tradesmen using vans, pickups or similar

trucks in their trade or business may park said trucks on the same lot as the dwelling they occupy in any zone provided that no more than one such truck is so parked or stored on the lot per occupant engaged in such a trade. Parking of pickups and vans or similar vehicles not in excess of 1 to capacity used for transportation by occupants of the lot is also permitted.

8.03.720 Prohibited Vehicle Storage

8.03.721 Except for operable motor vehicles used for farming activities, vehicles without valid State of Connecticut registration shall not be parked or stored on any lot unless completely enclosed within a building.

8.03.722 Outside storage of any piece of construction equipment, dump truck, garbage truck or other heavy truck of a type not ordinarily used as a means of transportation for people is prohibited in all zones.

8.03.723 Except for operable motor vehicles used on farms, storage or parking of any piece of construction equipment, dump truck, garbage truck or other heavy truck of a type not ordinarily used as a means of transportation for people is prohibited in farming/residential and BPO zones, unless there is a valid building or construction permit issued for the property (added effective May 26, 2008).

ARTICLE VIII – SUPPLEMENTAL REGULATIONS

SECTION 4 – LANDSCAPE, SCREENING AND BUFFER REQUIREMENTS

8.04.100 Purpose and Intent

The purpose of this section is to provide minimum standards for the utilization of greenery, landscaping, screening and buffering as a means to enhance the aesthetics of site development. Methods such as the incorporation of existing vegetation or the preservation of significant trees into the development of land or the planting of new buffering and landscaping materials should enhance the transition from forested or undeveloped land into the built environment and serve to provide a separation between areas of unlike character. The intent of this section is to preserve and enhance the character, appearance and natural beauty of the town and to protect property values throughout the community.

This section is not intended to be a limitation upon the power of the Commission to require more extensive landscaping, screening or buffer areas when setting conditions for the granting of a special exception or approval of a site development plan.

8.04.200 General Landscaping Requirements

8.04.210 Natural topography and existing vegetation shall be maintained to the greatest extent possible in the site design. Except for the footprints of structures on the lot, private roads, driveways, sidewalks, parking areas, recreational facilities and other approved site amenities, all areas where natural plant growth has been removed or disturbed shall be restored to grass, shrubs, trees or ground covering plants in the next available planting season and shall be so maintained.

8.04.220 Except for that portion of a front yard traversed by driveways, pedestrian walks, permitted parking spaces, or areas of unusual design approved by the Commission all areas of the front yard of all lots in all zones shall be landscaped with grass, plants or other groundcover including, without limitation, evergreens and shrubs, or similar plant life.

8.04.230 The use of low impact development (LID) techniques such as rain gardens that provide for natural recharge, infiltration of storm water and reduce the amount of pollutants that may enter storm water control and treatment structures is encouraged.

8.04.300 General Buffer Requirements

8.04.310 Where the side or rear yard of any lot which is devoted to the use permitted in Business and Industrial Zones adjoins a Residential Zone, a planted buffer shall be provided in the yards which adjoin the Residential Zone if a natural buffer does not exist.

8.04.320 Where any special exception is granted within the Farming and Residential Zone a planted buffer shall be provided in the side and rear yards if natural buffer does not exist.

8.04.330 Each zone may have additional buffer requirements which must also be satisfied.

8.04.400 Buffer for Elderly Housing and Affordable Housing Zones Natural or planted buffer, or a combination of the two, shall be provided in the setbacks on all sides of the lot to provide a visual barrier from all neighboring properties. The buffer shall extend a minimum of fifty (50) feet on all sides within the lot. Where strip(s) of land serving as access ways are not wide enough to allow for fifty (50) foot buffer on each side; the buffer shall be as wide as possible.

8.04.500 Farming Buffer Any residential lot approved on or after the effective date of these regulations, that abuts a lot with an active agricultural use, including the raising and keeping of livestock, shall provide a fifty (50) foot buffer along any side or rear lot line that abuts such a lot. The fifty 50 foot buffer area shall be retained in its natural state and existing vegetation within the buffer area shall be maintained to the greatest extent possible.

8.04.600 Landscape Plans (Added effective 7/26/04)

8.04.610 A detailed landscaping plan shall be submitted with any application for site development including special exceptions. (Added effective 7/26/04)

8.04.620 The landscaping plan shall indicate the type, size, location and amount of all proposed plantings. Non-native invasive and potentially invasive plant species listed and updated annually by the Center for Conservation and Biodiversity at the University of Connecticut shall not be allowed. (Added effective 7/26/04)

8.04.630 A streetscape plan (sidewalks, lighting, signs, landscaping) is required for properties located in all business and design districts. (Added effective 7/26/04)

8.04.640 Minimum landscaping requirements are set forth below:

8.04.641 Shade trees for the purpose of summer shade for roads, parking, buildings and activity areas. Requirements: hardy deciduous trees, minimum two (2) inch caliper twelve (12) inches above ground, with deep soil and shade tolerant ground cover (ground cover plants, low shrubbery, grass, stones or chips) in adjacent ground area. (Added effective 7/26/04)

8.04.642 Slope plantings; for the purpose of stabilizing cut banks and controlling erosion. Requirements: hardy shrubs, erosion-resistant plants and vines, terracing, stabilized rock cuts or retaining walls wherever slope would exceed one vertical distance to one and a half horizontal distance (1.0: 1.5), rip-rap or stabilizing planting along created drainage channels. (Added effective 7/26/04)

8.04.643 Open Landscaping: for the purpose of site aesthetics, building enhancement, and recreation. Requirements: perennial grass or ground cover, suitable shrubs, trees or ornamental plantings, regularly maintained for attractive appearance. (Added effective 7/26/04)

8.04.644 Screening: for the purpose of visual concealment of specific areas (such as parking and commercial areas). Requirements: dense mixed species evergreen hedge in double offset rows, of hardy type with full growth at ground level and at least eight (8) feet in height. Screening may also

require supplementary fences or masonry walls, or both, as determined necessary by the Commission. (Added effective 7/26/04)

8.04.645 Natural Buffer: for the purpose of interrupting light, sound and visibility between incompatible uses through retention of natural woods and dense undergrowth. Requirements: sufficient depth and density of natural growth for effective buffer, and may require supplemental planting as determined necessary by Commission. (Added effective 7/26/04)

8.04.650 Required Landscaped Areas - Minimum Type Required.

LOCATION	TYPE
Surrounding parking lots and non-residential uses (including buildings, storage and all activity areas) in residential zones.	Screening, planted buffer, or effective natural buffer.
Parking lot islands and adjacent to paved parking in all zones.	Shade trees at average spacing of Thirty (30) to Forty (40) feet plus landscaping or a natural buffer.
Bank slopes within and adjacent to developed areas in all zones.	Slope plantings.
Roadsides, in all zones.	Shade trees at average spacing of thirty (30) to Forty (40) feet or appropriate open landscaping or natural buffer.
Adjacent to residential zone boundary lines, in all non-residential zones.	Screening or effective natural buffer, or planted buffer or combination.

(Added effective 7/26/04)

8.04.700 Suitability of Plantings The plantings which are chosen must be well suited to environmental conditions, properly installed and located to serve intended purposes. Placement of plantings shall not interfere with safe visibility at road intersections or exit driveways, nor cast dense winter shadows on potentially icy roadways. (Added effective 7/26/04)

8.04.800 Maintenance The owner of the site shall be responsible for proper maintenance of all plantings and other installed landscaped features as shown on the approved site plan, and for replacement of such in event of its non-thriving, demise or destruction. (Added effective 7/26/04)

8.04.900 Maintenance Bond The Commission may require a performance bond, to remain in effect at least three years, to assure the proper survival or replacement of plantings and landscaping shown on the approved site plan. (Added effective 7/26/04)

ARTICLE VIII – SUPPLEMENTAL REGULATIONS

SECTION 5 – EXTERIOR LIGHTING

8.05.100 Purpose and Intent

The purpose of the exterior lighting regulations is to:
(a) maximize energy conservation;
(b) minimize glare and obtrusive light;
(c) maximize effectiveness of exterior lighting;
(d) limit light trespass to protect privacy;
(e) permit reasonable uses of outdoor lighting for nighttime safety utility, security and enjoyment while preserving the ambiance of the night and
(f) provide guidelines for exterior lighting that will contribute to the safety and welfare of the residents of the Town of Newtown.

The intent of the exterior lighting regulations is to
(a) reduce the problems created by poorly designed and/or installed outdoor lighting;
(b) impose dark sky initiatives to help control light pollution;
(c) reduce energy use;
(d) enhance the character of Newtown by prohibiting the use of internally lighted signs and
(e) reduce excessive glare that may cause safety problems or have adverse effects upon the use, enjoyment and value of property.

8.05.200 General Provisions

All exterior illuminating devices shall be installed in accordance with these regulations, the Connecticut Building and Electrical Codes and shall comply with all permit and inspection requirements.

Exterior lighting shall be permitted for private streets, parking areas, and pedestrian walkways intended to serve public facilities, commercial uses, industrial uses, mixed use buildings or multiple family residential communities. Signs may be illuminated pursuant to the sign regulations.

Exterior lighting shall be of such character as to enhance the application for which it is intended and shall be coordinated with the site layout and landscaping plan. Details of exterior lighting shall be presented to the Commission with any application.

8.05.300 Applicability

Any use subject to filing an application for a Site Development Plan or a Special Exception approval by the Commission shall provide a photometric design for the exterior lighting plan.
Exterior lighting (luminaire) is required for parking areas and pedestrian walkways where night time lighting is necessary to protect the health, safety and welfare of those people utilizing such facilities.

Uses within the Farming and Residential Zones are subject to these regulations.

8.05.400 Exterior Lighting Standards in all Zones

8.05.410 Exterior lighting shall be positioned so that no direct rays from any such lighting shall fall off the lot except in instances where driveways, pedestrian walkways or parking areas are utilized in common by more than one lot, the lighting may spill over the shared lot lines to reduce energy use and to maintain illumination as needed for security and safety.

8.05.420 All exterior lighting and sign illumination shall be designed, located, installed and directed in such a manner as to:
(a) prevent direct glare or light trespass;
(b) employ soft, transitional light levels which are consistent from area to area;
(c) minimize contrast between light sources, lit areas and dark surroundings;
(d) be consistent with dark sky initiatives and
(e) be confined within the target area.

8.05.430 Any externally mounted, direct light source utilized for commercial uses, industrial uses, multi-family housing communities, institutional uses or any non-residential uses in the residential zone shall not be visible at the property line at ground level or above.

8.05.440 Lighting fixtures for all vehicular areas and pedestrian areas shall be full cut-off type fixtures or IESNA cut-off fixtures as approved by the Commission, or shall be fully shielded/recessed fixtures where the lens is recessed or flush with the bottom surface.

8.05.450 Lighting fixtures for building security or aesthetics and any display purposes shall, unless otherwise approved by the Commission, be
(a) top downward (not upward or sideways), and
(b) full cut off, or IESNA cut-off fixtures or fully shielded/recessed.

8.05.460 Lighting designed to highlight flags shall be targeted directly at the flag.

8.05.470 Exterior lighting for outdoor playing fields or other special outdoor activity areas shall be specified, mounted and aimed so that:
(a) their beams fall within the primary playing area and immediate surroundings, and
(b) no light trespass is directed off the site.

8.05.480 All non-essential lighting shall be turned off after business hours, leaving only the necessary lighting for site security. Non-essential lighting shall apply to display, aesthetic, and parking areas.

8.05.490 The height of luminaires shall be the minimum height necessary to provide adequate illumination, but shall not exceed a height of: fourteen (14) feet from the ground to the highest point of the fixture or pole unless specifically authorized by the Commission in the granting of a site development plan or special exception approval. However, in no instance shall any pole or fixture exceed twenty-four (24) feet in height from the ground to the highest point of the fixture or

pole.

8.05.500 Specific allowances for streetscape enhancements and functional lighting requirements are more fully described within the design guidelines for the zone in which a property is located.

8.05.600 Exemptions and Modifications

The following luminaries are exempt from this Section:

(a) all hazard warning luminaries required by Federal regulatory agencies;
(b) traditional seasonal lighting;
(c) temporary lighting associated with a fair, carnival or similar function authorized by these regulations
(d) temporary light used by the Police Department, Fire Department or Emergency Services.

ARTICLE VIII – SUPPLEMENTAL REGULATIONS

SECTION 6 – EROSION AND SEDIMENT CONTROL

8.06.100 Purpose and Intent

These regulations may be cited as "The Erosion and Sediment Control Regulations of the Town of Newtown Connecticut", and are adopted for the purpose of conforming with and adhering to the requirements and public policy as set forth in the Connecticut General Statutes Section 22a-325, as amended.

8.06.200 Activities Requiring a Certified Erosion and Sediment Control Plan.

8.06.210 A soil erosion and sediment control plan shall be submitted with any application for development when the disturbed area of such development is cumulatively more than one-half acre.

8.06.300 Erosion and Sediment Control Plan

8.06.310 To be eligible for certification, a soil erosion and sediment control plan shall contain proper provisions to adequately control accelerated erosion and sedimentation and reduce the danger from storm water runoff on the proposed site based on the best available technology. Such principles, methods, practices necessary for certification are found in the Connecticut Guidelines for Soil Erosion and Sediment Control as amended. Alternative principles, methods and practices may be used with prior approval of the Commission or its designated agent. (amended effective 1/1/07)

Said plan shall contain, but not be limited to:

8.06.320 A narrative describing:

8.06.321 the development;

8.06.322 the schedule for grading and construction activities including:

8.06.322.100 start and completion dates

8.06.322.200 sequence of grading and construction activities;

8.06.322.300 sequence for installation and/or application of soil erosion and sediment control measures;

8.06.322.400 sequence for final stabilization of the project site;

8.06.323 the design criteria, construction details, installation and/or application procedures, and the operations and maintenance program for proposed soil erosion and sediment control measures and storm water management facilities;

8.06.324 A site plan map at a sufficient scale to show:

8.06.324.100 the location of the proposed development and adjacent properties;

8.06.324.200 the existing and proposed topography including soil types, wetlands, watercourses and water bodies;

8.06.324.300 the existing structures on the project site, if any;

8.06.324.400 the proposed area alterations including cleared, excavated, filled or graded areas and proposed structures, utilities, roads and, if applicable, new property lines;

8.06.324.500 the locations of and design details for all proposed soil erosion and sediment control measures and storm water management facilities;

8.06.324.600 the sequence of grading and construction activities;

8.06.324.700 the sequence for installation and/or application of soil erosion and sediment control measures;

8.06.324.800 the sequence for final stabilization of the development site.

8.06.400 Minimum Acceptable Standards

8.06.410 Plans for soil erosion and sediment control shall be developed in accordance with these regulations using the principles as outlined in the Connecticut Guidelines for Soil Erosion and Sediment Control, as amended. Soil erosion and sediment control plans shall result in a development that: minimizes erosion and sedimentation during construction, is stabilized and protected from erosion when completed, and does not cause off-site erosion and/or sedimentation.

8.06.420 The minimum standards for individual measures are those in the Connecticut Guidelines for Soil Erosion and Sediment Control, as amended. The Commission may grant exceptions when specifically requested by the applicant if technically sound reasons are presented.

8.06.430 The appropriate method from the Connecticut Guidelines for Soil Erosion and Sediment Control, as amended, shall be used in determining peak flow rates and volumes of runoff unless an alternative method is approved by the Commission.

8.06.500 Issuance or Denial of Certification

8.06.510 The Commission shall either certify that the soil erosion and sediment control plan, as

filed, complies with the requirements and objectives of these regulations or deny certification when the development proposal does not comply with these regulations.

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

8.06.530 Prior to certification, any plan submitted to the Commission shall be reviewed by staff or its designated agent who shall make recommendations concerning such plan, provided such review shall be completed within thirty (30) days of the receipt of such plan. (amended effective 1/1/07)

8.06.540 The Commission may forward a copy of the development proposal to the Northwest Conservation District, to the Newtown Inland Wetlands Commission, any other Town of Newtown Department, Commission or Agency, or any consultant for review and/or comment. (amended effective 1/1/07)

8.06.600 Conditions Relating to Soil Erosion and Sediment Control

8.06.610 The estimated costs of measures required to control soil erosion and sedimentation, as specified in the certified plan, that are a condition of certification of any modified site plan, if such a modified site plan is submitted for review by the Commission, may be required to be covered in a performance bond or other assurance acceptable to the Commission in accordance with the provisions specified in the appropriate sections of the Zoning and Subdivision regulations of the Town of Newtown, as from time to time amended.

8.06.620 Site development shall not begin unless the soil erosion and sediment control plan is certified and those control measures and facilities in the plan schedule for installation prior to site development are installed and functional.

8.06.630 Planned soil erosion and sediment control measures and facilities shall be installed as scheduled according to the certified plan.

8.06.640 All control measures and facilities shall be maintained in effective condition until the sign-off of the Certificate of Occupancy, or the designated date reflected in the Site Stabilization Agreement to ensure the compliance of the certified plan.

8.06.700 Inspection

8.06.710 Inspection shall be made by the Commission or its designated agent, during development to ensure compliance with the certified plan and that control measures and facilities are properly performed or installed and maintained. (amended effective 1/1/07)

8.06.720 The Commission may require the permittee to verify through progress reports that soil erosion and sediment control measures and facilities have been performed or installed according to the certified plan and are being operated and maintained.

8.06.730 It shall be the responsibility of the permittee to provide proper notification for inspection of control measures and facilities that are required prior to proceeding with any development work which is affected by the installation of these measures. Failure to provide this notification shall nullify any approvals given by the Commission on the project site.

8.06.800 Site Stabilization Agreement

8.06.810 A Site Stabilization Agreement between the applicant and the Town shall be a requirement for a Certificate of Occupancy sign-off during the non-growing months of the year.

ARTICLE VIII – SUPPLEMENTAL REGULATIONS

SECTION 7 – PONDS AND DRAINAGE BASINS

8.07 Ponds and Drainage Basins

8.07.100 Purpose and Intent

The purpose of this section is to provide a process and minimum standards for the excavation and creation of ponds and drainage basins in Newtown. The intent of this section is to protect critical elements of Newtown's natural environment, including but not limited to watershed areas and topsoil, to prevent soil erosion incidental to pond or drainage basin construction, and to protect property from flooding and flood-related damage.

8.07.200 Applicability

8.07.210 Ponds or drainage basins less than ¼ acre. Excavations of earth materials, but not the removal thereof from the premises, when clearly incidental to the construction or modification of a pond or drainage basin of one-quarter (1/4) acre or less in size and/or the revision of the channel or a watercourse shall require a Pond Permit to be obtained from the Zoning Enforcement Officer pursuant to this Section.

8.07.220 Ponds or drainage basins ¼ acre in size or greater and excavations of 200 cubic yards or greater of earth materials. The creation, modification or enlargement of any pond or drainage basin to a size greater than a one-quarter (1/4) acre or a pond or drainage basin that requires excavation of 200 cubic yards or more of earth materials shall require the approval of a Pond Permit from the Commission pursuant to the regulations set forth herein.

8.07.230 No pond or drainage basin shall be a ruse for a commercial mining operation. The maximum depth allowable shall be the least necessary in order to carry out the purpose of the pond or drainage basin.

8.07.240 The maintenance of an existing pond or drainage basin for purposes of removing sediment or debris to avoid stagnation and ensure the continued vitality and functions of the pond or drainage basin is exempt from the Pond Permit requirements of this section.

8.07.300 Pond Permit Applications

An Applicant seeking a Pond Permit shall file a written application with the Zoning Enforcement Officer or the Commission, as applicable, on a form supplied by the Commission, signed by the owner of the premises and the person, firm or corporation intending to carry out the work sought under the permit. The Town Engineer shall review and comment on all Pond Permits. Pond Permits found to meet the standards and criteria set forth in these regulations and which have been found to meet accepted engineering practices by the Town Engineer may be issued by the Zoning Enforcement Officer or the Commission as applicable.

8.07.310 Pond Permit Documents

The following documents shall accompany Pond Permit applications:

8.07.311 A plot plan of the property with the proposed pond or drainage basin depicted thereon and the area of disturbance clearly shown drawn to a scale of not less than 1" = 40'. Such plot plan shall indicate the area thereof which is subject to the creation of the pond or drainage basin and an area for the stockpiling of topsoil during construction.

8.07.312 A computation in cubic yards of the amount of earth material which will be excavated, removed, graded, or added to the site. Such computation shall be supported by topographical maps if required by the Town Engineer.

8.07.313 A map (which may be a United States Geodetic Survey) showing the watershed area and a computation of the area thereof.

8.07.314 A pre- and post-development computation and hydrograph of the peak flow from said watershed for a 2, 10, 25 and 100-year, 24-hour storm or as required by the Town Engineer.

8.07.315 A hydrological evaluation of the proposed pond's watershed surface and ground water systems to ensure sufficient water flows for a viable and healthy pond or drainage basin, as applicable.

8.07.316 Appropriate stormwater treatment consistent with the 2004 Connecticut Stormwater Quality Manual including addressing the impacts of post construction stormwater runoff.

8.07.317 A site stabilization and restoration plan and a landscaping plan for the disturbed areas.

8.07.318 An erosion and sedimentation control plan as approved by the Conservation Official.

8.07.319 A statement that clearly defines the extent of and time frame for site construction and site recovery including grading and planting.

8.07.320 A valid Inland Wetlands license or a written statement from said agency that such a license is not required.

8.07.321 A permit fee, as required by the Commission's fee schedule, in cash or bank or certified check payable to the Town of Newtown.

8.07.400 Pond Permit Time Frame

A Pond Permit shall be effective for one year from the date it is issued provided that the applicant remains in compliance with all terms of the permit. Such permit may be extended by the Zoning Enforcement Officer for up to one year provided the Zoning Enforcement Officer finds that:
(a) there are no violations of the Zoning Regulations, and

(b) the pond or drainage basin excavation, grading, or recovery is incomplete and the completion thereof is being actively pursued by the Permittee.

8.07.500 Pond Permit Standards and Criteria

The following standards and criteria are applicable to applications for ponds and drainage basins:

8.07.510 No pond or drainage basin shall cause the total area of all ponds or drainage basins in the watershed area, including the pond or drainage basin to be constructed, to exceed one-tenth of the watershed area.

8.07.520 The sides of all ponds or drainage basins shall have a maximum slope of 3 feet horizontal to one foot vertical.

8.07.530 The outlet of dug ponds, drainage basins and the outlet of a pond by damming a stream shall be capable of carrying the peak flow of a 100-year storm.

8.07.540 Any pond or drainage basin shall be designed to avoid stagnation and ensure the continued vitality and functionality of the pond or drainage basin as applicable.

8.07.550 Any pond or drainage basin shall be designed to be consistent with the recommendations and design criteria of the 2004 Connecticut Stormwater Quality Manual.

8.07.560 Any required permits issued by other governmental entities must be in place before a Pond Permit is issued. If the regulations of the Inland Wetland Commission apply, those regulations shall take precedence.

8.07.600 Pond Permit Enforcement

Should the Zoning Enforcement Officer find that an applicant's performance is in violation of the Pond Permit, the Zoning Regulations or upon receipt of a notice from the applicable agency or department that a violation of the Building Code, Sanitary Code or Road Ordinance of the Town of Newtown exists, such Pond Permit shall be revoked. An applicant's failure to comply with any requirements of these regulations shall be cause for the revocation of a permit provided that notice of said violation has been given to the Permittee together with an order to comply therewith within a reasonable time and the Permittee has failed to comply with said order.

ARTICLE VIII – SUPPLEMENTAL REGULATIONS

SECTION 8 – EXCAVATION

8.08.100 Purpose and Intent

The purpose and intent of this section is:

(a) To regulate all construction or grading activities upon improved or unimproved real estate and to control the excavation, removal, grading, or addition of soil, loam, sand, gravel, clay, rock or any other earth material on land or premises not in public use in the Town of Newtown.

(b) To provide for the maintenance and preservation of existing elevations and contours and for the establishment of proposed elevations and contours in appropriate cases subject to the provisions of these regulations.

(c) To control, limit and regulate all excavation, removal, grading, and addition of earth materials so as to prevent the creation of any safety or health hazard, including without limitation, soil erosion, stagnant water, water pollution and excessive drainage runoff to adjacent property, to preserve land values of premises situated within the Town of Newtown and to provide for the quiet use and enjoyment thereof.

(d) To preserve the vegetation and other natural growth for the purpose of preventing erosion by the wind or water and to protect historic factors such as stone walls and archaeological artifacts for the purpose of preserving our heritage on premises situated within the Town of Newtown.

8.08.200 General Regulations

8.08.210 No excavation, removal, grading, or addition of soil, loam, sand, gravel, clay, rock, or any other earth material upon land or premises not in public use in the Town of Newtown shall be commenced or conducted, except in accordance with and subject to the provisions of these regulations.

8.08.220 Excavation, removal, grading, or addition of earth materials upon any land is permitted with the approval of a Construction Permit provided such excavation, removal, grading, or addition is necessary and clearly incidental to the improvement of property as permitted by the Newtown Zoning Regulations, the Newtown Road Ordinance and the Newtown Subdivision Regulations and the quantity of materials for which a permit is sought is within the limits set therein.

8.08.230 The following limitations shall be imposed upon any residential building lot created or approved on or after April 11, 1997 whether by first cut, by subdivision, by resubdivision, or realignment of lot lines.

8.08.231 No more than 200 cubic yards of earth materials shall be removed from each such lot in addition to an amount equal to the volume of the building foundation, sewage disposal system and, if applicable, a water storage tank for fire suppression, roadway construction or other structures being constructed below grade, or a drainage basin approved by the Commission.

8.08.232 No more than 200 cubic yards of earth materials shall be added to each such lot in addition to materials added for the building foundation, sewage disposal system, stones for footings and

slabs, gravel for driveway, processed stone for the driveway, topsoil to meet code, mulch for slopes, curtain drain materials and, if applicable, a water storage tank for fire suppression, roadway construction or other structures being constructed below grade, or a drainage basin approved by the Commission.

8.08.240 Exemptions. A permit under these Regulations shall not be required for:

8.08.241 The construction of a wall, driveway, sewer, gas, water or other utility line, fence, sidewalk, septic system, drainage structure or landscaping in conjunction with the use of premises permitted by the Zoning Regulations of the Town of Newtown provided said construction does not result in the removal from or the addition to the premises of more than 100 cubic yards of earth material.

8.08.242 The removal of topsoil from one part of premises to another part of the same premises, when such removal is reasonably necessary for the purpose of farming or landscaping said premises.

8.08.243 An excavation which is made solely for the purpose of the construction of a foundation or cellar hole, the installation of a sewage disposal system, or water storage tank for fire suppression provided that no topsoil is removed from the premises and provided further that no more than 100 cubic yards of earth material is removed from or added to the premises in addition to an amount equal to the volume of the building foundation or other structure being constructed below grade.

8.08.300 Topsoil and Incidental Excavations

8.08.310 No topsoil shall be stripped except from the smallest area necessary and no topsoil shall be removed from any land in Newtown except incidental to construction which has been approved by the Commission and then only as set forth below:

8.08.311 Topsoil removal shall be limited to those areas of the site that will be occupied by a pond, drainage basins, roadways, buildings, driveways, sidewalks and parking areas.

8.08.312 All maps and documents submitted shall clearly illustrate:
(a) the areas of the premises from which the topsoil is to be stripped;
(b) an area for the stockpiling of such topsoil during construction;
(c) the spreading of stockpiled topsoil over the disturbed areas to a finished depth of a least six (6) inches and;
(d) the amount of excess topsoil that will remain following site development and the spreading of topsoil as required above.

8.08.320 Obtaining a Certificate of Zoning Compliance

8.08.321 Stockpiled topsoil in excess of the amount used to recover the disturbed area to a depth of six (6) inches may be removed from the site after inspection and approval by the Zoning Enforcement Officer.

8.08.322 Upon the completion of all site work or site work in conjunction with development of

Town-owned property, the Zoning Enforcement Officer shall inspect the premises of the Permittee, including all contiguous property owned or controlled by the Permittee, and determine whether or not any portion thereof, other than rock outcroppings occurring naturally, has been stripped of topsoil, either by the Permittee or by erosion.

8.08.323 If the Zoning Enforcement Officer determines that portions of the Applicant's premises have been so stripped, he/she shall inform the Permittee of his/her finding and the Permittee shall spread the stockpiled topsoil over the stripped area to a depth of at least six (6) inches.

8.08.324 When the Zoning Enforcement Officer determines that no area of the Permittee's premises is or remains stripped of topsoil as aforesaid, then he/she shall clarify that the remaining stockpile of topsoil is surplus and may be removed by the Permittee.

8.08.325 Following removal of the topsoil by the Permittee, the Permittee shall seed disturbed areas. A Certificate of Zoning Compliance, pursuant to Section 9.01.500 hereof shall not be issued until satisfactory removal or spreading of said stockpile and seed germination has occurred. After the issuance of such a certificate, no further removal of topsoil from the premises shall occur.

8.08.330 Rock and stone crushing is permitted as a construction activity subject to the following conditions:

8.08.331 The use of such rock or stone crusher is utilized solely as part of the construction of an approved development;

8.08.332 The use of rock or stone crushing will serve a public health, safety and general welfare purpose including the reduction of construction traffic on public roads;

8.08.333 All material crushed on site must be used on site;

8.08.334 A Rock Crushing Permit is obtained from the Zoning Enforcement Officer;

8.08.335 The rock crushing shall be for the least number of days necessary to complete said construction activity. A Rock Crushing Permit shall be limited to a maximum of thirty (30) calendar days;

8.08.336 Rock crushing shall be limited to the hours of 9:00 AM to 5:00 PM, Monday through Friday (excluding state and federal holidays).

8.08.337 A permit fee, as required in the Commission's fee schedule, in cash or bank or certified check payable to the Town of Newtown shall accompany the written application form.

8.08.400 Construction Permit

8.08.410 The permit hereby established shall be referred to as a "Construction Permit". A Construction Permit shall be obtained from the Zoning Enforcement Officer, or the Commission as applicable, unless exempted pursuant to Section 8.08.240 hereof, before any grading, construction, site work, or development is commenced upon any land in Newtown.

8.08.420 A Construction Permit shall be nontransferable. The ownership of any property subject to a Construction Permit shall not be transferred with the right to excavate, remove, grade, or add earth materials thereon or therefrom for which the permit is obtained. An applicant/permittee responsible for carrying out the terms of such permit shall not be transferred to any other person. If any such transfers are made, the permit shall be immediately null and void without the necessity of an order as provided by Section 8.08.460 hereof.

8.08.430 Construction Permit Requirements

An Applicant seeking a Construction Permit shall file a written application with the Zoning Enforcement Officer on a form supplied by the Commission, signed by the owner of the premises and the person, firm or corporation intending to carry out the work sought under the permit. The following documents shall accompany such applications:

8.08.431 A plot plan certified by a Land Surveyor as meeting the requirements of an A-2 class survey of the Connecticut Technical Council which shows the entire property. Such plot plan shall indicate the area thereof which is subject to development, excavation or filling, an area for the stockpiling of topsoil during construction, wetland and watercourse boundaries and slopes at 25% or greater.

8.08.432 If earth material other than topsoil is to be excavated, removed, graded, or added, topographical maps at a scale of no less than 1" = 40’ certified by a licensed Professional Engineer showing existing contours and finished contours at intervals of 2 feet for grades of less than 3% and 5 feet for grades of 3% and up must be filed. No excavation below the proposed finished grade or beyond the proposed perimeter is permitted.

8.08.433 An exact computation in cubic yards of the amount of earth material which will be excavated, removed, graded, or added to the site prepared by the applicant's licensed Professional Engineer. Such computation shall be supported by the topographical maps required by section 8.08.431.

8.08.434 A statement that clearly defines the extent of and time frame for site construction and site recovery including grading and planting.

8.08.435 An erosion and sedimentation control plan as provided for in Article VIII, Section 6 of these Zoning Regulations.

8.08.436 A valid Inland Wetlands license or a written statement from said agency that such a license is not required.

8.08.437 A performance security payable to the Town of Newtown, either in the form of a certified check or a letter of credit. The security shall be in terms satisfactory to Town Counsel and in an amount equivalent to the cost of site recovery as determined by the applicant’s Professional Engineer and approved by the Town Engineer. Such security shall assure the Town of Newtown that the area for which the Construction Permit is issued shall be graded, recovered with topsoil and successfully planted with grass or other ground cover by the date the Construction Permit expires.

The terms of the performance security shall allow the Town access to such funds and shall be accompanied by a written agreement signed by the owner of the premises, executed with the same formalities as a Connecticut deed of real estate containing terms satisfactory to Town Counsel, which permits the Town or its designee to enter upon the premises to undertake site recovery in the event that the Permittee fails to or refuses to complete the site recovery and planting in accordance with the Construction Permit as issued, and/ or the abandonment thereof, within one year from the expiration of the Permit.

8.08.438 Proof in the form of a certificate of insurance as approved by Town Counsel that the Applicant carries sufficient liability insurance to hold the Town of Newtown harmless from any liability resulting from his/her operations.

8.08.439 A permit fee, as required in the Commission's fee schedule, in cash or bank or certified check payable to the Town of Newtown.

8.08.440 A Construction Permit shall be effective for one year from the date it is issued provided that the applicant remains in compliance with all terms of the permit. Such permit may be extended for up to one year provided the Zoning Enforcement Officer finds that:
(a) there are no violations of the Zoning Regulations;
(b) the structure or building to which the excavation, removal, grading, or filing is incidental is
(c) incomplete and the completion thereof is being actively pursued by the Permittee;
(d) that the applicant's performance security will cover the extension of time a allowed herein;
(e) that an updated insurance certificate is received.

8.08.450 Upon the request of the Zoning Enforcement Officer, the Permittee shall provide a progress report that clearly demonstrates the extent of excavation, removal, grading, or filling of earth materials and the sediment and soil erosion controls.

8.08.460 Should the Zoning Enforcement Officer find that an applicant's performance is in violation of the Construction Permit, the Zoning Regulations or upon receipt of a notice from the applicable agency or department that a violation of the Building Code, Sanitary Code or Road Ordinance of the Town of Newtown exists, such Construction Permit shall be revoked. An applicant's failure to comply with any requirements of these regulations shall be cause for the revocation of a permit provided that notice of said violation has been given to the Permittee together with an order to comply therewith within a reasonable time and the Permittee has failed to comply with said order.

ARTICLE VIII – SUPPLEMENTAL REGULATIONS

SECTION 9 – MINING

8.09.100 Purpose and Intent

The purpose and intent of this section is to regulate and control the excavation and removal of soil, loam, sand, gravel, clay, rock or any other earth material as part of all legally pre-existing and nonconforming mining activities in operation within the Town of Newtown.

8.09.200 Mining Permits

8.09.210 Any person seeking the renewal of a legally nonconforming mining operation shall file the following documents prepared by a licensed Land Surveyor and a licensed Professional Engineer, where required by State Statue with the Zoning Enforcement Officer at least 30 days but no more than 60 days prior to the expiration of the Mining Permit:

8.09.211 A written application on a form supplied by the Commission, signed by the owner(s) of the premises and the person, firm or corporation intending to carry out the work sought under the permit.

8.09.212 An A-2 class survey of the entire premises for which the permit is sought. Such a survey shall be drawn to a scale of not less than 1 inch = 40 feet for the permit areas and to a scale of not less than 1 inch = 100 feet for permit areas ten acres or greater.

8.09.213 A site plan of the premises and accompanying documents shall describe and delineate the following:

(a) the location and elevation of all existing and proposed streets, roads, highways, ponds, watercourses, wetlands, wells and septic systems on the permit area and within 200 feet thereof on all sides;
(b) the details of re-grading and re-vegetation of the premises at the conclusion of excavation;
(c) an area for the stockpiling of topsoil;
(d) the foliage lines; and
(e) proposed means of access to the area of proposed excavation to and from the public highways.

8.09.214 Soil data, including boring logs or open test pits and locations to lowest excavated grade and finished grade shown on the permit cross section. Such borings or open test pits shall indicate soil types and ground water table data.

8.09.215 Provisions for proper surface and sub-surface drainage of the premises and the adjoining area during said excavation and after completion thereof.

8.09.216 The existing and the proposed contours and elevation at 5 foot intervals of the premises upon which the excavation is to be made and of the area surrounding it within 100 feet.

8.09.217 At least five interior transverse cross-section drawings on both the longest axis and axis perpendicular thereto at equal intervals not to exceed 100 feet with the outermost drawing in each

direction being no further than 50 feet from the outside extremities of the proposed excavation.

8.09.218 The acreage and square footage of the actual area to be excavated, the total volume in cubic yards of all material expected to be excavated and removed during the life of the permit, where the Applicant expects to continue excavation under a renewal permit.

8.09.219 An erosion and sedimentation control plan as provided for in Article VIII, Section 6 of these Zoning Regulations.

8.09.220 A valid Inland Wetlands license or a statement from said Commission that such a license is not required.

8.09.221 If the Applicant expects to make an excavation below the normal ground water table so that a pond will result, a drainage analysis map and drainage computations prepared by a licensed Professional Engineer showing the watershed area of said pond, all sources of water which would supply said pond with water, a computation of the flow of water into and out of said pond, other pertinent hydrological factors, and a statement by said licensed Professional Engineer that the water supply of said pond is sufficient to avoid stagnation and will not create a hazard to any existing land uses or facilities.

8.09.222 Proof that written notice of the excavation has been given to the holders of any mortgages or other encumbrances on the property as recorded with the Town Clerk of the Town of Newtown.

8.09.223 A written statement from the Tax Collector of the Town of Newtown certifying that all taxes levied against the property on the current Grand List or previous Grand Lists have been paid in full and that there are no unreleased tax liens encumbering said property.

8.09.224 A permit fee pursuant to the Fee Schedule payable in cash or by bank or certified check to the order of the Town of Newtown.

8.09.225 Proof in the form of a certificate of insurance as approved by Town Counsel that the Applicant carries sufficient liability insurance to save the Town of Newtown harmless from any liability resulting from his/her operations.

8.09.226 A performance security payable to the Town of Newtown, either in the form of a certified check or a letter of credit shall be:

(a) in terms satisfactory to Town Counsel and in an amount equivalent to the cost of site recovery as determined by the applicant's Professional Engineer and approved by the Town Engineer;
(b) held for a period of one year beyond the date of the site recovery;
(c) assure the Town of Newtown that the area for which the Mining Permit is issued shall be graded, recovered with topsoil and successfully planted with grass or other ground cover pursuant to these Regulations within one year following the expiration of the Mining Permit;
(d) also assure to the Town full compliance with all the other requirements of these Regulations including, without limitation, that any pond created hereunder shall conform to the slope and size requirements set forth herein and shall not stagnate or create a health hazard and that if said pond does stagnate or create a hazard within a year following the expiration of the Mining Permit then such stagnation or hazard shall be mitigated within three months after

stagnation or the creation of the hazard occurs;

(e) The terms of the performance security shall allow the Town access to such funds and shall be accompanied by a written agreement by the owner of the premises executed with the same formalities as a Connecticut deed of real estate containing terms satisfactory to Town Counsel which permits the Town of Newtown or its designee to:

1. enter upon the premises,
2. grade the area under permit,
3. cover all disturbed areas with topsoil, and
4. plant grass or other suitable ground cover thereon in the event that the Permittee fails or refuses to complete the grading recovery and planting in accordance with the Mining Permit as issued and/or abandonment thereof within one year from the expiration of the Mining Permit.

8.09.300 Mining Permit Performance Standards

8.09.310 All Mining Permits shall expire on the first day of June in the year following the date of issuance.

8.09.320 Prior to issuing a renewed Mining Permit, the Zoning Enforcement Officer shall expressly find that no violation of any Mining Permit held by the Applicant or Permittee, these Regulations, the Sanitary Code or Road Ordinance of the Town of Newtown exists and that the application contains all of the required plans and documents as set forth herein.

8.09.330 Upon the request of the Zoning Enforcement Officer, the Permittee shall submit a progress report that clearly demonstrates the extent of excavation or removal that will or has occurred during any period covered by the permit to assure compliance with all terms of the Mining Permit.

8.09.340 The Permittee shall:

(a) erect and maintain adequate barricades or fences;
(b) provide adequate measures for prevention of accumulation of ground or surface water;
(c) make adequate provisions for the muffling of sound and the prevention of dissemination of dust;
(d) make provisions for highway warning or similar signs as may be necessary or required, all subject to the approval of the Zoning Enforcement Officer or Commission which may also require the Permittee to install permanent guard fencing where needed for public safety;
(e) provide at his expense any special police or flagmen deemed necessary by the Commission;
(f) excavate no lower than three (3) feet above ledge;
(g) protect all trees outside the excavated area from damage;
(h) stockpile any topsoil stripped in connection with a mining permit on site and use this stockpiled topsoil to recover the disturbed area following the completion of excavation.
(i) not remove any topsoil from any premises.
(j) install permanent guard fencing around all ponds both during and after the excavation;
(k) treat all access roads and excavation area with calcium chloride or similar material for the prevention of dissemination of dust; and
(l) provide dust control measures in compliance with State of Connecticut guidelines per soil and sedimentation control.

8.09.350 At the conclusion of the work of excavation, or of any portion thereof, the area where excavation and removal or grading has taken place shall be
(a) covered with not less than six (6) inches of topsoil;
(b) seeded or covered with an approved ground cover and properly mulched to insure stability.

1. Grass seed used should be fresh, re-cleaned seed of the latest crop of lawn or meadow mix in a conformance with Connecticut Highway Department Specification 810 and young trees shall be planted wherever trees have been removed.
2. Seeding, or planting of ground cover or trees shall be done at the first suitable planting season following completion of any part of the operation. If the seeding or planting fails in whole, or in part, the area shall be re-seeded, replanted, and re-mulched until all eroded or uncovered areas have been restored and repaired to the satisfaction of the Planning and Zoning Commission.

8.09.360 The Permittee shall grant the right of entry to the Zoning Enforcement Officer or the members of the Commission at any reasonable time for the purposes of inspecting the premises and the Permittee's operations thereon.

8.09.400 Mining Permit Restrictions or Prohibitions

8.09.410 No Mining Permit shall be renewed unless
(a) such operation is legally non-conforming because it legally predated the Newtown Zoning Regulations and meets the performance standards herein, and
(b) the Permittee agrees to all requirements of a Mining Permit as set forth in these Regulations.

8.09.420 A Mining Permit will be revoked should the Zoning Enforcement Officer find that an applicant's performance is in violation of the Mining Permit. An applicant's failure to comply with any requirements of the Zoning Regulations, Building Code, Sanitary Code or Road Ordinance of the Town of Newtown shall be cause for the revocation of a Permit provided that notice of said violation has been given to the Permittee together with an order to comply therewith within a reasonable time, and the Permittee has failed to comply with said order.

8.09.430 During any permit year, no area in excess of five (5) acres nor within two hundred (200) yards of any other excavation shall be excavated unless said other excavation is conducted on other premises not then or previously owned by the Permittee or the then record title holder of the aforesaid five (5) acre area.

8.09.440 For excavation during any permit year, no area in excess of a total of twenty (20) acres on any piece or pieces of property which are owned or controlled by the same person or persons shall be excavated.

8.09.450 No area shall be excavated
(a) within fifty (50) feet of any property or street line, or within one hundred (100) feet of any dwelling;
(b) if the resulting embankment would remain at an incline in excess of 3 feet horizontal to 1 foot vertical, and if the top of the resulting embankment would end in a vertical curve with a radius of less than ten (10) feet tangent to the existing ground surface; and

(c) below the normal ground water table which causes a lake or pond to stagnate or cause a hazard to health or safety or to existing land uses or facilities.

1. The bottom of any pond created shall not slope down from the shoreline at a slope in excess of 1 foot vertical for each 3 foot horizontal.
2. The final area of an pond created shall not be so large as to lessen the full residual use of the land for purposes other than sand and gravel mining, and shall in no event exceed 50% of the area of the lot devoted to sand and gravel mining use at the time this regulation or preceding regulation was adopted.
3. If any such lake or pond is expected to be created, the applicant shall file the documents required by Section 8.09.210 hereof.

8.09.460 For the health, welfare, and safety of the residents of the Town of Newtown, no work of any nature shall be performed under any Mining Permit granted under the terms of this regulation, except between the hours of 7:00 A.M. and 6:00 P.M. daily, and no such work shall be performed on Saturday, Sundays or legal holidays of the State of Connecticut.

8.09.470 Any Permittee under permit granted under the terms of these regulations or any person acting for or under him who shall cause damage to any road or roads of the Town of Newtown, shall be liable for the cost of repairing said damage. The Permittee shall be responsible for cleaning, when necessary, any State, Town or private road over which earth materials shall have been transported.

8.09.480 No machinery or equipment that is not required for the actual removal or excavation of the material shall be used or stored on the site.

8.09.490 In addition to all other legal and equitable remedies to enforce these regulations, any person, firm or corporation violating or assisting in the violation of any of the provisions hereof or any permit granted hereunder shall be fined for each offense pursuant to the Fine Schedule. Each day of violation shall be deemed a separate offense. The Zoning Enforcement Officer is authorized to issue cease and desist orders and to commence such legal actions as may be necessary to enforce these regulations.

ARTICLE VIII – SUPPLEMENTAL REGULATIONS

SECTION 10 – PERFORMANCE STANDARDS

8.10.100 Purpose and Intent

The purpose of the performance standards regulations is to:
(a) measure potential nuisances and hazards objectively;
(b) protect enterprises from arbitrary control and
(c) protect properties and the general public from hazards and nuisance.

The intent of the performance standards regulations is to:
(a) ensure that activities in all Zones are designed and maintained in a manner that is not detrimental to public health, safety and welfare and
(b) to ensure that activities are conducted in a manner beneficial to the use, enjoyment and value of neighboring properties.

8.10.200 General Provisions

The following performance standards are to be met by any manufacturing, commercial or related activity to be in compliance with the Newtown Zoning Regulations:

8.10.210 Air Pollution

Provisions shall be made to control emissions of air pollutants (dust, fumes, smoke, vapor, gas, odorous substances, etc.) into the outdoor atmosphere. Such provisions shall be in compliance with the following standards and all applicable federal (i.e., Clean Air Act) and state (i.e., Air Pollution Control, § 22a-174) regulations as presently in force or subsequently amended.

8.10.220 Odor

Offensive odors emitted from any use, except agricultural operations conducted using generally recognized, good farming techniques and except mobile sources, shall not be discernible to any objectionable degree at the property line. An odor will be deemed objectionable when the Department of Environmental Protection Air Compliance Unit determines such, according to guidelines and standards provided by the General Statutes of Connecticut as presently in force or subsequently amended.

8.10.230 Noise

The sound level (a frequency-weighted sound measure level as measured with a sound-level meter, using the A-weighting network = dBA) of any operation or activity, shall not exceed the noise zone standards of the General Statutes of the State of Connecticut (Section 22a-69) as currently in force or subsequently amended with current standards stated at: 70 dBA for an emitter in an industrial zone. Measurements shall be taken at a point that is located about one foot beyond the boundary of the emitter's property within the receptor's property other than
(a) noise created as a result of or relating to an emergency, including but not limited to sirens, alarms, etc.;
(b) construction or demolition activity during the daytime, as herein defined;
(c) noise created by blasting, other than that conducted with construction activity, which shall be

exempt, provided that the blasting is conducted between 7:00 a.m. and 5:00 p.m.;

(d) noise created by on site recreational activities sanctioned by the state or local government, including but not limited to parades, sporting events, concerts, fireworks, etc.;

(e) noise generated by maintenance equipment for landscaping and snow removal, i.e., plows, mowers, etc.; farming activity; noise generated by transmission or distribution facilities and substations of public utilities; and

(f) noise that is directly caused by flight operations specifically preempted by the Federal Aviation Administration,

8.10.240 Vibration

All machinery shall be so mounted and operated as to prevent the transmission of ground vibration exceeding a displacement of 0.003 of one (1) inch measured at any property line of its sources. No vibration shall be transmitted and therefore felt outside the lot from which it originates.

8.10.250 Glare and Heat

All uses shall be conducted so that direct or indirect illumination from the light source shall not cause illumination in excess of 0.5 foot-candle in any residential zone. Glare from any source which emits harmful ultraviolet rays shall not be seen from any point beyond the property line and shall not create a public nuisance or hazard along lot lines. Any form of heat shall not be perceptible outside the lot where it originates.

8.10.260 Electromagnetic Radiation

No use on any lot shall cause interference with radio, television, phone, or internet reception on any other lot, and any use shall conform to the regulations of the Federal Communications Commission with regard to electromagnetic radiations and to any other applicable regulation.

8.10.270 Dangerous Materials and Hazardous Wastes.

8.10.271 Materials which are dangerous due to the possibility of explosion, fire, radioactivity, corrosion, toxicity or contamination must be secured and maintained in a manner approved by Federal, State and Town agencies against such dangers as:

(a) Groundwater contamination via leachate and direct discharge;

(b) Surface water contamination via runoff, overflow or direct discharge; and

(c) Air pollution via open burning, evaporation, sublimation and wind erosion.

8.10.272 Any activity whether the generation, treatment, storage, transportation of hazardous waste (is defined and controlled by Section 3001 of the Federal Resource Conservation and Recovery Act, Connecticut General Statutes Chapter 445, Hazardous Waste, Section 22a-114 and amendments or subsequent federal, state or Town regulations) is restricted to approved and confirmed Environmental Protection Agency and Department of Environmental Protection registrants and security methods, and prior to commencement, such activity is to be reported to and must be approved by appropriate Town officials.

8.10.273 Any discharge of wastewater into surface or ground waters or into a public disposal system must comply (either by its nature or pretreatment) with all federal (i.e., National Pollutant

Discharge Elimination System) and state (i.e., Water Quality Standards and Criteria) standards.

8.10.280 Site and Property Maintenance
The site shall be maintained in a neat and orderly manner at all times in accordance with the approved site plan. Any condition which might adversely affect the safety of any person on the site, shall be promptly removed. Any site feature such as curbing, pavement, pavement markings, landscaping, lighting, building exterior, etc., which have deteriorated beyond reasonable operational use or become damaged or destroyed, shall be promptly restored, repaired or refurbished.

8.10.295 Open Dumping (added effective July 26, 2010)
No garbage, sewage, filth, waste, trash, debris or rubbish, including cans, bottles, waste paper, cartons, boxes and crates, or other offensive or obnoxious matter shall be piled, placed, stored or dumped on any land within the township until the operator has obtained a landfill permit from the Department of Natural Resources with Town Approval. All uses in every zone shall place waste materials in an appropriate covered container and properly dispose of same at least once per month in accordance with State Law and Town Ordinance. Nothing contained herein shall prevent the reasonable use of fertilizers, manures, and similar materials for the improvement of land utilized for agricultural purposes where such use does not constitute a public or private health hazard. Containers for the disposal of refuse provided they are:
(a) Emptied periodically, at least weekly.
(b) Behind the setbacks
(c) Are located on a side which is not the primary entrance
(d) Are fully screened from any view

8.10.300 Additional Standards
In addition to these standards, all relevant provisions of any other federal, state and Town laws and regulations shall also apply. Where such standards, controls or regulations are not in agreement, the more restrictive shall apply.

8.10.400 Administration.

8.10.410 The property owner of a lot will be solely responsible for the maintenance of the performance standards. Where the owner requests an analysis or investigation by a competent technical expert after having been informed in writing of an alleged violation, the zoning enforcement officer shall engage competent technical experts to study the alleged violation. The zoning enforcement officer shall have sufficient ground for invoking the provisions of law to enforce compliance hereunder.

8.10.420 Technical experts may be engaged at the request of the Commission. The property owner shall assist the Commission in retaining such technical experts and shall reimburse the Town for all reasonable costs associated with obtaining such technical expert review. All required reimbursement payments for technical expert services shall be made to the Town prior to the decision by the Commission on the subject application. The decision-making period shall be in compliance with the State Statutes.

8.10.430 The owner shall, at his own expense, furnish in writing, together with an application for a site development plan or special exception, sufficient evidence to the Commission that the proposed use will not produce any nuisance in excess of the measurable performance standards listed in this section. In many cases the relation of the prospective use to the established performance standards cannot be judged properly during a permit processing period or prior to operation. In such cases, the recipient of zoning and building permits should note that these performance standards are continuing obligations and that all land uses in Town are expected to operate in compliance with these standards.

ARTICLE VIII – SUPPLEMENTAL REGULATIONS

SECTION 11 – TEMPORARY PERMITTED USES

8.11.100 Temporary Permitted Uses. The uses set forth below are permitted in the designated zone only after obtaining a permit thereof from the Zoning Enforcement Officer. The specified permit fee and security deposit for each use shall be paid to and deposited with the Zoning Enforcement Officer before a permit is issued, and each such permit shall be effective only for the period of time indicated below. Each permit shall be posted in a conspicuous place at the site of the temporary use. Said security deposit shall be certified check or money order payable to the "Town of Newtown," shall secure to the Town the termination of the use and the removal of any temporary structures or signs incidental thereto at the expiration of the permit, and shall be returned to the permittee when the use is discontinued and the permit surrendered. Subject to obtaining said permit and the regulations stated below, the following uses are permitted in the designated zone on a temporary basis:

8.11.110 Tag Sales – All Zones. On lots devoted to a single-family dwelling, auction sales, tag sales and similar occasional sales of personal property conducted on a lot not ordinarily devoted to the sale of personal property. The owners of any of the personal property to be sold shall be included as permittees on the permit. The permit shall be effective for not more than 9 consecutive days and no permittee shall be issued or included on a second permit until the expiration of six months from the date on which the preceding permit was issued. One double faced or two single faced signs not in excess of 3 square feet per face may be erected while the permit is effective but shall be removed when said permit expires.

8.11.120 Circus or Carnival – All Zones. A circus, carnival or similar type of entertainment only when sponsored by a service club, veterans' group, volunteer fire company, church, or fraternal organization having a permanent organization within the Town. Said permit will not be issued until the applicant has made provision for adequate off-street parking as determined by the Zoning Enforcement Officer nor will such permit be issued until the approval of such Town Boards or Agencies as is required by other Town ordinances or regulations is obtained.

8.11.121 In determining the adequate number of parking spaces required, the Zoning Enforcement Officer may consider the greatest number of persons likely to arrive per car. Said parking spaces may be provided by the applicant on a lot off the lot on which the permitted activity is to be conducted provided that the owner thereof joins the applicant in applying for the special permit to use the premises in question for parking. Said permit shall be effective for a period of not more than 10 days.

8.11.130 Recreational vehicles – All Zones. Recreational vehicles owned and occupied by visitors or guests for a period of one but not more than 4 weeks in any one calendar year. The recreational vehicle shall be parked in a side or rear yard. No permit fee or security deposit shall be required, and no permit is required when the trailer is to be occupied for less than one week.

8.11.140 Temporary Trailers – All Zones. Trailers, temporary trailer in case of fire or natural destruction for a period of six months, office vans and mobile homes located on a lot on which a building is being constructed, used incidentally to the construction of said building, and not as a place to live. The applicant shall state the estimated construction time of said building and the permit shall be issued for that period of time.

ARTICLE VIII – SUPPLEMENTAL REGULATIONS

SECTION 12 – SALE OF LIQUOR-ALCOHOLIC BEVERAGE OUTLETS

8.12 Sale of Liquor-Alcoholic Beverages

8.12.100 Purpose and Intent

The purpose of this section is to provide guidance for the location of package stores, taverns, or cafes whose primary business involves the sale of alcoholic beverages for consumption by adults.

The intent of this section is to provide a separation of such uses from schools and religious institutions. The provisions of this section shall not apply to wholesale distributors, stores selling canned or bottled beer only, drug stores dispensing liquor as a prescription only or to restaurants. (Amended effective 9/12/05, effective date)

8.12.200 Package Stores and Taverns

8.12.210 The building or premises or portion thereof shall be 300 feet or more away from the nearest property line of land occupied by any school or church. Any existing premises used, as a package store, tavern or café shall not be deemed a violation of these regulations as a result of the subsequent erection of a school or church.

8.12.300 Restaurants and Café (Amended effective 2/5/15)

8.12.310 There is no separation restriction placed on the location of a café or full-service restaurants whose primary purpose is to prepare and serve meals for consumption on the premises with an alcoholic beverage as an accompaniment to those meals. (See definition of Restaurant) (Amended effective 2/5/15)

ARTICLE VIII – SUPPLEMENTAL REGULATIONS

SECTION 13 – COMMON INTEREST COMMUNITIES IN BUSINESS, PROFESSIONAL OR INDUSTRIAL ZONES

8.13 Common Interest Communities

8.13.100 Whenever a building or a group of buildings on one lot are permitted to contain more than one entity and the applicant for a Zoning Permit, Special Exception, or site development plan intends to create a common interest community with respect to said lot, the applicant shall so state in the application.

8.13.200 Whenever a common interest community is created in Newtown, the owner of the land subjecting said land to the Connecticut Common Interest Ownership Act shall, at the time said common interest community is created:

8.13.210 Deliver to the Zoning Enforcement Officer a copy of the declaration creating said common interest community and a copy of the by-laws of the Unit Owners' Association. The declaration shall contain clear language that maintenance responsibility including, but not limited to, all infrastructure repair, trash removal, street plowing/sanding/repair, lawn mowing and leaf pickup within the boundaries of the common interest community shall rest with the Unit Owners' Association; and

8.13.220 File with the Zoning Enforcement Officer the names and addresses of all officers of the Unit Owners' Association as they are initially constituted. If the Unit Owners' Association is not established concurrently with the creation of the common interest community, the owner shall file said names and addresses as soon as the Unit Owners' Association is established.

8.13.300 The Unit Owners' Association, upon recording an amendment to the common interest community declaration or bylaws with the Town Clerk's Office, shall simultaneously notify the ZEO of any changes in its obligations or duties contained within such declaration or bylaws.

8.13.400 The Unit Owners' Association of any common interest community created in Newtown shall file with the Zoning Enforcement Officer annually, within thirty days of his election, the name and address of the President, Chairman or other designated chief executive officer authorized to act for the Unit Owners' Association for the following year, as well as any changes to the bylaws or declaration of the common interest community or to the site configuration that materially affects conditions of zoning approval or Special Exception approval.

ARTICLE VIII – SUPPLEMENTAL REGULATIONS

SECTION 14 – INITIAL ATTACK FIRE SUPPRESSION WATER SUPPLY

8.14 Initial Attack Fire Suppression Water Supply (Adopted effective 9/30/06, Amended effective 9/1/97, 3/14/05)

8.14.100 Purpose and Intent - The purpose of this section is to establish criteria and requirements for the installation of an initial attack fire suppression water supply for commercial, industrial and residential developments. The intent of this section is to assure that an initial supply of water is available and accessible for the immediate use by the Fire Department in the case of a fire emergency.

8.14.200 Applicability

8.14.210 All commercial or industrial buildings of 5**,**000 square feet or more and/or building renovations or additions of 2**,**500 square feet or more shall install a 30,000 gallon water storage tank system for initial attack fire suppression. Larger tanks or multiple tanks will be required for complexes exceeding 20,000 square feet subject to the determination by the Fire Marshal.

8.14.220 All residential subdivisions, resubdivisions or multi-family complexes of three to ten units approved on or after March 14, 2005 shall install a 30,000 gallon water storage tank system for initial attack fire suppression.

8.14.230 Subdivisions, resubdivisions or multi-family complexes having more than ten units approved on or after March 14, 2005 shall provide an additional 30,000 gallon water storage tank system for each additional ten units or portion thereof.

8.14.240 Applicants shall request the District Fire Chief and the Fire Marshal to determine the number and placement of the required water supply systems prior to the time of plan submission to the Commission. Such plans shall reflect the approved tank and hydrant location at the time of plan submission.

8.14.300 Specifications

8.14.310 Fire suppression water tanks shall be buried, non-metallic and equipped with appropriate piping, sump, drainage overflow and a standard manhole for access to the tank. Specifications for tank installation, filling and testing are on file in the offices of the Newtown Fire Marshal. Required pipe and fittings for fire truck attachment shall be installed pursuant to such specifications as provided by the Fire Marshal.

8.14.320 The final standard attachment fitting, adapter and cap will be provided by the District Fire Department.

8.14.330 Fire suppression water tanks shall be fed from a natural water source (stream or river),

roof drains, parking lot drainage, or any reliable source engineered to prevent the intake of silt. The contractor shall be responsible for the initial filling of water in the tank.

8.14.340 Fire suppression water tanks installed for residential subdivisions will be regularly monitored and maintained by the District Fire Department. The owners of commercial, industrial and multiple family housing developments shall be responsible to maintain a minimum storage level equal to eighty percent (80%) of the tank capacity.

8.14.350 Access to all fire suppression water tank hydrants shall be hard surfaced and shall be maintained accessible for fire apparatus at all times by the property owner. If the owner is unavailable or undetermined, the responsibility will be assumed by the District Fire Department.

8.14.360 The installer of all water tanks shall be responsible for notifying the Fire Marshal to conduct an inspection prior to the system being backfilled. The Fire Marshal or his designee will inspect all piping, connections, tank installation and any other components. A test of the system shall be conducted by the Fire Department within 15 days of the final inspection. Copies of the "As Built" plans shall be provided to the Fire Marshal at the completion of the testing phase and acceptance of the system.

8.14.400 Waiver Provision

8.14.410 The installation of a water storage tank for fire suppression pursuant to these regulations may be waived by the Fire Marshal subject to his finding that such a waiver is warranted due to the presence of an acceptable alternative water supply including the following:

8.14.411 A public water system is available and fire hydrants are proposed for installation.

8.14.412 A National Fire Protection Association (NFPA) 13, 13D or 13R approved sprinkler system will be installed within the applicable structure or structures.

8.14.413 A surface water supply greater than indicated in subsection 8.14.200 herewith is maintained and accessible 365 days a year provided such surface water supply is within 1,000 feet of each building and specific improvements are installed to permit utilization and access. Further, the District Fire Chief shall have authority for determining that the location of the surface water supply has adequate accessibility for utilization for fire protection purposes. Should the District Fire Chief find that the surface water supply is inadequate due to accessibility, length of hose lay, etc. an underground water tank must be installed.

8.14.414 All requests for approval of a natural or manmade surface water supply must be accompanied by a drainage analysis prepared by a licensed professional engineer. Such an analysis must state the minimum number of gallons available during the dry season of the year and shall indicate the source and amount of water that is supplied to the surface water supply during all weather conditions. Specifications for surface water fire suppression equipment and its installation are available in the offices of the Fire Marshal.

8.14.420 Notwithstanding the provisions of Section 8.14.200, commercial complexes of less than 5**,**000 square feet of gross floor area shall not be required to have a fire suppression water system if the District Fire Chief and the Fire Marshal deem that the nature of the business does not present a high fire risk.

8.14.430 All requests for approval of a natural or manmade on-site surface water supply must be accompanied by a drainage analysis prepared by a licensed professional engineer. Such an analysis must state the minimum number of gallons available during the dry season of the year and shall indicate the source and amount of water that is supplied to the surface water supply during all weather conditions.

8.14.440 Specifications for surface water fire suppression equipment and its installation are available in the offices of the Fire Marshal. (Effective 9/1/97)

8.14.500 Certificate of Occupancy Requirements – All fire suppression tanks shall be installed, filled, tested and approved by the Fire Marshal and District Fire Chief before a Certificate of Occupancy is issued.

ARTICLE VIII – SUPPLEMENTAL REGULATIONS

SECTION 15 - OPEN SPACE CONSERVATION SUBDIVISION (OSCS)
(Revised effective November 14, 2011)

8.15.100 Purpose and Intent. The intent of this regulation is to allow for greater flexibility and creativity in the design of residential developments and to provide for **larger** areas of open space and the preservation of Newtown's rural community character.

8.15.200 Applicability

8.15.210 Any proposed residential subdivision of a parcel(s) of land located within an R-1, R-2 or R-3 zone is eligible to apply for an OSCS.

8.15.300 Application Procedure.

8.15.310 An application for an OSCS filed pursuant to Newtown Subdivision Regulations, Article V, Open Space Conservation Subdivisions.

8.15.600 Design Standards.

(a) The maximum number of dwelling units described on the OSCS Concept Plan can exceed the Commission's determination of the maximum number of lots that could be developed on the parcel(s) as a conventional subdivision by ten percent (10%), to the nearest whole division. Number of conventional lots allowed shall be determined by the Commission, utilizing a conceptual conventional subdivision plan submitted by the applicant.
(b) A guideline of fifty percent (50%) preserved open space shall be used in the project design.
(c) The open space areas that are planned for preservation in the OSCS, shall result in the protection of the unique features of the particular site.
(d) The applicant shall prepare an estimate of the total square footage of impervious surface that would result from the proposed development.

8.15.700 Housing Type. Single family detached housing located on individual lots which are subject to application approval pursuant to the subdivision regulations.

8.15.800 Area, Height and Yard Requirements. The regulations concerning the minimum lot area, number of stories, yard dimension, setbacks and similar requirements for an OSCS are set forth in Article VII, Area Height and Yard Requirements, Chart Number VII-I. The requirements for conventional subdivision are also set forth in Chart VII-I. All applicable sections of these regulations apply and in addition, the following rules shall apply to all OSCS developments.

(a) Minimum Lot size shall be 35,000 square feet and the lot shall be in compliance with the Newtown Health District and State septic and well regulations.
(b) When street frontage is less than one hundred and fifty (150) feet, garage door openings that face the street serving the lot shall be set back fifteen feet (15') or more from the front wall of the house.
(c) Where proposed development will front on an existing public street, the Commission

reserves the right to require the application of the area, height and yard requirements for the respective zone contained in Chart VII-I of these regulations.

(d) Rear Lots. One rear lot may be created for every lot with street frontage subject to Section 7.04.900 of these regulations.

(e) Rear lots shall have a minimum front yard setback of twenty-five (25) feet from the front lot line.

(f) Minimum setback requirements shall be recorded as deed restrictions for each approved lot.

(g) Buffer Areas. A buffer area of 75 feet shall be provided along the perimeters of the OSCS parcel(s). Streets and driveways necessary for access and egress to and from the subject parcel(s) may cross such buffer areas. No vegetation in this buffer area will be disturbed, destroyed or removed, except for normal maintenance of structures and landscapes or as a result of landscape improvements approved by the Commission. The Commission may waive the buffer requirement in certain locations when it determines that a smaller buffer, or no buffer, will suffice.

ARTICLE VIII – SUPPLEMENTAL REGULATIONS

SECTION 16 –TELECOMMUNICATIONS

8.16.100 Purpose and Intent
The purpose of this section is:
(a) to provide local standards for consideration by the Connecticut Siting Council and communication companies in determining on the location of cell towers.
(b) to provide regulations for the development of the cell tower site including screening, landscaping, security, and setbacks for the cell tower and any associated facilities.
(c) to encourage the location of commercial wireless telecommunication towers and antennas away from residential neighborhoods; to protect natural and scenic vistas within the community; to encourage the placement of commercial wireless telecommunication towers, antennas and facilities upon nonresidential buildings or structures; to encourage joint use of new or existing towers and facilities; to minimize adverse visual and operational effects through careful design, sighting and screening; to protect historic factors from potential adverse impacts.

8.16.200 Amateur Radio Operators Wireless communication facilities used by a federally licensed amateur radio operator and facilities owned and operated for municipal emergency purposes are hereby declared as a permitted accessory use subject to zoning setback and height requirements as set forth in Article VII provided that the facility is not used or licensed for any commercial purpose.

8.16.300 Location Preference Guidelines
The order of preference for the location of any wireless telecommunication facility is listed below. The most preferred is 8.16.310 and the least preferred is number 8.16.316.

8.16.310 Camouflaged facility located in or on an existing nonresidential building or structure located in an industrial, business, adaptive reuse or design district zone.

8.16.311 On towers existing as of December 31, 2005.

8.16.312 On existing structures such as nonresidential buildings located in an industrial, business, adaptive reuse or design district zone; water tower/tanks; utility poles; billboards, and bridges.

8.16.313 Camouflaged facility located on an existing nonresidential building or structure located in any zone.

8.16.314 On new towers located on property occupied by one or more existing towers.

8.16.315 On new towers located in an industrial, commercial, adaptive reuse or design district zone.

8.16.316 On new towers located in residential or conservation and agriculture zones.

8.16.400 General Requirements
Any property on which a wireless telecommunication facility is proposed, shall meet the following minimum standards:

8.16.410 The tower and/or antenna shall be erected to the minimum height necessary to satisfy the

technical requirements of the telecommunications facility and shall be designed with particular design characteristics that have the effect of reducing or eliminating visual obtrusiveness.

8.16.411 A tower shall comply with the setback requirements of the zone in which it is located, or a distance equal to the height of the tower plus twenty-five (25) feet, whichever is greater.

8.16.412 Proposed towers shall be located a minimum of 500 feet from any existing residential dwelling, any public playground or park or any public school.

8.16.413 A wireless telecommunications facility may be considered as either a principal or accessory use.

8.16.414 The minimum lot area for the construction of a new tower shall be that of the zone in which it is located.

8.16.415 More than one tower on a lot may be permitted if all setbacks, design, and landscape requirements are met for each tower.

8.16.416 A telecommunications facility may be located on leased land as long as there is adequate ingress and egress to the site for service vehicles, and such access is documented in a deed easement presented to the Zoning Board of Appeals.

8.16.417 Towers in residential zones shall be monopole design unless such tower is a camouflaged facility designed to locate on an existing nonresidential building or structure or as otherwise modified and approved by the Zoning Board of Appeals. The Zoning Board of Appeals may require that a monopole be designed and treated with architectural materials so that it is camouflaged to resemble a woody tree with a single trunk and branches on its upper part, or other suitable art form/sculpture as determined by the Zoning Board of Appeals.

8.16.418 A ten (10) foot, chain link galvanized steel security fence with barbed wire shall be required around the antenna tower and other equipment.

8.16.419 Landscaping shall be required around the security fence(s) which shall consist of no less than two rows of evergreen trees planted not less than ten (10) feet on center.

8.16.420 The rows of evergreen trees shall be staggered to ensure adequate screening.

8.16.421 The evergreen plantings shall be a minimum height of six (6) feet at planting and shall be maintained by the owner of the property to ensure its effectiveness.

8.16.422 Any ancillary buildings or structures associated with wireless telecommunication facilities shall comply with the following:

8.16.423 Each building shall not contain more than 150 square feet of gross floor area or be more than eight feet in height.

8.16.424 Each building shall comply with the setback requirements for accessory buildings for the zoning district in which it is located.

8.16.425 If located on the roof of a building, it shall be designed to blend with the color and design of the building to the extent possible.

8.16.426 All ground level buildings, boxes, or cabinets shall be surrounded by a security fence and be landscaped according to the landscaping requirements of Section 8.16.419 through 8.16.421of these Regulations.

8.16.427 Towers which protrude above the tree coverage on any property that may be located within a view corridor of any vista that has been identified by the Planning and Zoning Commission pursuant to the Plan of Development should be are prohibited. The corridors for all vistas are identified in a certain document entitled The Views of Newtown dated December 1998 as adopted effective March 15, 1999.

8.16.428 Illumination shall not be permitted on the tower unless required by the Federal Communications Commission, the Federal Aviation Agency or the Connecticut Siting Council.

8.16.429 Accessory buildings, where permitted, shall be designed to be in harmony with the surrounding neighborhood properties and with due consideration for the impact that the tower will have on these properties, i.e., buildings in residential districts must have characteristics such as roof lines, siding, fenestration, etc. that are compatible with residential structures in the immediate area. The Zoning Board of Appeals may request conditions that foster a compatible design of the antenna tower with the site and the surrounding environment.

8.16.430 Structure or rooftop mounted antennae shall not be attached to a residential dwelling or to an accessory building which serves a residential dwelling.

8.16.431 Noise and heat emissions of a wireless telecommunication facility, including the power source and cooling facility shall operate at all times within the limits of Section 1.06.1000.

8.16.432 The wireless telecommunication facility owner shall make provisions for monitoring of ongoing compliance with regulations including provisions for regular testing of radiation emissions by a licensed consultant.

8.16.500 Application Procedures
Any special permit application with the Zoning Board of Appeals for a commercial wireless telecommunication facility filed pursuant to these regulations shall be accompanied by the materials and information listed below:

8.16.510 An A-2 site survey of the property that indicates:
(a) the site location by address and Assessor's Map, Block and Lot,
(b) the name and address of the property owner, the applicant, if different,
(c) scale,
(d) north arrow,
(e) date,
(f) perimeter of property,
(g) property area,
(h) foliage limits,
(i) wetlands,
(j) watercourses,

(k) underground utilities,
(l) easements,
(m) septic system,
(n) wells,
(o) isolated trees over eight (8) inches in diameter,
(p) stone walls,
(q) driveways,
(r) paths or trails,
(s) ledge outcroppings,
(t) existing buildings,
(u) required setbacks.

8.16.511 A site plan showing the location of all
(a) proposed equipment,
(b) easement areas,
(c) areas of construction,
(d) distances from property lines to proposed structures,
(e) landscaping with a list of plant materials and
(f) access to the site at a scale of 1" = 20'.

8.16.512 A plan showing where and how the proposed antenna will be affixed to a particular building or structure, if applicable.

8.16.513 Details of all proposed antenna and mounting equipment including size and color.

8.16.514 Elevations of all proposed antenna and mounting equipment including size and color.

8.16.515 An elevation of all proposed equipment buildings, boxes or cabinets including details of all proposed fencing including color.

8.16.516 The elevation of the tower base and the height of the tower.

8.16.517 A design drawing including cross-section and elevation of all proposed towers.

8.16.518 A description of the tower's capacity, including the number and type of antennas it can accommodate as well as the proposed location of all mounting positions for co-located antennas and the minimum separating distances between antennas.

8.16.519 The design shall indicate how the tower will collapse without encroaching upon any adjoining property if failure occurs.

8.16.520 A view shed analysis showing all areas from which the tower would be visible, and if requested by the Zoning Board of Appeals, a simulation of the proposed site to help the Board determine the visual impacts associated with the proposal.
(a) Such simulation shall include the raising of a balloon at the location and to the maximum height of the proposed tower for at least three consecutive hours during each of the seven days preceding the public hearing.
(b) The balloon should be at least three feet in diameter and brightly colored to permit an analysis of its visibility from well beyond the proposed site.

(c) A written notice of the dates, times, and location of the balloon test shall be delivered to the office of the Town Clerk and the office of the Zoning Board of Appeals by the applicant at least two weeks prior to the raising of the balloon.

8.16.521 A description of the nature of uses on adjacent and nearby properties within 1,000 feet.

8.16.522 A map of surrounding topography within 1,000 feet at contour intervals not exceeding ten feet.

8.16.523 Propagation, modeling of minimum height, location, review of alternatives, and signal strength prepared by a licensed telecommunication system engineer.

8.16.524 A map indicating the service area of the proposed wireless telecommunications facility site; the extent of the provider's existing and planned coverage within the Town of Newtown, and a map indicating the search radius for the proposed site, including the location of tall structures within one quarter mile of the proposed site.

8.16.525 A report from a licensed telecommunication systems engineer indicating why the proposed site location is necessary to satisfy its function in the applicant's proposed wireless telecommunications system.

8.16.526 A description of alternative sites that were explored relate back to location preference guidelines and describe attempts made to address and locate alternative sites that are higher on the location preference list than the selected site, if applicable.

8.16.527 A report from a licensed telecommunications systems engineer indicating that the proposed wireless telecommunication facility will comply with FCC radio frequency emission standards and that the installation will not interfere with public safety communications.

8.16.528 Documentation prepared by a licensed telecommunications systems engineer that no existing or planned tower or other structure can accommodate the applicant's antenna.

8.16.529 For tall structures located within one quarter mile radius of the proposed site, documentation that the owners of these locations have been contacted and have denied permission to install the antenna on these structures for other than economic reasons.

8.16.600 Abandonment The following shall apply to the removal of abandoned towers and related appurtenances.

8.16.610 The owner of the wireless telecommunication facility shall submit an annual report to the Zoning Enforcement Officer that the facility is still in use.

8.16.611 The Zoning Board of Appeals may require the posting of a bond to ensure the timely and proper removal of a wireless telecommunication facility.

ARTICLE VIII – SUPPLEMENTAL REGULATIONS

SECTION 17- HISTORIC PRESERVATION REGULATIONS- RESERVED

ARTICLE VIII – SUPPLEMENTAL REGULATIONS

SECTION 18 –OUTDOOR WOODBURNING FURNACE (ADDED EFFECTIVE 2/14/11)

8.18.100 – (Added effective 2/14/11) In all zones, no person shall, construct, install, establish, modify, operate or use an outdoor wood-burning furnace, unless the outdoor wood-burning furnace complies with CGS 22a- 174 k. "Outdoor wood-burning furnaces" or any subsequent revisions thereof and the following:

(a) Installation of the outdoor wood-burning furnace is not less than two hundred feet from the nearest residence not serviced by the outdoor wood-burning furnace;
(b) Installation of the chimney of the outdoor wood-burning furnace is at a height that is more than the height of the roof peaks of the residences that are located within five hundred feet of the outdoor wood-burning furnace, which residences are not serviced by the outdoor wood-burning furnace, provided the chimney height is not more than fifty-five feet;
(c) No other materials are burned in the outdoor wood-burning furnace other than wood that has not been chemically treated; and
(d) Installation and operation of the outdoor wood-burning furnace is in accordance with the manufacturer's written instructions, provided such instructions do not conflict with the provisions of this section.
(e) The outdoor wood-burning furnace shall comply with the 2010 EPA Phase 2, emission guideline limits or any subsequent revisions thereof.

ARTICLE VIII – SUPPLEMENTAL REGULATIONS

SECTION 19 –MORATORIUMS

8.19.100 – Purpose and Intent

The purpose of the section is to:

To suspend the filing of applications or construction in the Town for a limited time in order to allow the Commission to evaluate the needs of the community, to evaluate future land use and growth, and to pass suitable regulations to implement solutions to specific concerns.

8.19.200 Uses Subject to Moratorium

A Moratorium on the Acceptance of Applications for Medical Marijuana Dispensary and Production Facilities

Reasons: The Commission acknowledges the adoption by the State on August 28, 2013 of final regulations concerning the "Palliative Use of Marijuana", codified in sections 21a-408-1 to 21a-408-70in the Regulations of State Agencies for the Department of Consumer Protection. As printed from the DCP website, the regulations include 76 pages of regulations for the very tightly controlled administration of the State's Medical Marijuana Program, including requirements for those who seek licenses for the growing and dispensing of medical marijuana.

In order for the Planning and Zoning Commission of the Town of Newtown to properly evaluate these State regulations and to consider the adoption of zoning regulations for local control of these uses, with a goal toward maintaining and protecting the public health, safety, convenience and property values of the residents of the community, a moratorium on the acceptance of any application for facilities for dispensing or growing of medical marijuana is proposed.

The State has indicated that there will be a maximum of 10 licenses issued within the State for growers, and only 3-5 licenses issued for dispensaries in the initial stages of the program. In addition, the DCP regulations require that the Agency, when issuing licenses, consider "whether the proximity of the proposed dispensary facility will have a detrimental effect upon any place used primarily for religious worship, public or private school, convent, charitable institution, whether supported by private or public funds, hospital or veteran's home or any camp or military establishment." [Sec. 21a-408-14].

Clearly, the complexity of the DCP regulations and controls adopted to carefully regulate this use at the State level supports the premise that the use should also be carefully regulated at the local level. The proposed moratorium is therefore justified.

(a) Intent and Purpose

1. The Planning and Zoning Commission has determined that the following uses have the

potential to impair the health, safety and welfare of its citizens, and that a temporary, limited moratorium is needed in order to properly develop restrictions and standards for the implementation of these uses.

(b) Identified Uses Subject to Moratorium

1. Medical marijuana dispensary facility
2. Medical marijuana production facility

(c) Application

1. No application for a medical marijuana dispensary or production facility and no installation or creation of a medical marijuana dispensary or production facility shall be permitted in any zone within the Town of Newtown during the effective dates specified in Sec. 8.6.D.1.

(d) Effective Date and Expiration

1. The effective date of the moratorium on the application or installation or creation of any medical marijuana dispensary or production facility is the date of adoption of this regulation by the Planning and Zoning Commission together with the filing of the amendment with the town clerk (beginning on 5/1/14), expiring in one calendar year (ending on 5/1/15).

ARTICLE IX – ADMINISTRATION AND ENFORCEMENT

SECTION 1 – ZONING ENFORCEMENT OFFICER, BUILDING PERMITS, ZONING PERMITS & SURVEY REQUIREMENTS

9.01.100 Purpose and Intent

The purpose of this section is to address the role of the Zoning Enforcement Officers (ZEO) and the permitting requirements for new or changed land uses, new construction, alterations or building additions.

The intent of this section is to outline the basic requirements of land use control within the Town of Newtown.

9.01.200 Zoning Enforcement Officer

The Newtown Planning and Zoning Commission hereby designates the Newtown Land Use Agency as the Zoning Enforcement Authority to implement and enforce the Newtown Zoning Regulations. Zoning Enforcement Officers will be appointed by the Director of Planning and Land Use (Added effective December, 2011).

Where reference is made in these Regulations to "Zoning Enforcement Officer" in the singular, it shall be deemed to be a reference to any and all Zoning Enforcement Officers who have been appointed hereunder. Said ZEO shall be authorized to:

(a) administer and enforce these regulations; implement and enforce the decisions of the Commission and the Zoning Board of Appeals (ZBA); issue Zoning Permits as hereinafter set forth; make the inspections required in the administration and enforcement of these regulations and the decisions of the Commission and the Zoning Board of Appeals; issue or deny Certificates of Zoning Compliance as set forth herein; approve Building Permit applications for zoning compliance; inspect any lot, premises, building or use, whether public or private, where said ZEO has reason to believe it is or is about to be in violation of these regulations; issue orders to cease and desist from the violations of these regulations;

(b) If violations are not discontinued within 10 days of such order, the ZEO may institute civil actions to recover fines and/or additional civil penalties as provided by Statute.

(c) A property owner, lessee, or agent thereof may appeal the issuance of a cease and desist order to the Zoning Board of Appeals within 30 days of such issuance; institute civil actions in accordance with the General Statutes of Connecticut to prevent or abate violations of these regulations; seek approval to issue warrants for the arrest and conviction of any owner, lessee, or agent of such owner or lessee, of any building, premises or part thereof in which a violation of these regulations has been committed or is being committed and/or the architect, builder, contractor or any other person who commits, takes part or assists in any such violation.

9.01.300 Building Permits

9.01.310 A Building Permit application is obtained from the Building Department. The Building

Permit application is reviewed by the Zoning Enforcement Officer (ZEO) for zoning compliance. A Building Permit application shall be accompanied by a site plan and sufficient written information to enable the ZEO to make a determination that the proposed building structure or use complies in all respect with the provisions of these regulations. Such application shall be signed by the property owner(s) or their agent.

9.01.311 Whenever such application concerns an external structural change, including, but not limited to, new construction, an addition or external structural alteration to an existing structure, the applicant shall calculate the average finished ground level at each side of the proposed structure, existing structure or any proposed external structural alteration.

9.01.312 Before the ZEO signs a Building Permit for any proposed use or new construction all other applicable permits required pursuant to the Newtown Sanitary Code as to wells and sewage disposal systems, Water and Sewer Authority, Inland Wetlands Commission, a driveway permit pursuant to the Newtown Road Ordinance have been obtained by the applicant.

9.01.313 No such Building Permit shall be issued unless the ZEO has certified in writing that the proposed building or use complies with all the provisions of these regulations and all conditions which have been imposed by the Commission or Zoning Board of Appeals, as applicable.

9.01.400 Zoning Permits

9.01.410 Before any land, building or other structure is devoted to a new or changing use, whether or not the owner believes such new or changing use is in conformance with these regulations, a Zoning Permit shall be obtained from a ZEO or, if required, a Site Development Plan or Special Exception approval shall be obtained in accordance with Article X or XI as applicable.

9.01.420 Before a Zoning Permit for any proposed use is approved by the ZEO, all other applicable required permits pursuant to the Newtown Sanitary Code as to wells and sewage disposal systems, Water and Sewer Authority, Inland Wetlands Commission, a driveway permit pursuant to the Newtown Road Ordinance have been obtained by the applicant.

9.01.430 No such Zoning Permit shall be issued unless the ZEO has certified in writing that the proposed use complies with all the provisions of these regulations and all conditions which have been imposed by the Commission or Zoning Board of Appeals, as applicable.

9.01.500 Certificates of Zoning Compliance

9.01.510 No lot or building shall be occupied or used in whole or in part until a Certificate of Zoning Compliance has been issued by the Zoning Enforcement Officer (ZEO) stating that the lot, building or structure complies with all the provisions of these regulations.

9.01.520 When the building or structure is complete and ready for occupancy or use, the applicant shall notify the ZEO who shall, within 30 days from the receipt of such notice, inspect the lot, building or structure and issue a Certificate of Zoning Compliance if such lot, building or

structure complies with all of the provisions of these regulations, and any special conditions imposed by the Commission or the Zoning Board of Appeals.

9.01.530 Prior to issuing a Certificate of Zoning Compliance the ZEO may require further written statements from the owner, his agent or any person who is to occupy the premises concerning any information he deems necessary to determine whether or not the provisions of these regulations are being and will be met.

9.01.540 Where a portion of a building or structure is ready for occupancy or use the ZEO may issue a Certificate of Zoning Compliance as to that part only and no other portion of said building, or structure, may be used or occupied until a subsequent Certificate(s) of Zoning Compliance is (are) obtained therefore.

9.01.550 In a common interest community each individual unit owner shall, in addition of the requirements above, also obtain a Certificate of Zoning Compliance.

9.01.560 The ZEO's approval on a building Certificate of Occupancy shall be the equivalent of a Certificate of Zoning Compliance.

9.01.600 Survey Requirements

A certified survey by a licensed land surveyor meeting the requirements of a Class A-2 survey of the Connecticut Technical Council shall be filed with the Zoning Enforcement Officer (ZEO) under the following circumstances:

9.01.610 If the construction is an addition to an existing building or structure, the survey shall be filed upon application for the permit;

9.01.620 Upon completion of the foundation for a new building or structure for which Zoning and Building Permits have been issued, a survey shall be filed. No further work shall be done on such building or structure after completion of the foundation until said survey has been filed with the ZEO;

9.01.630 Where the building or structure has no foundation, such as a tennis court or swimming pool, the survey shall be filed with the application for the permit indicating that the location of the proposed structure has been staked on the ground, and the applicant shall build the structure in the location staked.

9.01.640 Any such survey shall contain: the location of all existing and proposed buildings, structures, watercourses, wells, septic fields and property lines and such measurements between said objects and lines as are adequate for the ZEO to determine that the minimum front, side and rear yards are being maintained; that setbacks from watercourses and water bodies required by the Newtown Sanitary Code are provided; and that the septic tank, septic fields and well will have the setbacks from each other and from all buildings, structures and lines as required by all applicable statutes, codes, ordinances or regulations.

9.01.650 Notwithstanding Section 9.01.600 hereof, no lot or street line need be surveyed which meets all of the following criteria:

9.01.651 The street or lot line is a physical boundary including but not limited to such things as fences, stone walls, brooks, roads, etc.; or a boundary and the existing structures have been delineated on a survey or Newtown Geographic Information System (GIS) mapping, with source maps on file to the satisfaction of the ZEO and

9.01.652 The applicant proves to the satisfaction of the ZEO that the boundary in question is not in dispute; and

9.01.653 The ZEO can field verify that the proposed structure is located more than ten (10) feet in excess of the required yard setback.

9.01.700 Electronic Surveys

9.01.710 Submission of Electronic Surveys. Any "as-built" survey filed with the Zoning Enforcement Officer (ZEO) and any lot line revision approved herein shall be submitted in both paper and electronic formats. The electronic format shall be for purposes of updating the Town's Geographic Information System (GIS) and shall meet the following criteria:

(a) Drawings shall be on a compact disk (CD);
(b) Electronics shall be in a format prescribed by the Town's GIS coordinator; and
(c) A certification letter stating that the electronic drawing is a copy of the survey map that was presented to the ZEO shall accompany electronic drawings. A land surveyor licensed by the State of Connecticut shall certify the letter. (Added effective April 14,2003)

9.01.800 Relationship to Other Regulations. The violation by any person seeking a Zoning Permit or Certificate of Zoning Compliance of the provisions of the Inland Wetlands and Watercourses Regulations, Newtown Sanitary Code, the Newtown Road Ordinance, the Land Subdivision Regulations, Zoning Regulations or any other regulations within the "police power", so-called subsequently adopted by the Town of Newtown acting through its legislative body or its boards or commissions, shall constitute a violation of these regulations and, while said violation is continuing, shall be sufficient cause to refuse to issue or revoke said Zoning Permit or to refuse to issue said Certificate of Zoning Compliance.

ARTICLE IX – ADMINISTRATION AND ENFORCEMENT

SECTION 2 – LOT LINE REVISION

9.02.100 Any lot line revision that will result in an equal transfer of property between lots, result in lots that are in compliance with Zoning Regulations and will not increase any existing non-conformities in any lots subject to the revision will be stamped "Approved For Filing" by the Zoning Enforcement Officer (ZEO), unless otherwise directed by the Commission.

9.02.200 All applications for lot line revision of property shall be accompanied by: Original and five copies of a Class A2 survey map prepared by a land surveyor licensed by the State of Connecticut showing the desired lot line revision, wetlands, watercourses, FEMA 100-year flood plains, and natural slopes of twenty-five percent (25%) or greater calculated pursuant to Article VII. In addition, the applicant shall deliver, an electronic copy of such survey map, for purposes of adding the approved lot line revision to the Town's Geographic Information System (GIS). The electronic copy shall meet the following criteria:

(a) Drawings shall be on a compact disk (CD)
(b) Electronic drawings shall be in a format as prescribed by the Town's GIS coordinator.
(c) Electronic drawings shall be accompanied by a certification letter that the electronic drawing is a copy of the survey that was approved by the Zoning Enforcement Officer for recording in the office of the Town Clerk. A land surveyor licensed by the State of Connecticut shall certify the letter.
(d) Copy of recorded Zoning Board of Appeals variances, as applicable.

ARTICLE IX – ADMINISTRATION AND ENFORCEMENT

SECTION 3 – NON-CONFORMING USES, BUILDINGS AND LOTS

9.03.100 Purpose and Intent

It is the intent of these regulations that any building, structure or use of land, either principal or accessory, lawfully existing at the time of adoption of these regulations, or any amendments thereto, may be continued although such building, structure or use does not conform with the provisions of these regulations. Once a non-conforming use, building, or lot has been abandoned, however, neither it nor any other non-conforming use, building or lot, respectively, shall thereafter be re-established.

9.03.200 Non-conforming Uses

9.03.210 Any non-conforming use shall not be expanded above the level at which such activity existed on the date on which it became non-conforming by virtue of these regulations.

9.03.220 Any lot on which a non-conforming use has been conducted shall not be used for any other non-conforming use unless it is determined by the Zoning Board of Appeals (ZBA) to be less detrimental than the non-conforming use already existing.

9.03.230 The discontinuance of a non-conforming use and the replacement thereof by a conforming use, for any period of time, no matter how short, shall constitute abandonment of the non-conforming use. Such replacement by a conforming use shall occur when that portion of the lot or building formerly devoted to a non-conforming use is used for a conforming use.

9.03.240 To establish that a non-conforming use has been abandoned,

- the owner must have voluntarily discontinued the use, and
- there was intent of the owner not to re-establish the use.

If the owner of said premises desires to resume said presumptively abandoned non-conforming use, he may apply to the Zoning Enforcement Officer (ZEO) to determine whether or not said non-conforming use was abandoned. The burden of proof shall be upon the applicant to show that the use was not in fact abandoned.

9.03.300 Buildings with Non-conforming Uses

9.03.310 Any building in which a non-conforming use is conducted may not be enlarged either in area or in cubic content for purposes of expanding such non-conforming use. Such a building may be otherwise altered, improved or rebuilt.

9.03.320 A building in which a portion of such building is used for a non-conforming use may be enlarged provided such enlargement is only for purposes of conducting a permitted use.

9.03.330 When a building in which a non-conforming use is conducted is damaged or destroyed by fire, explosion, act of God or catastrophe not brought about by or on behalf of the owner, lessee or other person in possession and control of said building, it may be restored and used for said non-conforming use provided that the restored building covers no greater area, has no greater cubic content, and is at least as conforming as to location on the lot as was the building damaged or destroyed.

9.03.400 Non-conforming Buildings

9.03.410 Any building which has been made non-conforming as to front, side or rear yard dimensions, height or minimum size of dwelling by virtue of these regulations or the amendments thereto may be enlarged, altered or maintained notwithstanding any such non-conformity, provided that the enlargement or alteration of said building shall not increase the degree of such non-conformity. Said building shall comply with all the other provisions of these regulations for the zone in which it lies.

9.03.500 Non-conforming Lots

9.03.510 Non-conforming vacant lots may be improved if the lot is part of an approved subdivision, utilizing the Zoning Regulations at the date of subdivision approval.

9.03.520 Non-conforming developed lots may be further improved if buildings or additions are in compliance with current regulations or the buildings and /or additions do not increase the current non-conformity.

9.03.530 Lots not in an approved subdivision may be developed only in compliance with the current Zoning Regulations.

ARTICLE X – SITE DEVELOPMENT PLANS

10.01.100 Purpose and Intent
The purpose of the site development plan approval process is to aid the Commission in its review of future development within the Town and to ensure that any such development is in conformance with these Zoning Regulations and the Plan of Conservation and Development for the Town of Newtown.

The intent of the site development plan approval process is:
(a) to encourage the appropriate development in the use of land and buildings;
(b) to enhance the appearance and arrangement of development upon land so that it will protect the unique character of the Town and the particular neighborhood characteristics in which a development is located; and
(c) to protect the safety, health and welfare of residents and preserve property values within the community.

10.01.200 Applicability
Site Development Plan approval is required for any development involving the erection of any new structure greater than 1,500 square feet in area and/or the reconstruction, enlargement, extension or structural alterations of existing structures which would result in an increase in the gross floor area of greater than 1,500 square feet. Excepted from this requirement are the lawful construction, alteration and occupancy of single family dwellings and their accessory uses and temporary structures for propagation, growing and protection of trees, shrubs and other outdoor plants.

10.01.300 Application
The Commission shall require an application on a form which it prescribes.

10.01.310 The Site Development Plan application shall contain a written statement of the proposed use, appropriate information concerning the applicant and his interests in the property for which the Site Development Plan approval is being sought. The form shall be signed by the applicant and by the owner of the property for which an application is being made, if different from the applicant. The application shall include the documentation outlined below inclusive of a site plan for the subject property which shall provide sufficient detail to determine compliance with these Regulations:
(a) the address and Assessor's Map, Block, Lot location of the subject property;
(b) the name and address of property owner(s) and of developer, if different;
(c) the nature and extent of the proposed use or occupancy;
(d) the section of the regulations that permits the proposed use;
(e) the number of persons to occupy and/or visit the premises on a daily basis;
(f) the type of utilities that will service the development (public or private);
(g) the parking and loading requirements for the proposed use; and
(h) access management provisions.

10.01.320 At the time of filing an application, the applicant shall submit an application fee in accordance with the Fee Schedule, as determined from time to time by the Commission, or the

actual cost of publication of the public hearing if greater than the fee, plus the cost of transcribing the proceedings of such hearing should the Commission require transcription for any purpose, including, without limitation, court action.

10.01.330 Upon the filing of an application, the applicant agrees to permit access upon the lot by the Commission and Staff and technical consultants for purposes of review.

10.01.400 Documentation Required

The signature and seal of the professional engineer, and/or surveyor, and/or architect, and/or landscape architect licensed to practice in the State of Connecticut shall be included upon all applicable plans.
Eleven copies of all maps, plans, reports, application forms and documents shall be submitted as follows:

10.01.410 An A-2 survey of the subject property with the following information:

10.01.411 Lot area, the existing perimeter of the property with metes and bounds and any improvements thereon;

10.01.412 Scale, north arrow, date and zone classification;

10.01.413 All existing topographical features on and within 50 feet of the property, structures, paved areas, foliage limits, wetlands, vernal pool habitat, watercourses, underground utilities, septic systems, wells, isolated trees, stone walls, driveways, paths, ledge outcroppings or boulders, easements, historic factors and building setback lines;

10.01.414 All existing structures;

10.01.415 Name and address of the owner of the property, names of all abutting property owners;

10.01.416 Site address, all zone and/or municipal boundaries within 50 feet of the property.

10.01.420 A Site Development Plan, with supplemental drawings as necessary to include all information as required herein drawn to a scale of not less than l"= 40' (except where otherwise specified or as specifically permitted by the Commission). The proposed development shall be shown on a site plan and other drawings which shall not exceed 24 inches by 36 inches in size.

10.01.421 Vicinity Map at a scale of 1"=1200'.

10.01.422 The layout of the proposed area of construction at a scale of
not less than 1"=20'.

10.01.423 A zoning compliance table that outlines the allowed and proposed elements of the development.

10.01.424 All improvements to the property, including required and proposed building setback distances.

10.01.425 Structures with dimensions, the total gross floor area of the buildings and structures and the percentage of lot building coverage.

10.01.426 Pavement and curbed areas (with all radii shown) including driveways, traffic islands, parking spaces, loading and walkways.

10.01.427 Materials, details of construction and where necessary, sample products.

10.01.428 The width of the driveways, dimensions of the parking and loading spaces and a calculation of the number of required parking spaces shall be shown.

10.01.429 Field measurements of sight distances in both directions from each access to Town and State roads.

10.01.430 Utilities including electric, gas, septic or sewers, wells or water supply location.

10.01.431 Landscaping plan that shows the location of all proposed and existing plantings. A table or key that identifies the type (common and Latin) of plantings, number, their size at planting, and their mature size. The seal of a Landscape Architect shall appear on the plans.

10.01.433 Signs including their height, location, size, illumination, style and materials.

10.01.434 Exterior lighting plan (location, illumination and style).

10.01.435 Soil erosion and sediment control plan in compliance with 2002 Connecticut State Guidelines, as amended.

10.01.436 Outdoor storage areas, refuse collection, exterior machinery and equipment shall be indicated.
Dimensions in cubic feet of any outdoor storage areas shall be indicated.
Dumpsters are to be screened from view (added 7/26/10)

10.01.437 Fences, walls, and retaining walls including height and materials of construction.

10.01.438 Street furniture, including benches, planters, trash receptacles, tree grates, and the like.

10.01.439 Existing and proposed contours at intervals not to exceed five feet

Smaller intervals may be necessary to show characteristics of that terrain.

10.01.440 Proposed spot elevations at strategic locations including several ground level points around the building. A calculation of cuts and fills shall be provided.

10.01.450 Identification of Natural Diversity Database species, as listed.

10.01.460 – Environmental Impact Report for Sit Development Plans and Special Exceptions (added effective December 28, 2009)

All Site Development Plans and Special Exception applications shall include an Environmental Impact Report (EIR), That addresses conduct which has, or which is reasonably likely to have, the effect of unreasonably polluting, impairing or destroying the public trust in the air, water or other natural resources of the town.

The EIR shall be utilized by the applicant during the design phase of the project to mitigate any potential negative environmental impacts.

The EIR shall include an assessment of environmental issues and mitigation, in addition to those covered by the Town of Newtown Inland Wetlands Commission and regulations. These issues, as applicable to a specific project, may include, but are not limited to, impacts on:

(a) ecosystem fragmentation, including plant and animal
(b) habitats and wildlife corridors;
(c) inter-watershed basin transfer of surface waters;
(d) forest ecosystems;
(e) natural resources inventory;
(f) species diversity;
(g) flora and fauna, including but not limited to threatened or endangered species (i.e., food chain
(h) disruptions; diminished species populations; changes in predator-prey relationships); and
(i) the environment, public health and safety. (added effective December 28, 2009).

10.01.500 A detailed storm water management design for the proposed development that:

(a) incorporates low impact features,
(b) encourages storm water infiltration and aquifer recharge,
(c) includes elevations, invert elevations of basins, and pipe sizes,
(d) incorporates non-point source pollution controls, and
(e) complies with 2004 State of Connecticut stormwater quality standards, as amended.

10.01.510 A watershed map shall accompany the storm water management design plans.

10.01.520 A complete watershed analysis is required for lots of two acres or more.

10.01.600 Detailed design computations for the proposed septic system or sewer connection including type of sewage, equipment data sources and layout of system (including 100% reserve area), the location and results of each deep test hole and percolation test or the invert elevations of basins and pipe sizes, as applicable.

10.01.700 Proposed vehicular and pedestrian circulation patterns and access management features.

10.01.710 Traffic impact analysis if so required pursuant to these regulations.

10.01.720 An estimate of the amount and type of vehicular traffic to be generated on a daily basis and at peak hours.

10.01.730 Location and dimensions of private and public streets, common drives, access easements etc.

10.01.800 Water storage tanks for fire suppression if so required pursuant to these regulations or fire hydrants if public water is available.

10.01.900 The following calculations shall be included as part of the Site Development Plan:

10.01.910 The percentage of structural coverage including building, storage, loading and parking areas in relation to total area of lot.

10.01.920 The bulk of the proposed building and outdoor storage, if applicable.

10.01.930 The volume of earth to be removed from the site or to be filled onto the site.

10.01.940 The area of the permitted signs.

10.01.1000 Preliminary building plans and exterior elevations shall be included as part of the Site Development Plan application. At a minimum, the following information shall be included:

10.01.1010 Location and square foot coverage of all structures.

10.01.1020 Identification of any buildings proposed for demolition.

10.01.1030 Identification of accessory buildings and structures.

10.01.1040 The use of all buildings and square footage of each use.

10.01.1050 Total number of dwelling units, including square footage of each unit.

10.01.1060 Floor plans showing existing and proposed rooms, partitions, and uses.

10.01.1070 Where an exterior elevation of the building is to be altered, or in the case of new construction, the plans are to show:

(a) the building elevations, including front, side, and rear,
(b) all building details, including door and window location and type, building and roof materials,
(c) location of all roof or ground-mounted heating or air-conditioning units, and the screening thereof,
(d) any building-mounted signs or lighting, and
(e) the height of the proposed structures calculated pursuant to these regulations.

10.01.1100 Statements Required

In addition, the applicant shall submit the following statements with his or her application:

10.01.1110 A statement from the Fire Marshal on fire-fighting feasibility of the proposed development.

10.01.1120 A statement from the Town Sanitarian of the adequacy of waste disposal or from the Water Sewer Authority (WSA) for a sewer connection as applicable.

10.01.1130 A statement from the public water company that water service will be provided as applicable for proposed public water service.

10.01.1140 A report from the Inland Wetlands Commission with its final decision or a statement from its designated agent that a license is not required.

10.01.1150 A statement from the Commission's designated agent that the soil erosion and sediment control plan is consistent with the State of Connecticut 2002 guidelines as amended and is eligible for certification recommended for approval.

10.01.1200 Public Hearing
The Commission may at its discretion hold a public hearing on any Site Development Plan application.

10.01.1210 A public hearing shall be warned pursuant to Section 8-7d of the Connecticut General Statutes, as amended. In addition to such notice, the applicant shall provide written notice of the time and place of such public hearing to persons who are owners of land which is within 500 feet from the land which is the subject of the application. For purposes of such additional notice, (1) proof of mailing shall be evidenced by a certificate of mailing, and (2) the person who owns land shall be the owner indicated on the property tax map or on the last-completed grand list as of the date such notice is mailed. Such written notice shall be delivered at least ten (10) days before the hearing. An affidavit from the applicant shall be submitted as proof of the mailing.

10.01.1300 Commission Action
The Commission shall decide each case within the time period allowed by Section 8-7d of the Connecticut General Statutes. Notice of the decision of the Commission shall be published in accordance with State Statutes. The Commission may approve, modify and approve, or disapprove any Site Development Plan within the time limits.

10.01.1400 Requirements Following Approval

10.01.1410 Minor changes in an approved Site Development Plan are acceptable with the written approval of the Town Engineer or the Zoning Enforcement Officer provided such changes shall in no way affect the overall layout, design, density, impact or nature of the Site Development Plan. Such minor changes may include, but are not limited to:

(a) the locations of catch basins, manholes and other technical aspects of drainage;

(b) slight alterations of the locations of roads, structures or buildings due to unforeseen topographical or geological features; slight alterations of finished contours;
(c) minor rearranging of exterior lighting.

If the Town Engineer or the Zoning Enforcement Officer have any question as to whether such a proposed change is minor, such change shall require the review and written approval of the Commission.

10.01.1420 Any site plan approval granted by the Commission shall cease to be effective five (5) years after the date of issuance (or after the date on which it is finally determined to be valid by appeal) unless the use for which the site plan approval was sought is being conducted on the lot or unless work has been commenced and is being diligently pursued.

10.01.1430 The Commission, at the time of approving the site plan, may condition the approval contingent on a schedule of construction being followed, if so requested by the applicant.

10.01.1440 For good cause shown, the Commission may grant one or more extensions of time to complete all or part of the work in connection with the site plan provided the total extension or extensions shall not exceed ten (10) years from the approval date.

ARTICLE XI – SPECIAL EXCEPTIONS

11.01.100 Purpose and Intent
There are certain uses which, because of their nature, cannot be distinctly classified or regulated so as to be uniformly permitted in a particular zoning district, without:

Careful consideration of the impact of such uses upon the site and surrounding area.
Careful evaluation of the public need for such uses in the particular locations proposed.

Such uses, therefore, shall be treated individually through the use of a Special Exception regulation.

11.01.200 Procedures

11.01.210 Applications. All appeals and applications made to the Planning and Zoning Commission shall be in writing, on forms prescribed by the Commission. Each appeal or application shall fully set forth the circumstances of the case and shall refer to the specific provision of the regulations involved. Each shall exactly set forth the interpretation that is claimed and the use for which the special exception is sought.

11.01.220 Fees. At the time of filing an application, the applicant shall submit an application fee in accordance with the Fee Schedule, as determined from time to time by the Commission, or the actual cost of publication of the public hearing if greater than the fee, plus the cost of transcribing the proceedings of such hearing should the Commission require transcription for any purpose, including, without limitation, court action.

11.01.230 Public Hearing. The Commission shall hold a public hearing on all applications and appeals and notice such hearings in accordance with the provisions of Section 8-3c(b) of the Connecticut General Statutes.

11.01.231 The applicant shall provide written notice of the time and place of such public hearing to persons who are owners of land which is within 500 feet from the land which is the subject of the hearing.

11.01.240 Commission Action. The Commission shall decide each case within the time period allowed by Section 8-7d of the Connecticut General Statutes. Notice of the decision of the Commission shall be published in accordance with State Statutes.

11.01.241 Normal Voting Requirement
Commission may grant said Special Exception upon the affirmative vote of a majority of the Commission (including alternates designated to sit for absent members).

11.01.242 Voting Required by Petition
If the owners of twenty percent (20%) or more in area of all land (other than streets) lying outside of, but within 500 feet of each boundary line of the property proposed for a special exception object to the proposed special exception in writing prior to Commission action, then the Commission may grant said special exception only upon the affirmative vote of at least 4 members of the Commission (including alternates designated to sit for absent members).

11.01.300 Documentation

11.01.310 Standard Requirements
The applicant shall provide the same maps and other documentation required of a Site Development Plan application in sections 10.01.400 and 10.01.500.

11.01.320 Accessory Apartments
Accessory apartment applications shall be exempt from Section 11.01.310.

11.01.400 Conditions and Criteria The following conditions and criteria shall be met by all uses permitted only by Special Exception. The Commission shall not grant a Special Exception unless it finds that all these criteria have been or will be met.

11.01.410 Use Requirements
The proposed use shall:

(a) Satisfy the criteria in of the Site Development section
(b) Be consistent with the intent and purpose of these regulations.
(c) Comply with all applicable sections of these regulations and all other applicable Town and State laws, ordinances, regulations or codes, including, without limitation, the Town Sanitary Code, and State Health Code.
(d) Be consistent with the purpose and intent of the Plan of Conservation and Development, and the proposed use is one which is permitted to be established within the district in which the subject site is located, subject to the approval of a Special Exception.

11.01.420 Condition Requirements
The following conditions shall be met:

11.01.421 The location, type, character, and size of the use, and of any building or other structure shall be in harmony with the appropriate and orderly development of the town and the neighborhood, and will not hinder or discourage the appropriate development and use of adjacent property.

11.01.422 The architectural design, type, size, location, and use of any structure shall be in harmony and consistent with the design of other buildings on the lot and neighboring properties within 1,000 feet of the perimeter of the lot for which the Special Exception is sought.

11.01.423 The proposed use shall not depreciate adjacent property values.

11.01.424 Construction proposed on the site shall be carried out so as to utilize the site in a manner which results in the least defacement of the natural features thereon, such as trees, rock outcroppings, etc.

11.01.425 The site on which the proposed use is to be located shall be suitably landscaped to protect the neighborhood and adjacent property, and the proposed use of the property will not result in the loss of any existing buffering. Adequate buffering shall be provided between the proposed use and the adjacent property shall be provided.

11.01.426 The nature and location of the proposed use, and of any building or other structure in connection therewith, is such that there is adequate access to it for the purpose of fire protection, police protection, and other emergency services.

11.01.427 The streets serving the proposed use shall be adequate to carry all prospective traffic. Adequate provision shall be made for entering and leaving the subject site in such a manner that no undue hazard to traffic or undue traffic congestion shall be created.

11.01.428 The lot shall contain the minimum area required for the Special Exception use.

11.01.429 A 50 foot buffer shall be provided for any parking lot, planned outdoor activity area, or kitchen area.

11.01.500 Imposed Conditions

In granting any Special Exception the Commission may impose conditions as appear to the Commission to be reasonable to protect or promote:

(a) The rights of individuals,
(b) Property values,
(c) The environment,
(d) Public health, safety, and welfare,
(e) Sound planning and zoning principles,
(f) Improved land use, site planning and land development, and
(g) The better overall neighborhood compatibility.

Such restrictions may concern, without limitation, the components of the site plan: building location, size and layout, distribution of and relationship between uses and structures, vehicular and pedestrian circulation, parking, open space, landscaping and screening, signs and lighting, and the design and architectural treatment of all structures.

11.01.600 Requirements Following Approval

11.01.610 Zoning Permit

Following the granting of a Special Exception by the Commission, a Zoning Permit shall be issued by the Zoning Enforcement Officer.

11.01.620 Building Permit

A Building Permit must be obtained within two years of the date that the Special Exception was approved by the Commission unless an extension is granted by the Commission.

11.01.630 Deviation from a Special Exception

A deviation from an approved Special Exception is permitted only when an application to amend the Special Exception has been submitted by the applicant and approved by the Commission.

11.01.640 Compliance with Special Exception

For any Special Exception or amendment thereof, the use, buildings and other structures shall comply in all respects with the application, site plan, architectural plan, and the conditions imposed by the Commission. Any deviation from this requirement shall be considered a violation of these regulations and shall be cause for the rejection or revocation of a Zoning Permit, the refusal of a Certificate of

Zoning Compliance, or, the institution of such enforcement actions and/or imposition of penalties as are authorized by the General Statutes.

11.01.650 – Special Exception Amendments (added effective August 17, 2009)
Special Exception Amendments applications can utilize the information previously submitted for the original Special Exception and any other additional information shall be submitted as required by the commission for application review. Additional information for any proposed site alterations may include but is not limited to a new site plan, building details, parking, lighting, stormwater systems etc.

11.01.660 – Special Exception Uses in Existing Special Exception Property (added effective August 17, 2009)

Special Exception Use applications for properties that already have a Special Exception for the entire site can utilize the information previously submitted for the original Special Exception and any other additional information shall be submitted as required by the commission for application review. The application shall include any requirements of the specific zoning regulation allowing the Special Exception Use. Additional information for any proposed site alterations may include but is not limited to a new site plan, building details, parking, lighting, stormwater systems etc.

11.01.670 - Minor Changes to Special Exceptions (added effective August 17, 2009)

Minor changes in an approved Special Exception are acceptable with the written approval of the Town Engineer or the Zoning Enforcement Officer and the Chairman of the Planning and Zoning Commission provided such changes shall in no way affect the overall layout, design, density, impact or nature of the Special Exception. Such minor changes may include, but are not limited to:

(a) the locations of catch basins, manholes and other technical aspects of drainage;
(b) slight alterations of the locations of roads, parking facilities, structures or buildings due to unforeseen topographical or geological features; slight alterations of finished contours;
(c) minor rearranging of exterior lighting.

If the Town Engineer or the Zoning Enforcement Officer have any question as to whether such a proposed change is minor, such change shall require the review and written approval of the Commission.

11.01.700 Revocation of a Special Exception (Special Exception must be filed with the Town Clerk prior to the issuance of a building permit (added 7/26/20))

A Special Exception may be withdrawn under the following conditions:

11.01.710 If a Building Permit has not been obtained within two years as specified 11.01.620, the Special Exception shall become null and void.

11.01.720 Whenever the Commission shall find, in the case of any Special Exception granted under the provisions of this Section, that any of the terms, conditions, or restrictions upon which such approval was granted are not being complied with, the Commission may rescind and revoke such approval after giving due notice to the owner of record of the property involved and the applicant for the Special Exception.

ARTICLE XII – ZONING BOARD OF APPEALS

SECTION 1 – ZONING BOARD OF APPEALS

12.01 Zoning Board of Appeals

12.01.100 Purpose and Intent

The Zoning Board of Appeals as provided by State Statute, shall have the power to adopt from time to time such rules and procedures consistent with law, as may be necessary to carry out the provisions of these Regulations and to exercise the authority vested in it by State Statute.

12.01.200 Powers and Duties

The Zoning Board of Appeals shall have the powers and duties reposed in it by the Connecticut General Statutes and these Regulations, all of which shall be exercised subject to appropriate conditions and safeguards, in harmony with the purpose and intent of these Regulations and in harmony with the public health, safety and welfare.

12.01.210 Appeals. To hear and decide appeals where it is alleged that there is an error in any order, requirement or decision made by the Zoning Enforcement Officer of the Town of Newtown. Any appeal taken pursuant to this section shall be made on a form available at the Land Use Office and within the time allowed by the Connecticut General Statutes.

12.01.220 Variances. To vary the strict application of any of the requirements of these Regulations in the case of an exceptionally irregular, narrow, shallow, or steep lot or other physical conditions for which strict application would result in exceptional difficulty or unusual hardship that would deprive the owner of the reasonable use of the land or building involved. No variance in the strict application of any provision of these Regulations shall be granted by the Zoning Board of Appeals unless it finds:

12.01.221 There are special circumstances or conditions fully described in the written findings of the Zoning Board of Appeals, applying to the land or buildings for which the variance is sought, which circumstances or conditions are peculiar to such land or building, and do not apply generally to land or buildings in the district, and have not resulted from any self-created hardship or any act subsequent to the adoption of these Regulations, whether in violation of the provisions hereof or not; and

12.01.222 The aforesaid circumstances or conditions are such that the strict application of the provisions of these Regulations would deprive the applicant of the reasonable use of such land or building and the granting of the variance is necessary for the reasonable use of the land or building; and

12.01.223 The variance as granted by the Zoning Board of Appeals is the minimum variance that will accomplish the purpose set forth herein; and

12.01.224 The granting of the variance will be in harmony with the purposes and intent of these Regulations, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

12.01.230 Special Permits. To issue Special Permits for detached above ground water towers or tanks. Before granting any such special permit, the Board of Appeals shall find that the following standards have been or will be met:

12.01.231 The proposed structure will not substantially impair property values in the neighborhood;

12.01.232 The proposed structure is consistent with the purpose and intent of these regulations and will not be otherwise detrimental to public health and safety. (Effective 11/29/99)

12.01.233 The proposed structure will not cause interference with radio or TV reception in the vicinity;

12.01.234 The proposed structure will not create a health or safety hazard to persons or property on or off the lot on which the structure is proposed. (Effective 11/29/99)

12.01.235 The Zoning Board of Appeals may impose conditions on the granting of such special permit which are designed to insure that said standards are met. Subsections 11.01.600, 11.01.700, 11.01.800, 11.01.900 and 11.01.1000 shall apply to the granting of any such special permit by the Zoning Board of Appeals. References in said subsections to the "Commission" shall be deemed to be to the Board of Appeals.

12.01.236 The Zoning Board of Appeals may make such regulations and establish such requirements as it deems fit in order to carry out its duties under this section.

12.01.240 Certificate of Approval of Location. (amended effective 7/26/10)

12.01.250 Prohibited Variances. Use variances are explicitly prohibited in all zones. In instances where an existing legal non-conforming use has been established, this prohibition shall not limit the Zoning Board of Appeals from granting a use variance for a less intrusive non-conforming use subject to the terms and provisions of Section 9.03.

12.01.300 Procedures

12.01.310 Applications. All appeals and applications made to the Zoning Board of Appeals shall be in writing, on forms prescribed by the Board, and each appeal or application shall fully set forth the circumstances of the case. Every appeal or application shall refer to the specific provision of the regulations involved, and shall exactly set forth as the case may be, the interpretation that is claimed, use which is sought, or the details of the variance that is applied for and the grounds on which it is claimed that the same should he granted.

12.01.320 Fees. At the time of filing an application, the applicant shall submit an application and/or appeal fee in accordance with the fee schedule, as determined from time to time by the Zoning Board of Appeals, or the actual cost of publication of the public hearing if greater than the fee, plus the cost of transcribing the proceedings of such hearing should the Zoning Board of Appeals require transcription for any purpose, including, without limitation, court action, advertising and processing.

12.01.330 Public Hearing. The Zoning Board of Appeals shall hold a public hearing on all applications and appeals and notice such hearings in accordance with the provisions of Section 8-3c(b) of the Connecticut General Statutes.

12.01.331 The applicant shall provide written notice of the time and place of such public hearing to persons who are owners of land which is within 500 feet from the land which is the subject of the hearing. The notices shall be on a form provided by the Zoning Board of Appeals and shall be mailed no less than ten (10) days before the hearing date. The applicant shall provide a Certificate of Mailing (form PS 3877) and Affidavit stating that the mailings were accomplished according to this section to the Zoning Board of Appeals clerk before the date of the public hearing. The Board and Commission shall be exempt from this requirement.

12.01.340 Board Action. The Zoning Board of Appeals shall decide each case within the time period allowed by Section 8-7d of the Connecticut General Statutes. Notice of the decision of the Zoning Board of Appeals shall be published in accordance with State Statutes.

12.01.400 Revocation and Rehearing

12.01.410 Revocation. When any variance or Special Permit granted by the Board of Appeals is utilized, the use, buildings and other structures shall comply in all respects with the final findings of the Board of Appeals. Any deviation from these findings which has not formally been approved by the Board of Appeals shall be considered a violation of these Regulations and shall be cause for the rejection or revocation of a variance or Special Permit, or the institution of such enforcement actions and/or imposition of penalties as are authorized by the Connecticut General Statutes. Before the Zoning Board of Appeals may revoke its action in granting such variance, it shall hold a public hearing thereon, of which the applicant and property owner in each case shall be given notice and afforded an opportunity to be heard.

12.01.420 Rehearing. No application for a rehearing shall be presented to the Zoning Board of Appeals within a period of 6 months from the date of a decision of the Zoning Board of Appeals as provided in Section 8-6 of the Connecticut General Statutes, which decision denied the application; unless, in the opinion of the Zoning Board of Appeals, there has been an unusual change in conditions, or an error in the decision, or new evidence warrants a rehearing.

ARTICLE XIII – LEGISLATIVE REVISIONS

SECTION 1 – AMENDMENTS TO THE ZONING REGULATIONS

13.01.100 Purpose and Intent
These regulations may be amended, added to or repealed in accordance with the procedures established by Section 8-3 of the General Statutes of Connecticut either on the initiative of the Commission or upon receipt of a written application for such an amendment.

13.01.200 Application Procedure
Any application for an amendment, change, addition or repeal of these regulations shall be filed with the Commission's Administrative Assistant during regular business hours. The Commission shall hold a public hearing on each application for an amendment to the zoning regulations which shall be warned as required in Section 8-3 of the General Statutes of Connecticut, as amended. Such public hearing shall be held within the time limits as set forth in Section 8-7d of the General Statutes of Connecticut as amended.

13.01.300 Application Fee
At the time of filing an application, the applicant shall submit an application fee in accordance with the Fee Schedule, as determined from time to time by the Commission, or the actual cost of publication of the public hearing if greater than the fee, plus the cost of transcribing the proceedings of such hearing should the Commission require transcription for any purpose, including, without limitation, court action.

13.01.400 Any such application shall make specific reference to the Article(s) and Section(s) numbers of these regulations to be amended, changed, added to or repealed and shall contain the text of the proposed amendment or change.

13.01.500 Supporting Documentation
Any application for an amendment to these regulations shall include sufficient information necessary for the Commission to determine the impact such amendment may have upon the infrastructure and the character of the neighborhood or neighborhoods that may be impacted by the amendment.

ARTICLE XIII – LEGISLATIVE REVISIONS

SECTION 2 – ZONE MAP CHANGES

13.02.100 Purpose and Intent
The boundaries of the zones shown on the Zoning Map may be altered or eliminated in accordance with the procedure established by Section 8-3 of the General Statutes of Connecticut either on the initiative of the Commission or upon receipt of a written application for such a change.

13.02.200 Application Procedure
Any application for the establishment, alteration or elimination of the boundaries on the Zoning Map shall be filed with the Commission's Administrative Assistant during regular business hours. The Commission shall hold a public hearing on each application for a change to the zone map which shall be warned as required in Section 8-3 of the General Statutes of Connecticut, as amended. Such public hearing shall be held within the time limits as set forth in Section 8-7d of the General Statutes of Connecticut as amended.

13.02.300 Application Fee
At the time of filing an application, the applicant shall submit an application fee in accordance with the Fee Schedule, as determined from time to time by the Commission, or the actual cost of publication of the public hearing if greater than the fee, plus the cost of transcribing the proceedings of such hearing should the Commission require transcription for any purpose, including, without limitation, court action.

13.02.400 Any application to establish, alter or eliminate a zoning boundary or zone set forth on the Zoning Map shall be submitted on a form prescribed by the Commission, shall be accompanied by a map that clearly illustrates the requested zone change, shall contain a sufficient description of the property which may be used by the Commission in publishing the notice of hearing on said change and shall include additional documents specified within the application form that will assist the Commission in making a decision on the application for a zone change.

13.02.500 In addition to publishing a notice of the hearing, an applicant, other than the Commission shall provide notice by mail to persons who are owners of land which is included in and within 500 feet of the land which is the subject of the application for a zone change. Such notice shall include a description of the zone map change including the location and type of change requested and shall include the time and place of such hearing. For purposes of such notice, proof of mailing shall be evidenced by a certificate of mailing, and the persons who own land shall be the owners indicated on the property tax map or on the last completed grand list as of the date such notice is mailed.

ARTICLE XIV – SEPARABILITY, REPEALER AND EFFECTIVE DATE

14.01.100 Separability

14.01.110 Except as set forth in Subsection 14.01.120 below, if any section, subsection, clause, phrase, or any provision of these regulations is, for any reason, finally adjudicated to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such adjudication shall not affect the validity of the remaining portion hereof.

14.01.120 The following sections and subsections, and the clauses and phrases contained therein, shall be deemed inseparable from each other: the definition of "Dwelling Unit" in Article I Section 2. If a court of competent jurisdiction holds that any clause, phrase or provision thereof is illegal, unconstitutional or otherwise invalid, then all of said sections and subsections, and the clauses and phrases contained therein, shall be null and void and ineffective thereafter to permit any form of multiple family housing.

14.01.200 Repealer and effective date

14.01.210 The Zoning Regulations dated September 13, 1975, as amended, are hereby repealed.

14.01.220 These regulations shall become effective April 1, 2008.

APPENDIX A

FEE SCHEDULE

P&Z Fee Schedule	August 11, 2010
APPLICATIONS	
South Main Village Design District	$1,160.00
Construction Permits	$200.00
Rock Crushing	$1,000.00
Mining Permits	$1,000.00
Ponds & Incidentals	$200.00
Special Exception	$660.00
Zoning Permits	$15 per 100 sf of gross floor Area
Amendments	$560.00
Zone Map Change	$400.00 Min $50/acre Up To 20 $200/acre 20+ +$160
Site Development Plan	$660.00
First Cut	$100.00
Lot Line Revision	$100.00
Subdivision	$500.00 per Lot plus $160
ACTIVITIES OR SERVICES	
Temporary Retail Sales	$400 + $500 Deposit
Farm Stands	$50.00
Tag sale	$5.00 + $25.00 Deposit
Carnival	$50.00
Temporary Trailers	$50.00
DOCUMENTS	
Plan of Conservation & Development	$25.00
Zoning Maps	$25.00
GIS Maps (8 1/2 " X 11")	$5.00
Aquifer Maps	$10.00
Road Ordinance	$8.00
Zoning Regulations	$40.00
Subdivision Regulations	$30.00
Certificate of Occupancy	1st Inspection No Fee 2nd Inspection $25.00 Additional Inspections $50.00
Certificate of Zoning Compliance	$20.00
CITATION FINE SCHEDULE	
All violations of zoning regulations	$100/day until compliance
Repeat violations within a year	$150/day until compliance

APPENDIX B

SPECIAL DESIGN DISTRICT (SDD)

4.29 Special Development District #1 (SDD1) (Added effective 11/26/07)
Highland Plaza, 121-125 South Main Street, Newtown, CT.

4.29.100 Purpose and Intent.

The purpose of the Special Development District #1 (SDD1) is to create an integrated, cohesive retail business district within the South Main Village Design District (SMVDD) that will include mixed-use activities, improvements and development typical of a village center.
The intent of the SDD1 is to provide an opportunity for commercial activities that will serve the surrounding neighborhoods compatible with the objectives of the SMVDD. The district will blend the village center concept with the function of Route 25 as a regional transportation linkage. Development will be designed to complement South Main Street on an appropriate scale relative to existing development in the immediate vicinity of the district.
The district will promote a diverse tenant mix and site development will serve to mitigate the visual impact of necessary parking areas by allowing limited parking below grade, shared parking and driveways between lots and by providing landscaped buffer areas. ~On-site public amenities will be provided to integrate the district and to facilitate pedestrian and traffic circulation into, out of, and within, the district. Access management between lots will be utilized to limit the number of curb cuts onto South Main Street.
The Special Development District #1 is intended to allow the redevelopment of 35,000 square feet of existing building area and the construction of two additional buildings having approximately 30,000 square feet of building area. Required parking will be provided on grade and below one building to take advantage of the natural sloping characteristics of the site. The landscaping, signage and building designs will be complementary to the character of South Main Street and will contribute to the overall character of the Town of Newtown.

4.29.200 Permitted Uses

One or more of the following principal uses are permitted within one or more structures located upon a lot, provided the maximum number of uses within each structure does not exceed the building floor area divided by 1,000. Permitted uses are subject to obtaining a site development plan approval, if required pursuant to Article X.

(a) Banks, including drive-through facilities
(b) Offices, including Administrative and Professional Offices
(c) Medical and Dental Offices
(d) Restaurants, including outdoor seating but excluding drive-through facilities and outside entertainment
(e) Museums and galleries
(f) Grocery stores, including incidental café service with fixed seats and with no outdoor display of products or permanent outdoor storage of merchandise
(g) Child day care centers
(h) Schools or learning centers
(i) Elderly day care centers
(j) Senior center, teen center and places of assembly
(k) Shops and stores for retail sales, which shall be wholly enclosed with no permanent outdoor storage of merchandise

(l) Personal services establishments
(m) Printing and publishing establishments
(n) Conference centers and meeting halls
(o) Deli or café with fixed seats
(p) Self-service storage facilities limited to indoor storage only and provided that the main entrance door shall not face the front or side yards
(q) Structured parking provided that such parking is located below grade at the front of the building and the structured parking is not visible from South Main Street.

ADDED EFFECTIVE DECEMBER 15, 2014:

Light Manufacturing and Assembly. Any process whereby the size, shape, finish or appearance of articles is changed by physically mating or joining component parts, having form and/or substance, the operations of which are conducted solely within an enclosed building or group of buildings, without the use of heavy equipment. (ADDED EFFECTIVE DECEMBER 15, 2014)

Light Industrial. Use including manufacturing, fabricating, processing, converting, altering, packaging, bottling or assembling of products, the operations of which are conducted solely within an enclosed building or group of buildings, which may include the use of heavy equipment. (ADDED EFFECTIVE DECEMBER 15, 2014)

4.29.300 Accessory Uses

Accessory uses permitted in Business Zones shall be permitted in the SDD1 district so long as they remain clearly accessory to the principal uses in the district.

4.29.400 Area, Height and Yard Requirements

Article V, area, height and yard requirements and all other applicable sections of the B2 Zone apply exclusive of the following:

Minimum Lot: 3.0 Acres
Side Yard Requirement: 10’
Buffer Required:25’ wide natural or planted buffer along abutting property lines of residential zones or existing single-family dwellings
Frontage: 250’ Minimum
Height: No dwelling, building or other structure may exceed thirty (30) feet in height above the average finished ground level at the front of the building irrespective of the number of stories, and no structure shall be more than ten (10) feet below the average finished ground level at the front of the building; however, no dwelling, building or other structure may exceed forty-two (42) feet to the highest point of the building from any ground level point on any side of the building.

The height limitations of these regulations shall not apply to;
(a) structured parking, which may be constructed 13 feet below the average finished ground at the front of the building and;
(b) where on-grade access is provided at the rear of a two story building with sloped roofs, in which case highest point of the roof shall not exceed 42 feet to the average finished grade level around the building, as measured at building corner points a distance of 6.0 feet from the building

perimeter.

4.29.500 Signs

All signs in the SDD1 district shall be subject to all general provisions of the sign ordinance, Article VI, Sections 6.01, 6.02, except as noted otherwise below.

(a) All signs shall be architecturally uniform and shall be compatible with the overall design theme of the structures within the district.

(b) Signs which apply to a building or use may be located on a different lot from such building or use provided such sign is within the district.

(c) All signs are subject to review and approval by the Commission

Permitted Signs:

(a) Signs may be externally illuminated and shall not cause glare;

(b) One wall sign per store, shop, office or business, provided that the total area of such signs shall not exceed 12% of the larger area of either the façade of the building facing the main parking area or the façade facing the street, including doors and windows, of the building in which such uses are located plus;·except in the case of end units and Building 3, an additional sign shall be allowed on one adjacent face;

(c) The Commission may approve one additional wall sign for end unit tenants provided such additional sign is located on a second wall facing the side or rear of the building in which the tenant is located plus;

(d) One double facing ground sign for the names and addresses of the development may be placed at the main driveway on South Main Street. Such free standing sign shall not exceed 30 square feet per side and shall be limited to ten feet in height plus;

(e) Free standing directory signs with tenant names may be located within the development for directional purposes. Such signs are limited to 6 square feet for property identification with individual tenant signs of 3.0 sf per store, shop, office and building and shall not exceed 30 square feet or ten feet in height plus;

(f) One double facing sign not exceeding 15 square feet per side for the name and address of the single tenant occupying the unit facing South Main Street in Building 1 plus;

(g) Traffic control signs, as required by the State of Connecticut.

4.29.600 Parking and Landscaping

Article VII, Parking Loading, Landscape Requirements and all applicable sections of these regulations shall apply, except as noted otherwise below:

(a) The uses within the SDD1 district shall be entitled to Shared Parking. For purposes of determining required parking, (1) the Urban Land Institute (ULI) Shared Parking Analysis shall be utilized to calculate required parking for each use within the district, and (2) parking easements on adjacent lots located outside the district shall be considered.

(b) Whenever possible, vehicle access to lots within the district shall be shared with adjacent properties and a minimum of curb cuts shall be utilized.

(c) Where possible pedestrian access ways shall be provided between adjacent commercial lots to encourage foot traffic between lots.

(d) All parking lots shall be arranged to promote easy circulation of vehicles and pedestrians.

4.29.700 Lighting – Exterior

All lighting in the SDD1 district shall be subject to the following general provisions:

(a) Lighting within the district shall meet or exceed the provisions of the dark sky initiative.
(b) A lighting plan shall be provided defining foot-candles of light intensity along the finished grade with no light over 0.3 foot-candle extending off the site.
(c) If lots within the district share parking with lots outside the district, the lighting shall be permitted to extend across the common lot line.
(d) Light poles shall be limited to a height of 24 feet and shall be of a design compatible with the SDD1 district design.

4.29.800 Effective Date of Regulation; Approval of Detail Plans

This Section 4.29 shall become effective upon the Commission's approval of detailed plans, pursuant to the terms and provisions of Section 4.28.500. In the absence of such approval, this Section 4.29 shall be null.

<u>Special Development District #2 (SDD2)</u> 84 So. Main St., Newtown, CT (Approved Effective April 14, 2008
Amended effective October 14, 2013

Purpose and Intent
The purpose of Special Development District #2 (SDD2) is to incorporate historic structures, landscape and character found along South Main Street into a mixed-use zone for activities that fall within the guidelines of the South Main Village Design District (SMVDD). The intent of the SDD2 is to allow and encourage the preservation and reuse of the existing historic buildings, allow for the construction of new buildings and to provide and opportunities for mixed use location with activities that are compatible with the objectives of the SMVDD. The uses will be complimentary to each other in terms of shared parking and management of the amount of traffic that will be generated by the sire uses. The site will be designed to complement South Main Street and retain the look of buildings typical of a New England Village and will contribute to the overall character of the Town of Newtown. The maximum gross floor area permitted will be no more than 20,000 square feet.
The district will promote a mixed-use concept with uses that are permitted in Article II Section 2 of the Newtown, Connecticut Zoning Regulations. Parking areas will be landscaped, and rain gardens will assist with run off. One existing curb cut on South Main Street will serve the district to enhance the overall esthetics of the area and add an element of safety to the sight lines leading into and out of the site.

Permitted Uses
The following principal uses are permitted (mixed use) subject to obtaining a Special Exception approval from the Commission in accordance with the standards, criteria, conditions and procedures set forth in Article XI hereof. The district will be primarily used for office and professional businesses but will also allow for low impact retail uses, such that the maximum number of retail businesses is no more than four (4) and that the occupy no more than one-third (1/3) of the gross floor area on the site.

Business and professional offices
Art Gallery
Learning centers
Art/craft/pottery studio/shop

Flower/photo studio/shop
Antique/gift shop/apparel shop
Residential Apartments

Accessory Uses
Article IV, Section 4 regarding Accessory uses in Business Zones shall apply with the exception that point of sale terminals and ice dispensing machines pursuant to Sections 4.04.140 and 4.04.160 shall not be permitted in the SDD2 zones.

Area, Height and Yard Requirements
Article VII, Area Height and Yard requirements for the Business and Professional Office (BPO) zone shall be applicable to the SDD2 zone except that a ten-foot (10') planted or natural buffer shall be maintained along all yards that abut a residential zone.

Signs
The SDD2 zone shall be subject to the general provisions of the sign regulations as set forth in Article VIII. In addition, the signs in the SDD2 zone shall be:
(a) Architecturally uniform
(b) Compatible with the overall design theme of the structures within the district, and
(c) Subject to review and approval by the Commission

Permitted Signs
(a) Signs may be externally illuminated but shall not cause glare
(b) Two (2) double-facing ground signs for the name and address of the District may be placed, one on each side of the main driveway on South Main Street. Such a free-standing sign shall not exceed 25 square feet per side, be limited to 8 feet in height and may include one directory listing per unit
(c) One wall sign or plaque placed buy each store, shop, office or business, provided that the total area of each sign not exceed four square feet.

Supplemental Regulations
Article VIII, Supplemental Regulations including, but not limited to *signs*, access management, parking, landscaping, lighting and all other applicable sections of these regulations apply with the addition of the following options:
(a) Whenever possible, pedestrian and/or vehicle access to abutting commercial properties shall be shared where such a provision may eliminate the need for future curb cuts on South Main Street

All lighting in the SDD2 zone shall be subject to the following general provisions:
(a) Lighting within the district shall meet or exceed the provisions of the dark sky initiative.
(b) Light poled shall be limited to fourteen (14) feet in height and shall be of a design compatible with the existing outdoor lighting of SDD2 district design.

Effective Date of Regulation: Approval of Detail Plans
The SDD@ shall become effective upon the Commission's approval of the detailed plans, pursuant to the terms and provisions of Section 6.06.500. In the absence of such approval, the SDD2 shall be null. If any section, clause, or provision of this bylaw is found to be invalid, then only that section shall be affected and the rest of the bylaw shall be enforceable as written.

<u>Special Development District # SDD3</u>
Walgreens, 47-49 South Main Street, Newtown, CT
Approved June 3, 2010 (effective June 14, 2010)

Purpose and Intent
The purpose and intent of Special Development District #3 is to permit creation of a pleasing, esthetic development on one of the "gateway corners" (South Main Street and Mile Hill Road/Wasserman Way) of the Town of Newtown. Although the intent is to permit a store with a pharmacy and drive-through window, limiting the permitted uses to a single use would be unwise in case the anticipated use cannot be, or is not developed. Accordingly, the permitted uses should be the uses typically permitted in the B-2 Zone appropriate to a lot of this size and location.

Although the property is of limited size, it has the potential to be developed as a single unit with appropriate landscaping and traffic circulation, and with curb cuts moved to the edge of the property, further from the intersection than the historical development of the property as two separate lots. Even though currently applicable zoning would allow two separate lots, the Special Development District zoning should only allow development as a single lot.

Special Development District #3 will allow the removal of the unused automobile repair facility and the now non-conforming residential structure (last used as a fuel oil company office) and barn and replace said buildings with a conforming retail store including a pharmacy with a drive through window.

Permitted Uses

The following principal uses are permitted within Special Development District #3. Uses, buildings, or structures that are not listed shall not be permitted by variance.

(a) Store or shop for the conduct of retail business.
   1. A pharmacy as defined in and operated in accordance with Chapter 400j of the Connecticut General Statutes may be contained within a store. The pharmacy section of the store may include a drive-through window, the use of which shall be limited to delivery of prescriptions to the pharmacy and deliver of drugs to pharmacy customers.
   2. The permanent sales area of all stores or shops shall be wholly enclosed and there shall be no permanent outdoor storage of merchandise.

(b) Personal Service Establishment.
(c) Financial Institution.
(d) Offices.
(e) Child Daycare Center.
(f) Veterinary Hospital.
(g) Medical or Dental laboratory.

Permitted Building and Structure
Special Development District #3 shall be developed with a single principal building with up to five (5) units containing uses permitted in SSD #3.

Accessory Uses
Article IV, Section 4 regarding Accessory Uses in Business Zone shall apply to Special Development District #3.

Area, Height, and Yard Requirements (Special Considerations)
The area, height, and yard requirements applicable to Special Development District #3 shall be as follows:
Minimum Lot Area: 1.45 acres (all of the property within SDD #3).
Front Yard Setback (Mile Hill Road/Wasserman Way): 50 feet.
Front Yard Setback (South Main Street): The existing non-conforming use of the South Main Street front yard for parking may continue, provided that landscaping, meeting the requirements of the Commission, is installed and maintained within a strip of land along South Main Street at least (6) feet wide on the property within SDD#3.
Minimum Side Yard: 20 feet. The side yard measurement is to the building and the side yard may be improved by retaining walls and driveways where the abutting land is zoned for uses other than residential.
Frontage: 200 foot minimum.
Number of Stories: Two (2).
Maximum Height: Thirty four (34) feet above ground level measured at a point six (6) feet from the perimeter of the building, except that where SDD #3 is developed with a single story structure having an entrance in one corner of the building with a two story atrium, the atrium roof may be 36 feet above finished grade.
Maximum Structural Coverage: Building alone 35% and building, storage, loading, and parking together 70%.

Signs
The sign regulations, Article VIII Section 1, shall apply to all signs in the SDD #3 District except as follows: Where the eave of a facade roof is lower than the actual roof of the building, the wall sign may be mounted on the facade, provided that there is adequate structural support provided to the sign. Where a building is located on a corner lot with a wall facing each street, a wall sign may be erected and maintained facing each street.

Landscaping
In addition to the requirements of Article VII, Section 4 which are applicable to development within SDD #3, the developer shall present a plan for landscaping the area between the curb of South Main Street and the property line for the commission's approval which landscaping shall be installed and maintained unless affirmatively prohibited by the Connecticut Department of Transportation.

Lighting – Exterior
In addition to the requirements of Article VIII, Section 5, which are applicable to development within SDD #3, all exterior lighting in the SDD #3 District shall be subject to the following general provisions:
(a) Lighting within the district shall meet or exceed the provisions of the dark sky initiative.
(b) A lighting plan shall be provided defining foot-candles of light intensity along the finished grade with no light over 0.3 foot-candle extending off the site.
(c) Light poles shall be limited to a height of 14 feet and shall be of a design compatible with the SDD #3 District design.

Effective Date of Regulation; Approval of Detailed Plans
This Regulation shall become effective on June 14, 2010. Detailed plans for development of SDD #3 are subject to meeting the requirements of Section 6.06.500 of these Regulations. Purpose and Intent

Special Design District 4 (SDD4)
Tractor Supply, 116 South Main Street
Amended Approved July 21, 2016 (Effective August 1, 2016)

The purpose and intent of Special Design District 4 (SDD4) is to permit the adaptive reuse of existing underutilized properties along South Main Street and to promote businesses that support the character of Newtown. Specifically, the intent is to permit a retail store as described in these SDD4 Regulations

Permitted Uses

The following principal uses are permitted within a single building upon a lot, subject to the criteria set forth herein, provided that the Site Development Plan approval has been granted in accordance with Article X of the Newtown Zoning Regulations:

1. Initial Use

   A retail store not exceeding 20,000 square feet selling agricultural products, hardware, equestrian supplies, animal feed, clothing and apparel, lawn & garden equipment, farming equipment, fencing, lawn and landscaping supplies, farming implements, recreational supplies, bagged wood pellets and bulk storage of propane for retail sales. Outdoor display of merchandise for sale will be permitted as follows:

   a. An area abutting the retail store enclosed with a fence not larger than the area of the retail store itself
   b. An unfenced area along the front of the store and the front of the fenced area 20 feet deep; and
   c. A paved are 20 feet deep for display of farm and garden trailers abutting the driveway on the north.

   All sales transactions for merchandise displayed outdoors shall take place within the retail store.

2. Secondary uses

   If the Initial Use is permanently discontinued, the following uses are permitted, provided they are conducted within the building: Banks, including drive-through facilities; offices, including administrative and professional offices; and restaurants, including outdoor seating, but excluding drive-through facilities and outdoor entertainment.

   More than one such use may be permitted within the building.

Accessory Uses

Accessory uses permitted in Business Zones shall be permitted in SDD4 so long as they remain clearly accessory to the principal use(s).

Area, location and bulk standards

1. The area of SDD4 shall consist of all the parcel described as Map 30, Block 14, Lot 21 in the office of the Newtown Accessor. As such, the area of SDD4 is approximately 8.2 acres and its frontage on South Main Street is approximately 500 Feet.
2. Maximum building height: 25 feet for buildings with flat roofs and parapets walls of 35 feet to mean roofline of peaked, gable, hip or gambrel roofs.
3. Setbacks:
   a. The wall of the building closest to the street shall be no less than 50 feet from the property line provided that the architectural features such as roof overhands, awnings and the covered entrance may be 40 feet from the property line. The outdoor display of merchandise along the front of the building, described as the “initial Use” above, may be located within 10 feet of the exterior face of the wall of the building on either side of the main entrance.
   b. From side and rear property line: 25 feet.
   c. From residential district boundary line (s): 30 feet. This setback shall be landscape4d with natural or planted trees or shrubs meeting the requirements of Section 8.04 of the Newtown Zoning Regulations.

1. Coverage
   a. Maximum coverage of the building, 5.6% of the total area of the lot.
   b. Total coverage, including the building, display area, parking, driveways and other impervious surfaces, 29% of the total area of the lot.

Signs

The SDD4 shall be subject to the general provisions of the sign regulations as set forth in Article VIII Section I of the Newtown Zoning Regulations except as noted otherwise below.

1. All Signs shall be architecturally uniform and shall be compatible with the overall design of the structures within the district.
2. All signs are subject to review and approval by the Commission
3. Signs may be externally illuminated or internally illuminated with the following provisions:
    a. Internally illuminated signs shall have an opaque background with cutout letter and logos to prevent glare of light on travel ways
4. If the front of the building face South Main Street one wall sign will be permitted. The total area of such sign(s) shall not exceed fifteen percent (15%) of the first floor wall facing the street, including doors and windows, but excluding facades or false fronts extending above the actual roof of said premises.
5. One freestanding sign provided that the sign does not exceed 32 square feet.
6. Traffic control signs, as required by the State of Connecticut

Parking

Article VIII Parking, Loading and Landscaping Requirements and all applicable sections of the Newtown Zoning Regulations shall apply, except as noted otherwise below:

1. The uses within the SDD4 District shall be entitled to shared parking.
2. While the Initial Use exists the minimum required parking spaces shall be 3 spaces per 1,000 sq. ft. of building area. If the secondary use comes into existence the maximum number of spaces required for the secondary use shall be 5 spaces per 1,000 sq. ft. except that a lesser number of parking spaces may be proposed at the time the secondary use comes into existence, based on the anticipated customer traffic counts for the peak traffic time period of business hours.
3. There shall be a minimum of (1) 30’ long x 14’ wise loading area per 20,000 sq. ft. of building area.

Landscaping

1. In addition to the requirements of Article VIII Section 4 of the Newtown Zoning Regulations which are applicable to development within SDD4, the developer shall present a plan for landscaping the area between the curb of South Main Street and the property line subject to the Commissioner’s approval, which landscaping shall be installed and maintained unless affirmatively prohibited by the Connecticut Department of Transportation.
2. Landscaping in the front yard shall be low plantings not to interfere with sight lines and of a variety not to interfere with septic leaching areas.

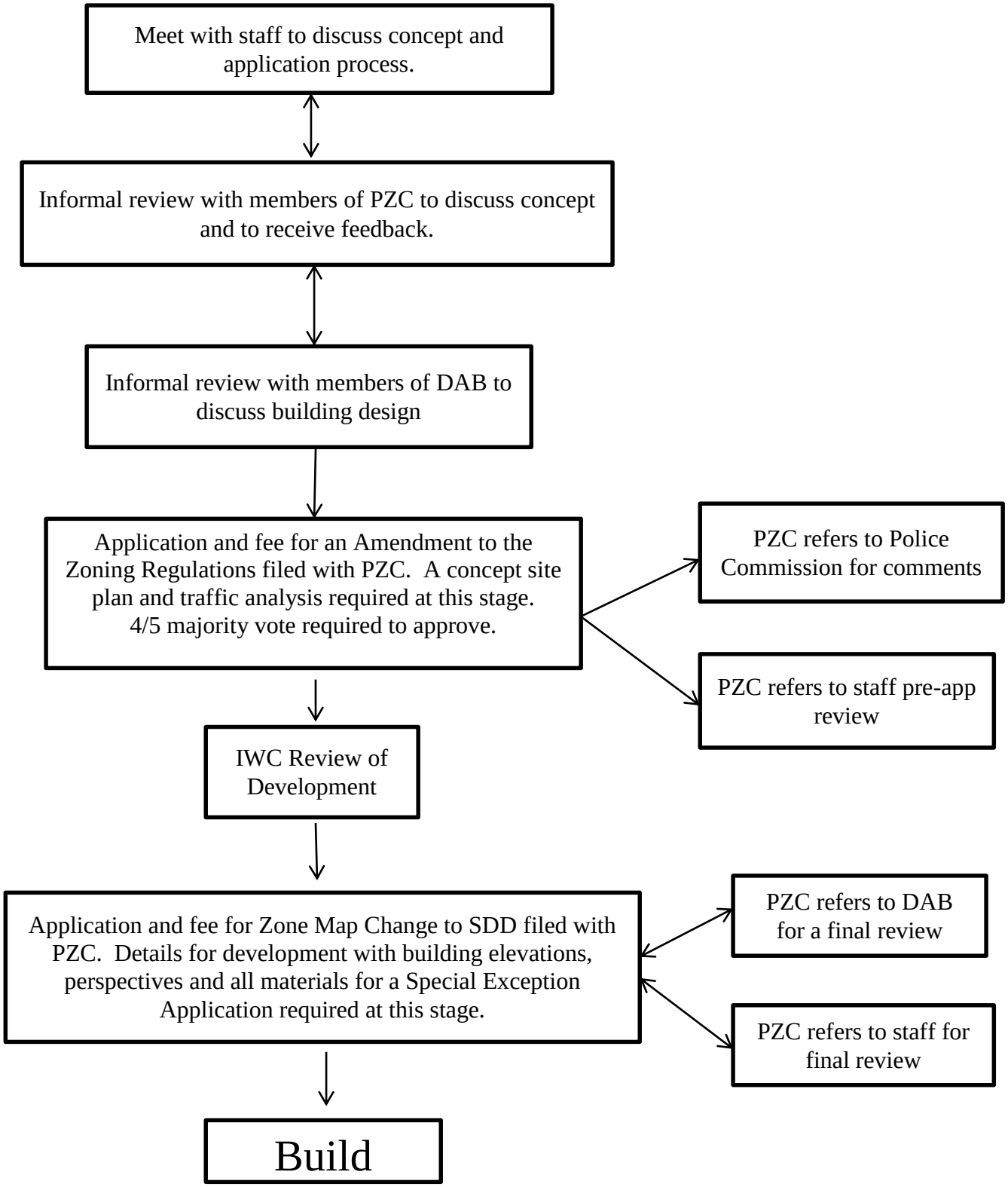
Lighting- Exterior

In addition to the requirements of Article VIII, Section 5 of the Newtown Zoning Regulations which are applicable to development within SDD4, all exterior lighting in said district shall be subject to the following general provisions:

1. Lighting within the district shall meet or exceed the provisions of the dark-sky initiative.
2. A lighting plan shall be provided defining foot candles of light intensity along the finished grade with no light over 0.3 foot-candles extending off the site.
3. Light poles shall be limited to a height of 24 feet and shall be of a design compatible with the SDD4 Ddesign District

South Main Village Design District

Special Development District Flow Chart



APPENDIX C

HAYLEYVILLE CENTER DESIGN DISTRICT (HCDD)- Adopted July 15 2004

Acknowledgements –
Planning and Zoning Commission:
William O'Neil
Sten Wilson
Lilla Dean
Robert Poulin
B. Jane Byrmer
Edward Kelleher
Robert Mulholland
Richard Eigen
Staff: Elizabeth Stocker
Photo Courtesy of Lisa Cascone Photography

I. Applicability

The Newtown Planning and Zoning Commission adopted the Hawleyville Center Design District zoning regulations effective August 9, 1999 in accordance with Section 8-2 of the Connecticut General Statutes. These design guidelines, adopted by the Commission of July 15, 2014, provide a general concept of the design issues and appearance considerations specific to the HCDD. These guidelines should be utilized by property owners within the district for an understanding of the design elements that the Commission considers necessary to improve and maintain the character and harmony of Hawleyville's built environment. Adherence to these guidelines should result in improving the appearance of Hawleyville and the preservation of property values within the neighborhood business district and the Town of Newtown.

These guidelines should be utilized for all commercial sire construction, exterior alterations, and substantial alterations or additions affecting commercial structures within the district. Single family residential dwellings located within this district are not subject to these guidelines unless the property contains a commercial use.

II. Purpose

The purpose of the guidelines is to assist property owners, developers and the general community understand the various sire design elements that will help achieve a common village theme for Hawleyville Center. The guidelines are a tool intended to provide assistance that will enhance the general appearance of the HCDD. Community character and appearances will serve to preserve property values and create a sense of place for the neighborhood commercial district.

III. Design Review Elements

a. Overall

i. Each site improvement should be designed so that it appears to have a relationship with the other properties within the district, but especially with abutting properties, to promote the functionality, cohesiveness and sense of place. New structures should be placed on a lot to take advantage of neighboring building(s) and site improvements.

ii. Site design should consider the preservation of existing natural features such as large trees, stonewalls and rock outcrops that will add interest and uniqueness to site development. The use of sizeable trees, decorative walls, raised walkways and other devices should be utilized for safety, convenience and visual appeals.
iii. Buildings should be placed along the street frontage with parking arranged to the rear or side. Buildings should be designed so that the side facing the street looks like the front of the building, even if the main entrance is not in the front.
iv. Shared driveways and interconnected parking lots and passageways are encouraged to reduce curb cuts, improve circulation between properties and for vehicular and pedestrian traffic safety.
v. Landscaping should insure a consistent "Look and Feel" for the District. Landscaping should be utilized for multiple purposes including the enhancement of natural and built features of the site while allowing for open visual flow for vehicles and pedestrians. Landscaping should be applied where necessary to screen unsightly, existing distractions, with appropriate year round foliage.
vi. Signs should be designed to attract attention to the business for which they are intended and at the same time should promote the town's unique character. Signs should be harmonious with the building's architectural style.
vii. Site lighting can be both utilitarian and decorative. Building entrances, parking areas and walkways should have adequate light for safety and the design should be consistent with the style of the building.
viii. Site utility services and support (trash receptacles, air conditioning, gas tanks, etc.) should be screened from public view.

b. Building Orientation and Form
i. Buildings should be sited in small groups rather than in large long monolithic styles to maintain a "New England" look.
ii. Building should be oriented to the street.
iii. Buildings should maintain a spatial relationship in size and bulk to other buildings within the district. Development should add cohesiveness and harmony to the district.
iv. Buildings should include architectural details for interest. Doorways, windows, overhangs, roofs, etc. should be utilized so that the structure does not have any flat unadorned surfaces longer than 25'. Additional architectural details such as gabled roofs, multi-pane windows, chimneys, porches, shutters, and fanlights that enhance a particular style are encouraged.
v. Two story structures are encouraged especially for mixed-use developments to allow apartments above retail and other commercial uses.
vi. Peaked roofs are preferred. Flat roofs are discouraged.
vii. Awnings are encouraged to add architectural interest.

c. Building Materials
    i. Preferred building materials include brick, stone, wood including narrow width clapboards, wood shingles, vinyl siding or reasonable equivalent. Cinderblock, flat metal siding, texture 1-11 and asphalt shingles are discouraged.
    ii. Roof materials should be cedar shake, slate, copper or architectural grade laminated shingles or alternatives with similar look and wear.
d. Landscaping
    i. Landscaping is considered a vital element in the site design. It can transform an average development into one with character, interest and charm. Emphasis will be placed on the use of landscaping for utility and to improve the year-round visual appearance of a site.
    ii. Existing healthy trees should be preserved for adequate summer shade. Existing street trees are especially important for their canopy, which in turn preserves the visual character of the community.
    iii. Plants should be selected with consideration of location and overall effect upon the site, neighboring properties and the streetscape
        1. Rain gardens and large planting islands should be considered for drainage solutions in parking areas.
        2. Plants add visual interest to open spaces and blank facades.
        3. The historic nature of the building and its surroundings should be considered when choosing plants. A formal traditional planting would be appropriate along Hawleyville Road (rouse 25) and a more naturalistic planting is appropriate along Barnabas Road.
        4. A mixture of deciduous and evergreen plants will provide different shapes and forms, textures, fragrance, branching habit, fruit, foliage and bark and/or flower color.
        5. Groupings of appropriate plant materials to encourage energy conservation should be used where applicable.
        6. Utilize plantings to minimize soil erosion and storm water runoff.
        7. Invasive plant species are to be avoided.
    iv. Street trees and site landscaping should be suitable for the environmental conditions and sire conditions, require little maintenance and should be insect and disease resistant.
    v. Street trees should be selected to enhance the streetscape. A particular species may be appropriate to continue a design statement or a different variety of species may be appropriate to eliminate a monoculture. Street trees should not impact or be impacted by overhead utility wires.
    vi. Grounds maintenance should be performed on a regular basis to avoid degrading property values and site appearance. Litter should be removed and plantings that are unhealthy, diseases or dead should be replaced.
e. Site Lighting

i. Exterior lighting should be of a style and character that is in harmony with the character of the district. Luminaries should have shielded light sources to prevent glare and to promote evening dark sky.
ii. The style of light fixtures should be consistent with the architecture of the building.
iii. Pedestrian walkways should be illuminated for safety. Use of light bollards of other low-level lighting with shielded light sources is acceptable.
iv. Flood lighting mounted on a building or telephone pole are not acceptable means for providing sire lighting solutions.
v. All light sources should be low intensity and focused to the use intended. Light spillover is not acceptable.
vi. Internally lit signs and awnings are not acceptable.

f. Signs
    i. Signs must conform to the zoning regulations.
    ii. The size of the sign should be in scale and harmony with the building and the lot.
    iii. The sign type should be harmonious with the style of the building. Signs should not cover architectural details such as arches, sills, moldings, cornices, or transom windows.
    iv. Freestanding signs should be matched with permanent plantings such as low evergreen shrubs. Annuals may be used for focus and color. Plantings should not obstruct the sign.
    v. Natural materials such as wood, metal or stone that complement the building materials and architectural style should be used.
    vi. Sign lighting should be from an exterior source. The light source should be shielded and directed towards the sign with no light spillover or glare. High intensity lights are discouraged.
    vii. “Trademark” signs are not encouraged because they do no enhance the individuality of Newtown.
    viii. The sign message should be simple with the name of the business and the street number only. The use of logos, symbol or illustrations should not cause sign clutter.
    ix. Sign lettering should be a style that is easily read.
    x. Commercial buildings with more than one business or use should have a comprehensive and unified sign plan that will serve the businesses occupying the site.
    xi. Freestanding, multiple tenant directory signs located in the front of a building are not favored. If permitted by zoning, such signs should be located near the building entrance or in a convenient location within the site for visitors.

g. Design Review Process

The Design Review Process is available on a voluntary basis. The Planning and Zoning Commission will evaluate each project based upon its contributions to preserving, enhancing, or

adding to those characteristics and qualities that are uniquely Newtown. The Commission will schedule a meeting as requested bu the property owner and/or their design team. The Commission will use the following process for evaluating proposals:

i. Informal Design Review

- Discussions with the Commission during the preliminary design phase are encouraged. A completed site plan package for submission to the Commission for approval is not required at this stage.
- Some or all of the following materials are recommended for a preliminary review. A sketch of the building. A general layout of the site development. Photographs of the site and existing buildings on or adjacent to the property are very helpful. Proposed building material samples, color samples, and/or illustrations of proposed site fixtures (signs, lighting, etc.) are recommended. Manufacturer catalogues and illustrations are helpful.

ii. Final Design Review

A request for a final design review may be made to the Commission before submitting a formal application for a site development or special exception approval pursuant to the Newtown Zoning Regulations. An applicant should review the zoning regulations before submitting a request for a final design review to insure that all of the design information that is required for a formal application will be submitted for the final design review.

Following receipt of a request for a final design review, the Commission will schedule a meeting for the review. Any comments or recommendations made by any party during the design review process shall not be considered evidence and shall not be binding on any party in a subsequent application presented to the Commission.

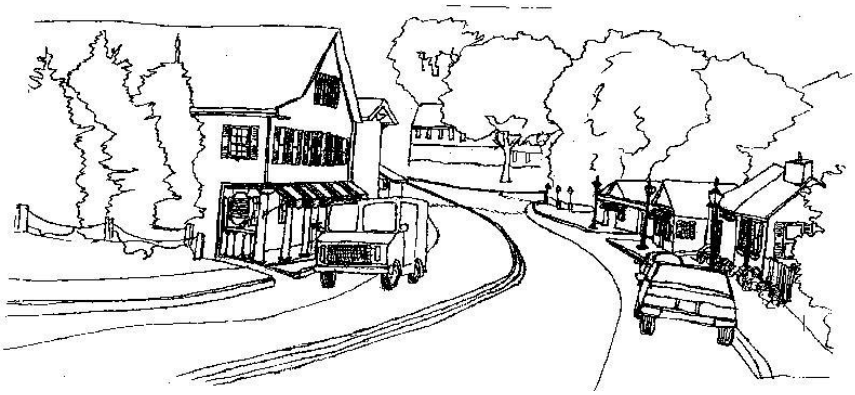
At a minimum, each request for a final design review should provide the following information:

- Site plan showing all improvements including structures, parking areas, curb cuts, sidewalks, lighting and sign placement
- Photographs of the site, existing buildings (if additions or signs are proposed), and/or adjacent buildings
- Landscaping plan that includes proposed plant species (botanical name and common name), size at planting and maturity, quantities, pavement and maintenance needs.
- Renderings of the proposed structure(s) from street view and, if applicable, main entrances. Elevation sketched of all building sides. Architectural details, surface materials, windows and door types and signs should be shown clearly.
- Samples of proposed building materials, colors, and/or site fixtures (catalogue illustrations are acceptable for exterior site furniture or fencing)
- Sign plan showing size, design, materials, lighting (placement to appear on site plan)
- Exterior lighting plan showing materials, style, height, light intensity (placement to appear on site plan)
- Placement and screening for site utilities and trash receptacle and recycling containers.

APPENDIX D

SANDY HOOK
DESIGN DISTRICT
DESIGN GUIDELINES

TOWN OF NEWTOWN



February 2007

SANDY HOOK DESIGN DISTRICT
DESIGN GUIDELINES
February 2007

ACKNOWLEDGEMENTS

Design Advisory Board
George Reichert, Chairman
Michael Manes
Abbe Hoctor

Planning and Zoning Commission

William O'Neil, Chairman
Lilla Dean, Vice-Chairman
B. Jane Brymer, Secretary
Robert Poulin
Sten Wilson
Robert Mulholland, Alternate
Dennis Bloom, Alternate
Philip Cruz, Alternate

STAFF

Elizabeth Stocker, AICP, Director of Community Development

Sketch Courtesy of Annie Lux

1. GENERAL
1.1 Introduction
1.2 The Establishment of the District
1.3 Objectives
1.4 District Boundaries
1.5 Process
1.5.1 Preliminary Meeting
1.5.2 Formal Submittal
1.5.3 DAB Review

2. SITE
2.1 Site Planning
2.2 Setbacks
2.3 Pedestrian Access
2.4 Parking and Vehicular Traffic
2.5 Public Spaces
2.6 Landscaping
2.7 Landscape Buffers
2.8 Site Amenities
2.8.1 Walls and Fences
2.8.2 Lighting
2.8.3 Street Lighting, Curbs, Sidewalks and Fixtures

3. BUILDING
3.1 Rooflines and Roof Materials
3.2 Appearance
3.3 Building Size and Scale
3.4 Building Entrances
3.5 Exterior Building Materials
3.5.1 Wood
3.5.2 Brick
3.5.3 Stone
3.6 Paint or Stain Colors
3.7 Doors and Windows
3.7.1 Storefront Windows
3.7.2 Building Fixtures
3.8 Signs

Appendix A – Sandy Hook Design District Map
Appendix B – Sandy Hook Street Improvement Specifications
Appendix C - Design Advisory Board Ordinance

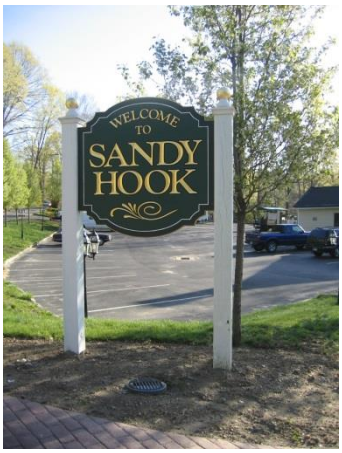
Sandy Hook Design Guidelines

1. GENERAL

1.1 Introduction

In 1705 three land speculators from Stratford and New York, acting without authority from the Colonial Court, purchased a tract of land about eight miles long and six miles wide from the Indians. They were prosecuted by the Court for their actions but Samuel Hawley, knowing the value of the land, convinced investors from Stratford to purchase an interest in the tract. By 1708 the General Court of the Colony, upon petition of thirty-six settlers, granted them a Charter to form a new township, which was decreed to be called the Town of Newtown. The town boundaries were set and by 1709 the Town proper was defined by two crossing highways, Main Street running North-South and The East-West highway now named Church Hill Road. The Town prospered and in 1723 a Pohtatuck Indian named Quiomph appeared before the Town Fathers and announced that he owned a tract of land in Sandy Hook that was not part of the 1705 sale. The area extended from an "elbow" in the Housatonic to Rocky Glen in the area where the Pohtatuck empties into the Housatonic. The fifty-one Proprietors of Newtown purchased the tract from Quiomph and incorporated the Sandy Hook area into the town limits. Evidence of this early history is still visible in Sandy Hook center where many homes and mills of the colonial period remain. It is this history which these guidelines are intended to protect.

1.2 The Establishment of the District



Sandy Hook was designated a Design District under General Statutes of Connecticut (Sec. 8-2) which provides for the creation of village districts for the purpose of regulating new construction, substantial reconstruction and rehabilitation of properties.

These Design Guidelines set forth the expectations of the Town of Newtown and are intended to

be used as a tool to assist property owners and developers in planning their restoration and new construction projects.

Many links to Newtown's history may be found in antique buildings scattered throughout town. Sandy Hook is the only place in Newtown where it is possible to preserve what is left of a small town commercial center. And here we have the opportunity to encourage development that reinforces this unique sense of place for new retail, entertainment, recreational, residential, mixed-use and commercial uses.

1.3 Objectives

a) Preserve and enhance the historic and architectural character of Sandy Hook as well as locally significant features, distinctive buildings or vistas from within the District.

b) Preserve and enhance the streetscape consistent with the specifications developed by the Sandy Hook Streetscape Steering Committee (see Appendix B).

c) Improve vehicular movement.

d) Promote pedestrian circulation within the District.

1.4 District Boundaries – See District Map Appendix A

1.5. Process

1.5.1 Preliminary Meeting

Applicants are encouraged to meet with the Design Advisory Board (DAB) before submitting applications to the Planning and Zoning Commission. At the preliminary meeting the proposed project will be discussed and the Sandy Hook Design District Guidelines will be reviewed. The objective of the meeting is to give the applicant insight into applicable sections of the guidelines and to outline standards for subsequent submission. At the immediate conclusion of the preliminary meeting, the DAB shall provide the applicant with its written recommendations relative to the development's design consistent with the provisions of these Guidelines. The applicant is encouraged to incorporate such design recommendations, if any, in its formal submittal to the DAB. The DAB shall also include in its recommendation what demonstrative materials should be provided by the applicant at the formal submittal stage.

1.5.2 Formal Submittal

Based on the preliminary meeting, the applicant will make a formal submittal for DAB review. Submitted materials should be completed to the extent necessary communicate the applicant's design intent to the DAB. Depending on the scope of the project, suggested submission materials may include:

a) Site plan(s) including landscaping and site improvements.
b) Floor plan(s) showing the overall arrangement of proposed spaces.
c) Elevations illustrating the exterior materials and details of the building appearance.
d) Color renderings of elevations or perspective drawings showing the project in relation to its neighbors.
e) Scale model showing the project's context within the Design District.
f) Materials Sample Board.
g) Site photos that include neighboring land and buildings.

The goal of these Guidelines is to encourage development and restoration projects that are compatible with and enhance the character of Sandy Hook, all submissions should clearly show the context into which the proposed project will be constructed.

1.5.3 DAB Review

a) Within thirty (30) days from the applicant's formal submission, the DAB will review the application and will communicate to the Planning and Zoning Commission a written advisory opinion which shall include and recommendations related to the development's design consistent with the provisions of these Guidelines.

b) The DAB is an advisory board only. The Planning and Zoning Commission may disregard, in whole or in part, the recommendations of the DAB for any reason.

2. SITE

Applicants are encouraged to include in their developments design characteristics which enhance and further the key defining characteristics of Sandy Hook, including but not limited to the varied antique streetscape and views of the Pohtatuck River.

2.1 Site Planning

Developments adjoining, or within view of the river are encouraged to preserve and enhance these key defining characteristics using the following design techniques:

a) Orient buildings to preserve or maximize views to the river.

b) Harmonize building footprints, heights, setbacks and massing varied in context with surrounding buildings and structures consistent with the character of the District.

c) Where voluntary public access is planned aspect of the proposed development, applicants are encouraged to:

1. Create useable and inviting outdoor spaces adjoining the river; and

2. Link proposed pedestrian paths, outdoor gathering areas or recreation areas with existing trail systems

2.2 Setbacks

a) Applicants are encouraged to preserve and reinforce the existing streetscape.
b) Zero lot lines are encouraged along the street and side yards; however, long unbroken façade are discouraged.
c) Applicants are encouraged align new buildings with existing setbacks to provide a strong edge to the street with entrances facing the Street. Secondary entrances from parking areas or pedestrian alleys are encouraged.

2.3 Pedestrian Access

Historically Sandy Hook evolved as a mixed-use village center that was accessible by foot. To maintain the historic quality of the District it is our objective to promote the development of a pedestrian friendly environment throughout the District. Such proposed projects will be analyzed in terms of the entire District and will be considered within the context of existing and proposed pedestrian circulation patterns. Nothing in this section, however, shall be interpreted to require pedestrian access to private property. Where applicable, development designs are encouraged to include pedestrian walkways which:

a) Provide a pedestrian access linking parking areas behind stores to the street.
b) Provide appropriate landscaping, paving, and lighting in a manner that will delineate the

walkway as a component of the overall public pedestrian network within the District.

c) Are consistent in terms of design, material finishes and lighting throughout the entire District.
d) Are made of durable materials consistent with the character of the District. Concrete, brick or masonry pavers for walks are encouraged and should be installed to insure safety and easy maintenance. Applicants further are encouraged to match or coordinate the proposed hardscape continuous with or visible from the street with the improvements implemented by the Sandy Hook Streetscape Steering Committee (see Appendix B).

See Figure below, for an example of Pedestrian Walkway Access planning.

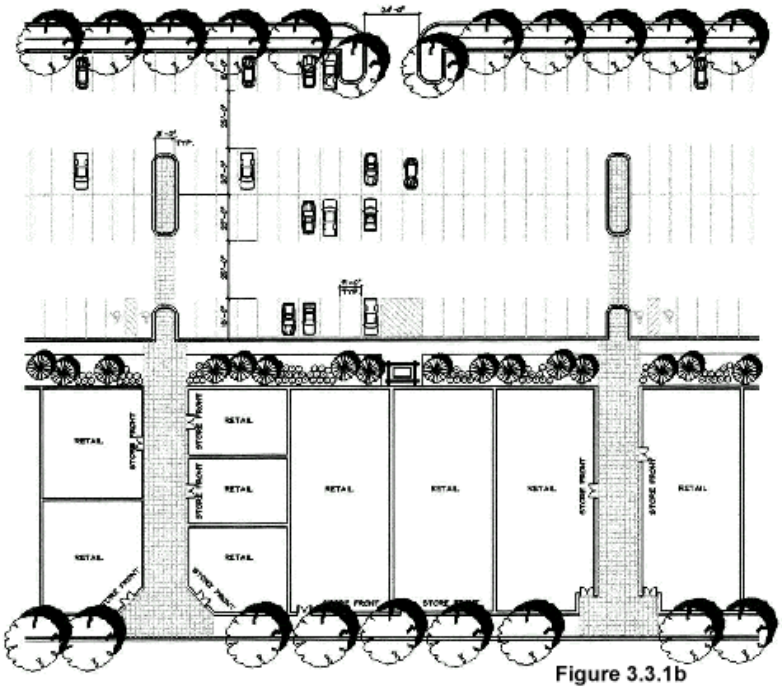


Figure 3.3.1b

2.4 Parking and Vehicular Traffic

Recognizing that drivers become pedestrians as soon as their vehicles are parked, the District should be as comfortable for pedestrians as it is for vehicular traffic. Pedestrian, rather than vehicular traffic, should be the defining characteristic of the district. Applicants are encouraged to:

a) Locate parking lots behind buildings and consolidated in areas where several businesses can be served.
b) Secure cross access agreements between owners of adjoining parking lots to minimize curb cuts.
c) Locate truck loading zones at the rear of the buildings not visible to the street and screened from parking areas and non-commercial zones.
d) Screen parking lots visible from the street with low walls, evergreen hedges, berms,

fences or other suitable means

2.5 Public Spaces

a) Developments which voluntarily include public spaces are encouraged to do so in a manner that incorporate outdoor gathering spaces at convenient, safe and visually engaging locations.
b) Outdoor gathering spaces are encouraged to activate the rear of building or as a buffer between the rear of the store and the parking area.
c) Outdoor gathering spaces are encouraged along the river, in setbacks along the street and in connection with a scenic trail system.

2.6 Landscaping

Applicants are encouraged to include in their development plans landscaping which:

a) Defines and enhances outdoor gathering spaces.
b) Forms an integral part of the overall design concept and adds character to the District.
c) Serves to preserve and restore the scenic qualities of the natural landscape by retaining or re-vegetating areas with native plant species.

d) Incorporates existing features such as mature trees, shrub masses, washes, existing site amenities, and rock outcroppings into the design.
e) Balances the quantity of on-site landscaping with the scale of the proposed development.
f) Employs the placement of plant and natural materials for functional purposes such as: screening, buffers, shading parking lots and outdoor gathering spaces and for mitigating storm water run-off.

g) Employs shade trees, shrubs and ground cover in parking areas.
h) Employs the use of native plants and natural landscaping and avoids the use of invasive plant species.
i) Employs the use of landscape divider strips in parking areas in a manner that balances off-street parking availability with the preservation of the area's scenic integrity.

2.7 Landscape Buffers

Landscape buffers between dissimilar land uses are encouraged as follows:

a) Applicants are encouraged to use appropriate landscaping to screen unattractive views and features such as storage areas, trash enclosures, utility cabinets and other similar elements. When landscape materials are utilized in screening or buffering applications, they should be pruned to no less than 3-4 feet in height. Landscaping may be used to create boundaries between buildings, different developments, and incompatible uses.
b) Applicants are encouraged to use plant materials suitable for the specific site conditions and the environmental and maintenance requirements of the project. The landscape and site amenity design should blend with the dominant existing or planned streetscape and character of the area, adding aesthetic charm, interest and character. The plant and site materials should be within the context of its environment including scale and density and improve the functional aspects of a site. Applicants are encouraged to utilize plantings to minimize soil erosion and storm water runoff.
c) Applicants are encouraged to use landscaping plants that require low maintenance and /or are insect and disease resistant. Street trees should not immediately impact or be impacted by overhead utility wires.
d) Raised planters are encouraged, to accentuate the architecture and/or enhance pedestrian areas.
e) Local native rocks and boulders are encouraged in landscaped areas to add interest and

should be grouped in a manner that compliments the natural rock outcroppings in the area.

2.8 Site Amenities

Where public plazas, courtyards, pedestrian passages and /or gardens are included in the design of a proposed development, the applicant is encouraged to include site amenities and other design features that encourage pedestrian utilization. These may include benches, tables, fountains, natural rock or wood features, trash and recycling containers, public art, kiosks, decorative paving and lighting. Design of amenities should be consistent throughout the project and consistent with the existing character of the District. The locations of site amenities should not interfere with pedestrian movement.

2.8.1 Walls and Fences

a) Where walls or fences are proposed, the applicant is encouraged to design the same to be compatible with the surrounding landscape and architectural features of the building.
b) Applicants are encouraged to design walls and fences to follow the terrain on slopes and not impede or divert the flow of water in drainage ways.
c) Walls and fences should be designed to increase the shadow pattern so as not to create a

continuous blank wall and reduce mass.

d) Landscaping should be used to soften the appearance of walls and fences.
d) Materials in harmony with local vernacular architecture, as well as indigenous to the area are encouraged.

2.8.2 Lighting

Where proposed, new exterior lighting fixtures should be compatible with the specifications developed by the Sandy Hook Streetscape Steering Committee (see Appendix B). Applicants are encouraged to position proposed fixtures to provide adequate illumination for safety while limiting light spillover. Wall mounted high intensity discharge flood lamps are generally discouraged. Pole mounted fixtures are encouraged and should direct light downward rather than horizontally. Applicants are encouraged to incorporate the following considerations in development designs:

a) Retail uses should consider timer-controlled window display lighting after store hours.
b) Decorative incandescent lighting fixtures in outdoor spaces are encouraged.
c) High or low pressure sodium lamps are discouraged; lighting with color temperatures close to incandescent lighting are encouraged.
d) The use of subtle lighting to accent landscaping, signs or architectural features is encouraged.
e) Flashing or revolving lights, strobes, neon and other such lighting are discouraged.
f) Applicants are encouraged to limit parking lot lighting fixture height to fourteen (14) feet.
g) Negative impacts due to lighting should be avoided in any development adjacent to or abutting a residential use.
h) Back lit awnings and canopies are discouraged.

2.8.3 Street Lighting, Curbs, Sidewalks and Fixtures – see Appendix B

3. BUILDING

One of the key objectives of the Design Guidelines is to maintain the antique character of the District. Plans submitted for any proposed development should answer these questions: how

does this development complement its context and improve the character of the District? Applicants are encouraged to preserve existing turn of the century buildings. . Existing antique barns of architectural interest should be considered for adaptive re-use or, if necessary, relocation.

3.1 Rooflines and Roof Materials

A variety of roof designs are encouraged and may include pitched, gable–end, mansard, gambrel, flat or hipped roofs. Applicants are encouraged to design roofs in harmony with neighboring structures to enhance the character of the streetscape, and should consider the following factors in their design:

a) The eave line of pitched roofs should project beyond the exterior wall at least twelve inches and, if appropriate, detailed with moldings, brackets or other elements.
b) Roof details such as real dormers, cupolas, lanterns, widows' walks, clocks and weather vanes are encouraged to contribute to the character of the building.
c) Encouraged roof finishes include asphalt shingles, wood shingles, slate, and copper batten or standing seam. Concrete tiles, plastic shingles and painted steel or aluminum are discouraged.
d) Gratuitous or false detailing such as fake mansards or gables are discouraged unless necessary or appropriate to screen the view of building utilities and mechanical systems.
e) Where building designs include flat roofs, applicants are encouraged to use parapets detailed to provide a cap to the building appropriate to its design, scale and neighboring context.

3.2 Appearance

The overall design objective for the District is continual enhancement of the architectural character of the District.. Developments within the District should express its own individuality. Developments with the District should take their places in the evolution of this vibrant center.

3.3 Building Size and Scale

Developments within the District should be in harmony with, but not necessarily stylistically similar to, the size and scale of neighboring structures. Applicants are encouraged to design new buildings which:

a) Create interesting and proportional outdoor spatial relationships between building, open space and setbacks on the street and adjacent sites.
b) Establish building rhythms with adjacent building forms for visual continuity.
c) Create variety through compatibility rather than conformity.
d) Enhance proportions between building height, length and width consistent with prevailing architectural context.
e) Break larger volumes into smaller forms to lessen the total building mass and to provide continuity with nearby patterns.
f) Consider window sizes and types, trim around windows, and grouping of windows as part of its overall design.

g) Avoids large, unarticulated or monolithic areas on facades through the use of appropriate detailing to add relief and shadow patterns.

3.4 Building Entrances

a) Applicants are encouraged to design building entrances to an appropriate scale for the overall building and the number of tenants served.
b) Entrances serving multiple tenancies may use a variety of detailing to create unique identities for each tenant.
c) Applicants are encouraged to use covered entries, structural canopies and porches, walls, fences, plazas and setbacks to create a transition space from the public pedestrian way to the building interior.

3.5 Exterior Building Materials

A variety of conventional materials exists in the District and gives the applicant the opportunity to tailor their pallet of materials that are appropriate for their use and within the spirit of the guidelines.

3.5.1 Wood

Use of traditional materials are encouraged such as wood clapboard with or without variations in exposure, wood board and batten , tongue and groove boards and cedar shingles or shakes. Artificial or faux materials may be acceptable alternatives to traditional materials provided the materials chosen are of good quality and are consistent with traditional materials in appearance, detail and finish.

3.5.2 Brick

a) Brick finishes for buildings of a more monumental stature are encouraged. Applicants are encouraged to use standard brick sizes; oversize units are discouraged unless consistent with the development's overall design scheme. Applicants are encouraged to use standard red color bricks similar to the common brick used on existing buildings in the District although other sizes or colors may be considered.
b) Window and door openings in brick walls offer opportunities to provide unique details in brick or through trim detail. The applicant is encouraged to use flat, curved, or arched lintels in brick or stone. Applicants are encouraged to design openings with moldings and detailing similar to existing structures.
c) Brick buildings with extensive flat surfaces, cut-out openings without detail, and disproportionate openings are discouraged.

3.5.3 Stone

A stone exterior finish should be reserved to buildings of a monumental stature. Modest buildings may use stone accents such as chimneys or planters but the application of a stone veneer front to a wood building is discouraged. In all cases the masonry should be native stone similar to the stone structures in the District.

3.6 Paint or Stain Colors

a) Applicants are encouraged to use color schemes that are visually appealing and, whenever possible, reflect the historic nature of the District.
b) Building colors that are drab, garish or represent national or regional trademark colors are discouraged.

3.7 Doors and Windows

a) Applicants are encouraged to use windows with divided lights that are generally compatible with neighboring structures. Shop display windows should be detailed to create a frame around the opening that will focus attention on the window displays.
b) Applicants are encouraged to use wooden doors (or doors made of other similar materials provided the materials chosen are of good quality and are consistent with wood

in appearance, detail and finish), which are in harmony with the type, size and shape of the doors of the neighboring structures.

c) Paneled doors, doors with etched or stained glass inserts, and doors with glass lights are encouraged.
d) Metal doors articulated with panels and window lights may be acceptable where there is sufficient detail around the door openings consistent with the spirit of the guidelines.
e) Applicants are encouraged to design main entries to structures with sufficient detailing to identify the door as the primary access to the building. Multiple tenancies are encouraged to each have a distinctive entry to identify their location in the structure.

3.7.1 Storefront Windows

a) Applicants are encouraged to use wood storefront windows with transom windows on the ground floor, where possible. Metal windows with mullions may be used if appropriate to the proposed use and neighboring context. Artificial or faux materials may be acceptable alternatives to traditional materials provided the materials chosen are of good quality and are consistent with traditional materials in appearance, detail and finish
b) Applicants are encouraged to incorporate the use of large storefront windows in conjunction with development for ground floor retail uses.
c) Storefront displays should be designed with consideration for the appearance presented to passerby.
d) Applicants are encouraged to traditional materials and design details in the construction of storefront windows consistent with the spirit of the guidelines

3.7.2 Building Fixtures

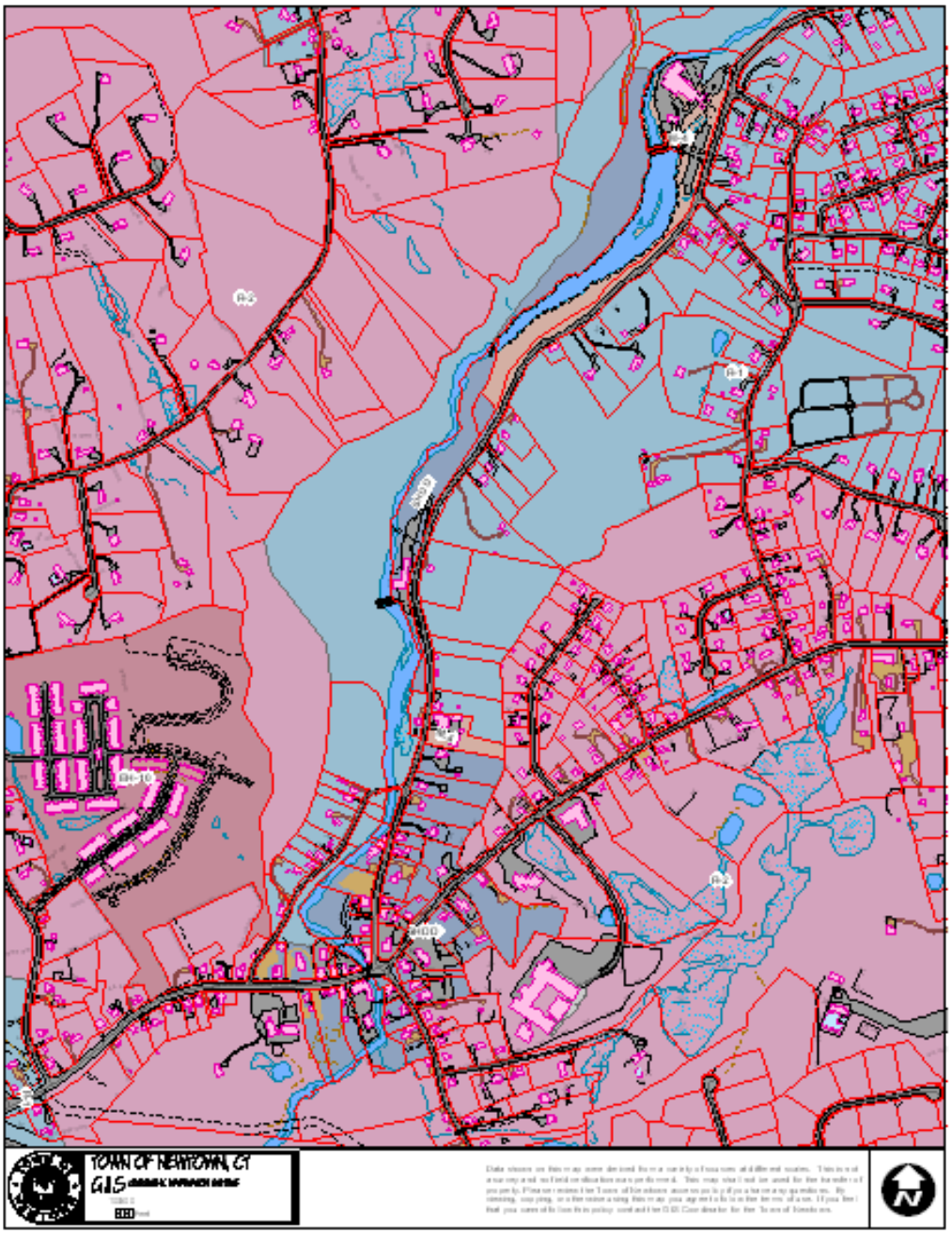
a) Applicants are encouraged to use canvas. Awnings may be colored to reflect national or regional retail identities if appropriate within the context.
b) Address numbers should be legible from the street and designed to complement the architecture.
c) Applicants are encouraged to incorporate in their design flower boxes, foundation planters, mail boxes, shutters and trellises, and in a manner that compliments the architecture of the project and its context.

3.8 Signs

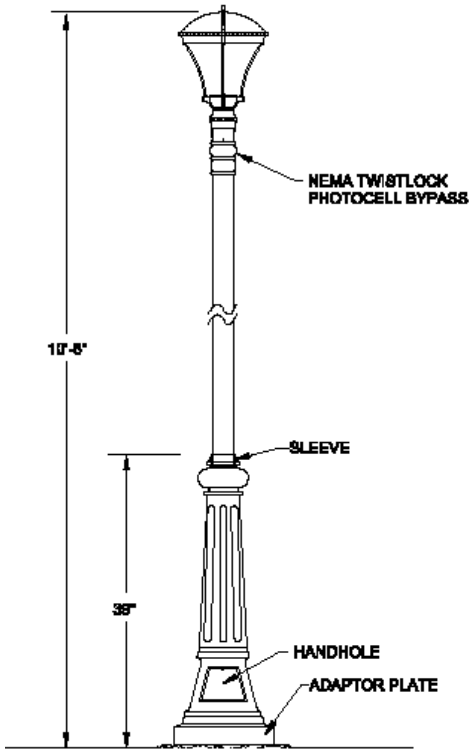
a) Within the District the signage for commercial uses requires special considerations. The size, height and location of such commercial signs should complement the design of the building.
b) Applicants are encouraged to design signs in a manner compatible with the overall materials and detailing of the building. Such should not cover building details or windows.

c) Neon signs, internally illuminated letters, illuminated vinyl awnings, vinyl or painted letters on sheet metal and plastic faced box signs are discouraged. Preferred signs include carved wood panels or individual wood letters, carved stone or pin-mounted metal letters.
d) Applicants are encouraged to design its signage for multiple tenants so as to be located adjacent to the entry doors of the business and be in harmony with the design of the entry. One sign indicating the building location, such as the “Smith Building” for example, is encouraged.
e) Applicants are encouraged to use signs that are externally illuminated with incandescent lighting such as goose-neck fixtures. High intensity discharge lighting is discouraged. The light source should be designed to provide adequate illumination for the sign face and be sufficiently shielded to prevent spillover into the surrounding environment.
f) Trademark signs may be permitted “as is;” however, applicants are encouraged to design such signs using traditional materials and design details compatible with the guidelines of the District.

SANDY HOOK DESIGN DISTRICT MAP
APPENDIX A

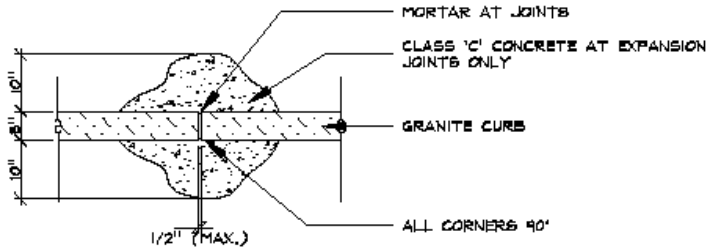


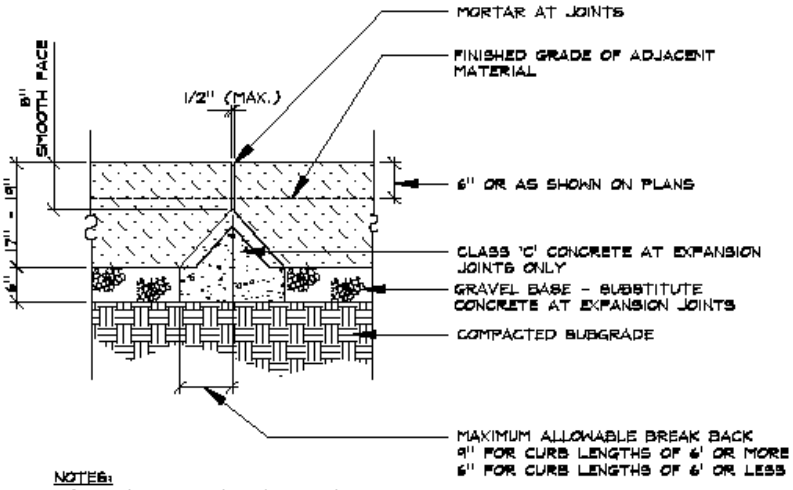
SANDY HOOK STREET IMPROVEMENT SPECIFICATIONS
APPENDIX B



POLE DETAIL - TYPE A

NO SCALE



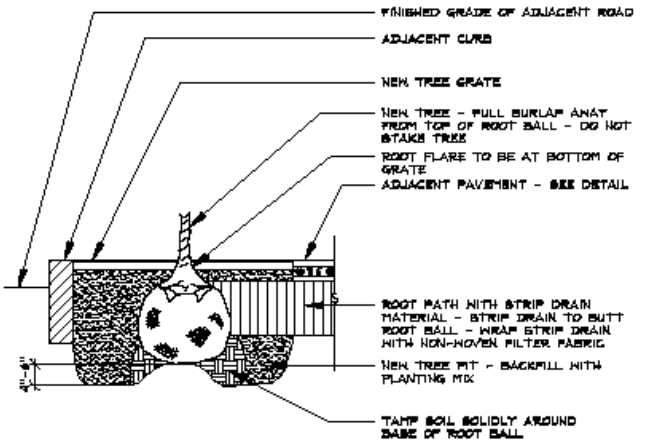


NOTES:

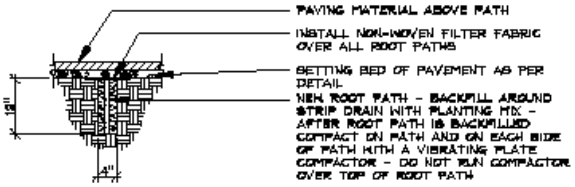
1) GRANITE CURBING SHALL CONSIST OF APPROVED GRANITE, FURNISHED IN ACCORDANCE WITH THE DIMENSIONS AND DETAILS OF THE PLANS OR AS DIRECTED
2) GRANITE CURBING SHALL BE PLACED IN ACCORDANCE TO THE PROVISIONS OF SECTION 8.13 OF THE STATE OF CONNECTICUT, DEPARTMENT OF TRANSPORTATION, STANDARD SPECIFICATIONS FOR ROADS, BRIDGES AND INCIDENTAL CONSTRUCTION, FORM 816 WHERE APPLICABLE
3) MATERIALS FOR THIS WORK SHALL CONFORM TO REQUIREMENTS OF ARTICLES M.12.06 FOR GRANITE CURBING, M.11.04 FOR MORTAR, IF REQUIRED, AND M.02.03 FOR GRAVEL BASE

GRANITE CURB

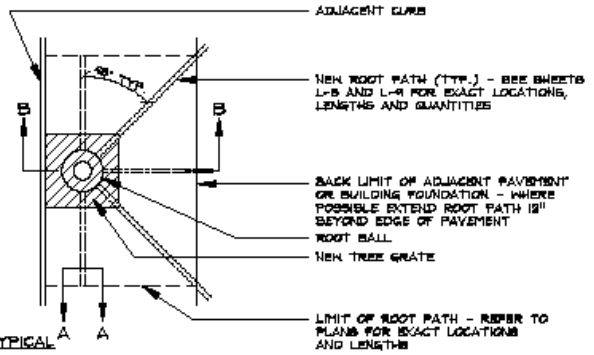
NOT TO SCALE



SECTION B-B



SECTION A-A



TYPICAL

STREET TREE WITH ROOT PATHS AND TREE GRATE

NOT TO SCALE

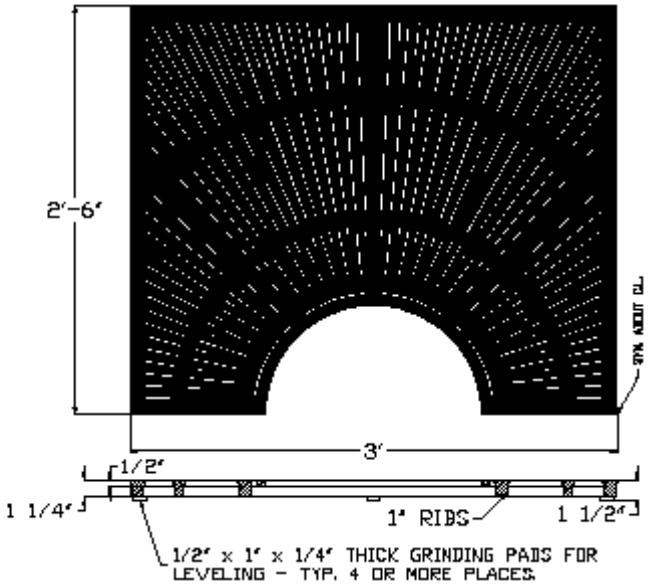
SCHEDULE OF LIGHTING FIXTURES

TYPE	LAMPS WATTS	MOUNTING	VOLTAGE	FIXTURE MANUFACTURER AND CATALOG NUMBER	REMARKS
A	1-100W MH	POLE	120V	ARCHITECTUAL AREA LIGHTING - PROVIDENCE	FULL CUTOFF, BLACK ALUMINUM POLE, AND RECEPTACLE AT TOP, DB12 BASE, DIRECT LIGHT FIXTURE, NEMA TWISTLOCK PHOTOCELL BYPASS

STARBURST

SERIES 1

MODEL SHOWN: M6054-1
©1984 IRONSMITH



GRATE MODEL NO.	SIZE (INCHES)	TREE OPENING	WEIGHT IRON	WEIGHT ALUMINUM	USE FRAME
M3654-1	2' x 3'	16,18,28	166	60	M24 X 36F
M6054-1	3' x 5'	16,18	300	108	M36 x 60F

- Cast with 1/4" maximum slot openings to meet A.D.A. guidelines.
- Tree opening can be expanded to accommodate growth or ordered with the larger opening.
- Available in cast grey iron or cast aluminum these Grates are designed to carry pedestrian loads only
- Aluminum grates should be installed with frame and pilfer proof bolts to prevent unauthorized removal.
- For coating options, please see section on "Finishes".

AMERICANS WITH DISABILITIES ACT COMPLIANCE

IRONSMITH TREE GRATES
FOR LANDSCAPE ARCHITECTURE
(800) 338-4766

APPENDIX E

DESIGN ADVISORY BOARD ORDINANCE

Be it known that the Legislative Council for the Town of Newtown herby recognizes the important role that community appearance and character has on the social and economic wellbeing of the community.

Let it be further known that a Design Advisory Board (DAB) shall hereby be created for the purpose of reviewing proposed commercial developments within the Town of Newtown in designated design districts that are adopted by the Newtown Planning and Zoning Commission (PZC). The Design Advisory Board shall serve as an advisory board to the Newtown Planning and Zoning Commission.

Membership will consist of three volunteer members each of who shall have expertise and knowledge in one or more of the following fields: architecture, landscape architecture, urban design, or urban planning. Members shall be appointed by the First Selectman with the approval of the Board of Selectmen to serve for a two year term. Initially, the First Selectman shall appoint two members for two year terms and one member for a three year term.

The Design Advisory Board shall be responsible for assisting property owners, design professionals and others to understand the specific elements of site design and building appearances that are desired within the various design districts located in the Town of Newtown as designated by the Newtown Planning and Zoning Commission. The Design Advisory Board shall recommend design guidelines to the PZC for each design district. The guidelines adopted by the PZC shall be made available to the public.

Adopted 9/1/04

APPENDIX F

List of Permitted Uses in Commercial Zones
Town of Newtown

USE	Section	BPO	B-1	B-2
SF Dwelling (One or Two Families)	4.01.211	X		
SF Dwelling + One Professional Office	4.01.212	X		
Community Residence	4.01.213	X		
Community Residence + One Professional Office	4.01.214	X		
Bed & Breakfast	4.01.215 4.02.218 4.03.219	X	X	X
Building w/< or = 5 Uses/Floor < 10,000sf	4.01.216	X		
Financial Institution	4.01.216 4.02.213 4.03.211	X	X	X
Medical or Dental Laboratory	4.01.216 4.02.313 4.03.311	X	X SE	X SE
Office	4.01.216	X		
Child Day Care Center/ Adult Day Care	4.01.311 4.02.311 4.03.311	X SE	X SE	X SE
Personal Service Establishment	4.01.312 4.02.212 4.03.211	X SE	X	X
Bldg w/ > 5 Uses/Floor or > 10,000 sf	4.01.313	X SE		
Veterinary Hospital	4.01.314 4.02.312 4.03.311	X SE	X SE	X SE
Places of Religious Worship	4.01.315 4.03.217	X SE		X
Retail Shop	4.02.211 4.03.211		X	X
Offices	4.02.214 4.03.211		X	X
Restaurant	4.02.215 4.03.215		X	X
Public Utility, Phone Exchange, Electric Substation	4.02.216 4.03.211		X	X
Dwellings above Commercial, Density < 1 Unit/0.5 Acre	4.02.217 4.03.211		X	X
Building < 4,500 sf w/Uses < or = sf/1000	4.02.221 4.03.211		X	X
Building > 4,500 sf < 10,000 sf	4.02.222 4.03.211		X	X
Building > 10,000 sf w/ 1 or more uses	4.02.314 4.03.311		X SE	X SE
Publishing and Printing Establishment	4.03.212			X
Hotel or Motel	4.03.213			X
Public Passenger Terminal	4.03.214			X
Auto, Truck, Motorcycles, Farm Salesroom & Display	4.03.216			X
Wholesale Stores or Shops	4.03.218			X
Bowling Alley	4.03.312			X SE
Indoor Theatre	4.03.313			X SE
Laundromat & Dry Cleaning	4.03.314			X SE
Bulk Storage (specific materials)	4.03.315			X SE
Kennel	4.03.316			X SE
Public Garage or Filling Station but not in APD	4.03.317			X SE
Car Wash but not in APD	4.03.318			X SE
Shopping Center > 10 Acres	4.03.319			X SE
Drive Through for Financial Institutions	4.04.170		Xacc	Xacc
Drive Through for Pharmacy	4.04.180		Xacc	Xacc

July 2012

APPENDIX G

List of Permitted Uses in Industrial Zones
Town of Newtown

USE	M-1	M-2A	M-3	M-4	M-5
PRINCIPAL USES					
More than One Principal Use - 6 tenants max.	X		X	X	X
> One Principal Use/Bldg, Each Principal Use Min. 10,000 sf gross floor area		X			
Laboratory devoted to R & D (one or more buildings)	X	X	X	X	X
Office Building or Office Buildings	X	X	X	X	X
Light Industrial Use (one or more buildings)	X	X	X	X	X
Public Utility Operations & Newtown DPW	X			X	X
Public Works Garage & Public Storage Areas Operated by Town	X			X	X
Printing &/or Publishing Establishment	X		X	X	X
Wholesale Business	X		X	X	X
Bulk Storage / Warehouses (specific materials)	X		X	X	X
Veterinary Hospital	X		X	X	X
Hotel & Conference Center		X			
Retail Shop or Store					X
Personal Service Establishment					X
Financial Institution					X
Limousine Service Business					X
SPECIAL EXCEPTION USES					
Hotel &/or Motel	X SE				X SE
Recycle Center & Transfer Station – Town	X SE				
Shopping Center	X SE				
Private School	X SE				
Garages to Shelter Commercial Vehicles & Construction Equipment	X SE		X SE	X SE	X SE
Buildings Containing 7 or More Tenants (one or more buildings)	X SE		X SE	X SE	X SE
Indoor &/or Outdoor Commercial Tennis, Ball, Swimming Recreation Facility	X SE		X SE		X SE
Commercial Golf Course	X SE				
Indoor Ice Skating Facility	X SE	X SE	X SE	X SE	X SE
Recreation/Sports Facility		X SE			
Self-Service Storage Facility					X SE
Child Day Care Center					X SE
Waste Treatment Facility – Town					X SE
Office Building - Multiple Tenant Bus. & Prof.					
More than one Principal Use - Max. 6					
Structures By Permit from ZBA					
Animal Control Facility					X SE
Public Garage					X SE
ACCESSORY USES					
Employee Eating Facility	X	X	X	X	X
Facility to Shelter Commercial Vehicles	X	X	X	X	X
Outdoor Electrical & Mechanical Apparatus to Service Lot	X	X	X	X	X
Refuse Containers	X	X	X	X	X
Point of Sale Terminals	X	X	X	X	X
One Above Ground 3,500 cu. Ft. Tank for Storage of Propane	X	X	X	X	X
One Above Ground 5,000 Gallon Tank for Storage of Mfg Materials	X	X	X	X	X
Golf Range when located on a Golf Course	X SE				
Exterior Lighting of Golf Range	X SE				
Golf Equipment Sales, Repair & Assembly	X SE				
Golf Instruction	X SE				
Retail Sales < 2500 sf or 10% Gross Floor Area	X		X	X	X
Temporary Retail Sales with Permit	X		X	X	X
Retail Enclosed Shop or Store Max Area any Tenant 5000 sf		X			
Personal Service Establishment		X			
Financial Institution		X			
Restaurant		X			
Child Day Care Center		X			
Adult Day Care Center		X			

APPENDIX H

ARTICLE VIII – SUPPLEMENTAL REGULATIONS
SECTION 1 - SIGNS

Zone	Section	Use	Criteria	Size (SF)	# Signs	# Sides	Illumination
All Zones	8.01.214	As Permitted by Zone	Vehicular Access to More Than One Street	8 12 for Shopping Center	1 additional per street with access	Double-Facing	Depends on Zone
All Zones Signs Off The Lot	8.01.561	Primary Vehicular Access Strip	Owner must sign permit	Depends on Zone			
All Zones Signs Off The Lot	8.01.562	Directory Sign at Industrial Subdivision Road when Intersection is with State Highway	Corner Lot Owner must sign Permit	8 for Subdivision Name plus 2 per Business Name not to exceed 60	1	Double-Facing	Yes
All Zones	8.01.611	Any Civic, Charitable, Religious, Patriotic, Fraternal or Similar Organization	On Lot Where Regular Meetings Held; Flag, Badge or Insignia	8	1	Double-Facing	No
All Zones	8.01.612	Traffic & Directional Signs	Town, Borough or State may erect; May include Flag, Badge, or Insignia of Govt. Agency	No Limit	No Limit	No Limit	No
All Zones Temporary	8.01.613	For Sale or Lease Temporary Sign	If Sign cannot be Viewed, can be Set Closer than 25' from Street Line	8 For Residential 20 for Business, Industrial & Residential Subdivisions	1 to 4 Max 1 / 200' Street Frontage	Single- or Double-Facing	No
All Zones	8.01.614	Traffic Control & Parking	Solely for Traffic Control and Parking upon the Premises - at Intersections with Entrances,& Exits	1	No Limit	No Limit	No
All Zones	8.01.615	Driveway & Parking Area Markings	Painted on	N/A	No Limit	N/A	No
All Zones	8.01.616	No Trespassing, Hunting or Fishing	Within Lot Boundaries Attached to tree, fence or wall	1	No Limit Lots w/ Unoccupied Dwellings only 4 / Acre	Single-Facing	No
All Zones	8.01.617	Open Space, Conservation Areas, Trails, etc.	None	16	No Limit, All Signs Count Toward max. size pursuant to 8.01.593		No
All Zones Temporary	8.01.618	Roadside Stands		8	1 Double-Facing or 2 Single-Facing		No
All Zones Temporary	8.01.619	Other Temporary Signs	Grand Openings 45 Day Limit	Not Exceeding 16 Sq. Ft.	2 Max		No
All Zones	8.01.800	Subdivision Name Only	Sign Located on Private Property at Intersection of New Roadway with an Existing Street 50 Ft from Lot Lines	8	1	Single- or Double-Facing	No

Zone	Section	Use	Criteria	Size (SF)	# Signs	# Sides	Illumination
Elderly Housing (EH-10)	8.01.661	All Permitted Uses	Six Feet Above Ground Level at Primary Access way	8	1	Single- or Double-Facing	Yes
Farming & Residential	8.01.621	Residential Use Only	Name & Address Only	1	1	Single- or Double-Facing	Yes
Farming & Residential	8.01.622	Residential + Accessory other than a Roadside Stand		2	1	Single- or Double-Facing	Yes
Farming & Residential	8.01.623	Town Buildings & Uses Permitted by Special Exception	SE Application to include Signs for PZC Approval	16	As Approved by Commission		Yes
Farming & Residential	8.01.624	Active Farming	If Single-Facing, Each Must Be Located within 200 feet of Principal Driveway or Farm Building	20	1 Double-Facing or 2 Single-Facing		Yes
Farming & Residential	8.01.625	Legal- Non-Conforming Industrial Use		20	1	Single- or Double-Facing	Yes
Professional Office	8.01.631	SF Residence & Professional Office		2	1 Double-Facing or 2 Single-Facing		Yes
Professional Office	8.01.632	Single Tenant Professional Office Building	< 10,000 SF >10,000 SF	15 20	1 Double-Facing or 2 Single-Facing		Yes
Professional Office	8.01.633	Multiple Tenant Professional Office Buildings	Each Building may have 1 Wall Sign plus Lot 1 Sign < 10,000 SF >10,000 SF	15 % Area of the First Floor Wall Facing the Street 15 20	1 per Building plus 1 per Lot	Single- or Double-Facing	Yes
Professional Office	8.01.634	Retail Shop Window Sign	1 Internally Lit "Open" Sign	1 1/2	1	Single-Facing	Yes
Business & Design Districts	8.01.641	All Permitted Uses	Depends on Number of Tenants and Entrances < 10,000 SF >10,000 SF	15% Area of First Floor Wall Facing Street; plus 10 SF; or 10 SF plus 3 SF per Tenant, 15 20	1 per Tenant plus 1 per Lot	Single- or Double-Facing	Yes
Business & Design Districts	8.01.642	Retail Shop Window Sign	1 Internally Lit "Open" Sign	1 1/2	1	Single-Facing	Yes
Industrial	8.01.651	All Permitted Uses	Depends on Number of Tenants and Entrances	10% Area of Wall Supporting it plus a 20 SF Sign	1 for Single Tenant or 1 per Tenant Entrance plus 1	1 Wall plus 1 Double-Facing	Yes
Industrial	8.01.652	All Permitted Uses	Yard Sign in Lieu of Wall Sign 50' from Lot Lines	Half the Size of Permitted Wall Sign (5% of the Wall Area)	1	Single-Facing	Yes
Industrial	8.01.653	All Permitted Uses	Natural Sign in Lieu of Wall or Yard Sign	No Limit	N/A	N/A	Yes
Industrial	8.01.654	Retail Shop Window Sign	1 Internally Lit "Open" Sign	1 1/2	1	Single-Facing	Yes
FHAR	8.01.671	Main Access Road	Directory Sign	32	1	Single- or Double-Facing	Yes
FHAR	8.01.671	Secondary Access Road	Directory Sign	25	1	Single- or Double-Facing	Yes

Zone	Section	Use	Criteria	Size (SF)	# Signs	# Sides	Illumination
FHAR	8.01.671	Shared Parking Area	Directory Sign	20	1	Single- or Double-Facing	Yes
FHAR	8.01.671	Decorative Light Poles	Banner Signs	N/A	N/A	Single- or Double-Facing	N/A
FHAR	8.01.671	All Areas	Traffic or Direction Signs	N/A	As Needed	Single- or Double-Facing	N/A
FHAR	8.01.671	All Areas	Pedestrian Walkway Signs	N/A	N/A	Single- or Double-Facing	N/A
FHAR	8.01.671	Building with >10,000 GF A	Wall Sign For Each Main Public Entrance, Name & Number of Building	12	1	Single-Facing	Yes
FHAR	8.01.671	Building with >10,000 SF GF A	Wall Directory Sign For Each Main Public Entrance Tenant Identification	12	1	Single-Facing	Yes
FHAR	8.01.671	Building with >10,000 SF GF A	Directory Sign for Building & Tenant Identification	30	1	Single- or Double-Facing	Yes
FHAR	8.01.671	Building with <10,000 SF GF A	Wall Sign For Each Main Public Entrance Tenant Identification	6	1	Single-Facing	Yes
FHAR	8.01.671	Building with <10,000 SF GF A	Directory Sign Tenant Identification or Building Group Identification	30	1	Single- or Double-Facing	Yes
B-2 M-1	8.01.700	Shopping Centers	Wall Signs	Total Not to Exceed 15% Area of First Floor Wall Facing Street	1 per Tenant Entrance	Single-Facing	Yes
B-2 M-1	8.01.700	Shopping Centers	Directory Sign For Main Driveway	12 SF Name & Address of Building Plus 4 SF Each Tenant	1 per Lot	Single- or Double-Facing	Yes
B-2 M-1	8.01.700	Shopping Centers	Directory Sign For Secondary Driveway	12 SF	1 Adjacent to Secondary Driveway	Single- or Double-Facing	Yes
B-2 M-1	8.01.700	Shopping Centers	Pedestrian Walkway Signs	2 SF Perpendicular	1 per Tenant Entrance	Double-Facing	Yes