

SECTION FOUR

BUSINESS ZONE REQUIREMENTS

4-00

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

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

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

- b. Compliance with Zoning - No business enterprise shall be commenced or changed in character, and no building or structure shall be built or altered or land used for any purpose until the owner, proprietor, developer or builder has obtained a certificate from the zoning enforcement officer which states that the use or structure is lawful.
- c. Building Permits – No building permit shall be issued until the zoning enforcement officer has approved the permit for zoning compliance.
- d. Provision of Public Improvements –
- When a site is developed for business use the developer shall construct sidewalk and curb to town standards along all sides of the developed site which abut a public highway, unless such requirements are waived or deferred by the Commission.
 - In the event that the vehicle surface of the highway is not constructed up to the curb installed by the developer, the developer shall construct that part of the vehicle surface to town standards so that the vehicle surface abuts the curb, unless such requirement is waived or deferred by the Commission, by a 2/3 vote.
- e. Noise Abatement - All machinery and devices such as ventilation fans, drying fans, air compressors, air-conditioning units, etc. shall be shielded and insulated in a manner which shall deaden noise and deflect sound waves away from abutting premises.
- f. Screening of dumpsters, outside mechanicals, mailbox kiosks, etc
- All dumpsters shall be screened by a lightproof fence and top of dumpster shall be no higher than top of fence. Generators, utility cabinets and other street hardware or mechanicals shall be screened as practicable by landscaping and/or fencing to the satisfaction of the Commission.

¹ New, ZA #540, effective 9/8/07

- 4-00.1 Automobile Parking – Automobile parking shall be provided in accordance with the requirements set forth in Section 12 of these regulations. The developer shall obtain approval of site drainage plans prior to construction of parking lot.¹
- 4-00.2 No building shall be erected without access to the rear of the building for fire protection, servicing, loading and unloading, and the necessary drives serving these areas.
- 4-00.3 Developed Business premises shall be separated from adjoining residential zones by a landscaped screen not less than 20 feet wide, planted to a mixture of evergreen and deciduous trees and shrubs, unless waived by the Commission. The landscaped border shall provide a year-round effect through which the developed site is obscured from view from abutting residential property. Appropriate evergreen species shall be planted at least four feet in height at a separation distance which provides for growth of the planting and visual screening. If a landscaped berm, masonry wall or combination thereof at least four feet high is installed to provide the visual screen then the requirement for planting evergreen species may be waived by the Commission.
- Along all parking areas and drives this border shall be designed to screen these facilities from view and to prevent automobile headlights from causing a nuisance to adjoining residents. The landscaped border for parking area and drive screening shall not be counted towards the landscape area in Section 12-02.5.
- Fencing shall be required when landscaping and grading cannot provide the required screening due to topography, preservation of specimen trees or other important natural features, avoidance of wetlands or similar conditions. Fences when constructed shall be, at minimum, four feet high when measured from the top of the adjacent grade and shall be made of wood. The Commission may, for good cause shown, approve the use of materials other than wood after an application for a different material is submitted. Masonry walls shall have a finished surface of brick, fieldstone, architecturally textured concrete, split face block or similar material. Exposed concrete block or unfinished poured or precast concrete shall not be acceptable finishes.
- All trees and fences shall be maintained at a height of not more than three feet within the sight distance triangle of all street and driveway intersections, as defined by the Town of Southington Engineering Department.²
- 4-00.4 If the adjoining lot contains a residence, a light-proof fence constructed of wood shall be installed in addition to the trees to prevent automobile headlights from causing a nuisance to the adjoining residents. The Commission may, for good cause shown³, approve the use of materials other than wood after an application for a different material is submitted.⁴
- 4-00.5 Yard and Building Lighting - All flood lighting and all other types of lighting which are intended to illuminate the building or yards shall be arranged so that the lights will not shine into the eyes of any person external to the premises, or cause a nuisance from excessive glare. Full cutoff fixtures with recessed lenses only shall be required unless the applicant specifically requests an alternate lighting fixture.⁵

¹ Revised, ZA #540, effective 9/8/07

² Revised, ZA #540, effective 9/8/07

³ Revised, ZA #544, effective 3/22/08

⁴ New, ZA #540, effective 9/8/07

⁵ New, ZA #540, effective 9/8/07

- 4-00.6 Access to Premises - Access to the premises shall be from existing public streets which abut the premises or from streets which have been developed in accordance with the Subdivision Regulations to serve the business area, and no ingress or egress through residentially zoned land shall be used. Shared driveways are the preferred option where opportunities exist and the Commission will ask the developer to identify any opportunities to do same. ¹
- 4-00.7 Existing residential wood-frame structures, which can meet the standards of the State Fire and Building Codes, may be converted to conforming commercial uses, following site plan approval in accordance with the provisions of Section 9. All such conversions must conform to the applicable handicapped regulations.
- 4-00.8 “Existing” means structures in existence as of the effective date of this amendment, March 30, 1982.
- 4-00.9 New commercial structures shall not be attached to, or located on the same lot as, a residential wood-frame structure.²
- 4-00.10 The mixed use of an existing residential structure for both residential and business purposes may be allowed in framed or non-framed structures, designed to be not more than two stories in height, with the commercial use limited to the ground floor, following site plan approval in accordance with the provisions of Section 9.
- 4-00.11 The outside displaying of commercial products and/or materials may be allowed in the Commercial and Industrial Zones with the approval of the Planning and Zoning Commission and subject to the following:
- A. In the opinion of the Commission, the outside display nature, size and location along with consideration of the subject site shall be in harmony with the surrounding area and not be detrimental by reasons of vehicular traffic, pedestrian access, dust, noise, odor, fumes or glare.
 - B. Only sites for which a site plan has been approved by the Commission may qualify for consideration.
 - C. The area designated for such use shall not reduce the number of parking spaces or aisles beyond what is required by the regulations.
 - D. The hours of operation shall be normal business hours.
 - E. There shall be no distractions to traffic, i.e., loud noises, flashing lights or moving objects of a carnival-like nature.
 - F. There shall be no additional signage, other than what is allowed by the regulations.
 - G. The Commission may limit the number of items for display to limit congestion and overcrowding.

¹ New, ZA #540, effective 9/8/07

² Revised, ZA #586, effective 8.8.15

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

4-01 CENTRAL BUSINESS ZONE (CB)

4-01.1 Permitted Uses

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

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

- S. Laundries, cleaning and dyeing agencies (no work done on premises)
- T. Parking areas
- U. Pet shops
- V. Restaurants and eating establishments not selling alcoholic beverages
- W. Self-service laundrettes
- X. Movie houses
- Y. Business and professional offices
- Z. Other uses which, in the opinion of the Commission, are of the same general character as those listed as permitted uses and which will not, in the opinion of the Commission, be detrimental to the zone
- AA. Accessory uses as provided in Section 2-01 A

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

- A. Art galleries
- B. Bus passenger stations, taxi service, railroad stations
- C. Business and professional offices
- D. Community center buildings
- E. Museums
- F. Parking structures
- G. Theaters
- H. Other uses which, in the opinion of the Commission, are of the same general character as those listed as permitted uses and which will not, in the opinion of the Commission, be detrimental to the zone.
- I. Accessory uses as provided in Section 2-01 A

4-01.2 Special Permit Uses

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

- C. High-rise structures, including apartments, and a mixed use of both commercial and residential may be allowed as a Special Permit Use by the Commission in Central Business Zones (CB) only, subject to the provisions of Section 8 and the following conditions and safeguards:
1. Each lot shall have a minimum area of 30,000 sq. ft., exclusive of site access
 2. The minimum land area per dwelling unit shall be 3,000 sq. ft., or, in the case of housing designed exclusively for the elderly, 1,500 sq. ft.
 3. The lot shall be served by public sewer and water
 4. The minimum distance between dwellings shall be 35 feet.
 5. Each application for multi-family dwellings, in addition to the application requirement of Section 8-03, shall be accompanied by the appropriate fee payable to the Town of Southington.¹
- D. The purpose of this regulation is to encourage the appropriate development of land previously designated and/or used primarily for industrial use and which area currently contains industrial buildings in existence prior to 1957 which are or may be functionally obsolete. It is felt that it is in the Town's best interest to permit the flexibility necessary to provide for the mixed uses in said buildings and land associated therewith as described below. The requirements in this section provide for the conversion of existing buildings being used or formerly used as industrial buildings to a mixed use of manufacturing, retail, services, offices and multi-family uses as defined and allowed in these regulations, and other uses acceptable to the Commission subject to the following:
1. All buildings to be converted shall have been in existence prior to May 20, 1957.
 2. All proposed uses shall be of lesser objectionable character than those presently allowed in that zone or as formerly used in said structure.
 3. That the Commission specifically find that the list of proposed mixed uses are in harmony with each other.
 4. That the Commission may, in its discretion, and if necessary due to site limitations, waive up to twenty-five (25%) percent of the parking requirements required by Section 12, provided that no additions to the structure are proposed and that there is no other available land for parking on such site.
 5. That the uses in any building constructed after May 20, 1957, shall be those allowed in that zone.

¹ Revised, ZA #540, effective 9/8/07

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

4-01.3 Special Exception

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

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

¹ New, ZA #540, effective 9/8/07

² New, ZA #565, effective 10/6/12

³ New, ZA #561, effective 10/8/11

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

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

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

4-02 BUSINESS LIMITED (BL) ZONE

4-02.1 Permitted Uses

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

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

4-02.2 Special Permit Uses

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

4-03 BUSINESS ZONE (B)

4-03.1 Permitted Uses

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

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

4-03.2 Special Permit Uses

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

- A. Any building or use allowed by special permit, Section 3-04.2 A and C hereof.
- B. Bus, Truck and Car Washes. The Commission shall require a traffic study as required in Section 9-03.17 of these Regulations as well as a statement of water use. Private water supplies for washing shall be encouraged
- C. The purpose of this regulation is to encourage the appropriate development of land previously designated and/or used primarily for industrial use and which

area currently contains industrial buildings in existence prior to 1957 which are or may be functionally obsolete. It is felt that it is in the Town's best interest to permit the flexibility necessary to provide for the mixed uses in said buildings and land associated therewith as described below. The requirements in this section provide for the conversion of existing buildings being used or formerly used as industrial buildings to a mixed use of manufacturing, retail, services, offices and multi-family uses as defined and allowed in these regulations, and other uses acceptable to the Commission subject to the following:

1. All buildings to be converted shall have been in existence prior to May 20, 1957.
 2. All proposed uses shall be of lesser objectionable character than those presently allowed in that zone or as formerly used in said structure.
 3. That the Commission specifically find that the list of proposed mixed uses are in harmony with each other.
 4. That the Commission may, in its discretion, and if necessary due to site limitations, waive up to twenty-five (25%) percent of the parking requirements required by Section 12, provided that no additions to the structure are proposed and that there is no other available land for parking on such site.
 5. That the uses in any building constructed after May 20, 1957, shall be those allowed in that zone.
 6. That in all other aspects the requirements of Section 8 and 9 shall be met.
- I. D. Offices for the practice of veterinary medicine and/or animal hospitals and kennels, providing said kennel is located in a soundproof building and has any outdoor dog facilities more than 500 feet away from a residential zone or use.¹
- E. Dispensary/Licensed Dispensary in accordance with Sections 8, 9 and 11-23.²

4-03.3 Special Exception

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

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

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

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

¹ Revised, ZA #592, effective 5/20/17

² New, ZA #565, effective 10/6/12

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

4-04 Business Overlay Zone (BOZ)

4-04.1 Business Overlay Zone Requirements

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

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

- A. A minimum lot area of 30,000 square feet of land area shall be required for the establishment of a commercial use or activity.
- B. Buildings used for commercial purposes shall contain a gross floor area of not more than 20,000 square feet.
- C. A minimum of 20% open space shall be provided on the site. Pedestrian oriented open space including hardscaped and landscaped areas, such as outdoor dining areas or exterior landscaped customer waiting areas, are encouraged and may be counted towards the minimum open space requirement.
- D. The proposal shall conform to the provisions outlined in Section 4-00 except that outdoor storage and/or display shall be prohibited.

4-04.2 Permitted Uses

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

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

4-04.3 Special Permit Uses

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

¹ ZA #593, effective 10.7.17

4-04.4¹ Special Exception Uses

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

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

4-05 West Street Business Zone (WSB)²

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

4-05.1 General Concepts

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

4-05.2 Pre-Application Discussion

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

¹New, ZA #573, effective 10.7.17

² new, ZA #571, effective 8.3.13

4-05.3

Permitted Uses

- A. All uses permitted in the CB Zone inclusive of shopping centers adhering to these regulations and other uses which, in the opinion of the Commission, are of the same general character as those listed as permitted uses and which will not, in the opinion of the Commission, be detrimental to the zone, but excluding hotels, clubs, lodges, and funeral parlors.
- B. Multi-family residential uses shall be permitted subject to specific requirements of Section 4-05.13.
- C. Drive-thru operations are permitted for financial institutions.

4-05.4

Consolidated Parcels

A. Purpose

In the interest of promoting continuity, the consolidation or assemblage of contiguous parcels is encouraged. "Consolidation" is defined here as the integration of 2 or more individually owned parcels into a single Consolidated Parcel for the purpose of creating a shared-use arrangement of selected site components, e.g., common points of access/egress, drive passage, parking, loading/unloading, building coverage and yards.

B. Procedure

1. A consolidated parcel shall be developed with an integrated plan of buildings, parking, loading/unloading, and open space.
2. The owner of each lot shall give to the owner of each lot in the consolidated parcel by deed, easement, or agreement filed in the Office of the Town Clerk, the right of entrance, exit, passage, parking, and loading/unloading.

C. Access

The Commission may require or limit the number of access/egress drives and/or direct the placement of same within a Consolidated Parcel such that only 1 or more of several individually or commonly owned "sub-parcels" within the Consolidated Parcel would have a point of access/egress. Such restriction would be in accordance with Access Management requirements in Section 4-05.9A. Once a primary use is established under these new regulations, each additional parcel that is developed within 400 ft. shall utilize the prior approved parcel's access and close their curb cut at their expense if the site plan illustrates that an interconnection can be made between each new use. If no feasible access is available, the Commission shall determine the location of the curb-cut on West Street.

On the West side of West Street, internal access roads must split the business uses from the mixed business/residential uses. Such internal access roads shall parallel to West Street unless specifically approved by the Commission.

On the East side of West Street, lots fronting on West Street shall provide a 50' wide roadway easement 350' from West Street, the full width of the lot parallel to West Street. The easement shall provide interconnectivity between adjacent parcels. The purpose of this requirement is to provide for a planned access road with connectivity to West Queen Street or other planned access roads that are perpendicular to West Street.

D. Impervious Coverage Bonus

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

4-05.5

Yard and Bulk Requirements

- A. Minimum lot size shall be 2.5 acres for commercial/mixed use projects. Any residential component within the WSB zone shall be located a minimum of 800' from West Street on the East side of West Street and 400' on the West side of West Street. Pre-existing lots that do not meet the minimum acreage under this regulation shall become legal non-conforming upon enactment of this regulation.
- B. Parcels shall have 400' frontage on West Street or a minimum of 50' of frontage on an approved internal access road that provides access to two or more individual lots.
- C. Minimum front yard setback is 75'.
- D. Minimum lot depth is 400'.
- E. Minimum side yard setback is 25'.
- F. Minimum rear yard setback is 10'.
- G. Side or rear yards may be ignored along common boundaries of consolidated lots.
- H. Where the West Street Business Zone abuts a residential zone, the minimum setback from the property boundary shall be 50'. Within the setback, a 40' wide planted buffer shall be provided starting 5' from the abutting property line. Plantings shall be staggered to achieve maximum screening within 5 years and at maturity. Evergreen trees shall be a minimum of 5' in height at the time of planting, deciduous shade trees shall be a minimum of 2" caliper and 6' in height at time of planting, and flowering trees shall be a minimum of 6' in height and 2" caliper at time of planting. Evergreens and deciduous species shall be staggered such that clusters of deciduous plantings do not occur.
- I. Commission may grant a waiver to the yard setback requirements for sculpture or other decorative items such as fountains.
- J. Maximum lot coverage is 40%. The Commission may grant a 10% bonus for consolidated parcels in accordance with Section 4-05.4D.

- K. The maximum building height is 55 ft./ 4 stories for any building that is at least 125' from West Street, provided, however, that any portion of such building located within 125' of West Street or any building that is located in its entirety within 125' of West Street shall have a maximum height of 30 ft./ 2 stories.
- L. Building size per use (gross floor area) shall be limited to a maximum of 40k s.f.

4-05.6

Site Appearance

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

4-05.7

Site Appearance of Retail Establishments

The following design objectives are listed to provide insight into the Town's intended development design outcome. Architectural drawings are required as part of Site Plan submission.

- A. Facades and Exterior Walls: Facades greater than 100 ft., measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least 3% of the length of the façade and extending at least 20% the length of the façade. No uninterrupted length of a façade shall exceed 100 horizontal feet.
- B. Ground-floor facades that face streets shall have arcades, display windows, entry areas, awnings, or other architectural features along no less than 60% of their

horizontal length. Additionally, other pedestrian friendly features such as benches, niches, plantings, and pavers are encouraged to create visual interest.

- C. Façade colors should be low reflectance earth tone colors. High intensity or fluorescent colors are not allowed.
- D. The predominant exterior building materials should be as follows:
 - 1. Brick
 - 2. Wood
 - 3. Non-sedimentary Native Stone
 - 4. Textured masonry
 - 5. GlassThe use of smooth-faced concrete block and panels, pre-fabricated steel panels, and fiberglass or metal (excluding metal roofs) are prohibited.
- E. The use of neon tubing or similar lighting for trim or accent areas is not allowed.
- F. All building facades should contribute to the overall village theme of the site, similar to the front façade design which expresses the objectives of a New England Village aesthetic.
- G. Elevation plans shall be submitted with the development application to assist the Commission in determining compliance with this section.

4-05.8

Access and Parking

A. Access Management

The implementation of Access Management should focus on the following:

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

B. Parking Regulations/Requirements:

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

- 1. Retail stores and service establishments shall provide 1 parking space per 250 square feet of net floor area. In no case shall more than 110% of the minimum allowable parking be constructed unless constructed as permeable paving and specifically approved by the Commission.
- 2. For residential uses parking shall be provided at a minimum rate of 1.75 spaces per multi-family residential unit and may be designated in open lot parking or garages. Unenclosed parking of recreational vehicles is prohibited.
- 3. Parking spaces may be provided in a lot or within shared, or private garages.

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

C. Location of Parking Fields

No more than one-quarter (25%) of the parking should be located between new buildings and West Street. No required front yard setbacks shall be used for parking or circulation (except for entrance drives to the site). The view of parking areas from West Street shall be minimized through the use of perimeter landscaping and berms in addition to any other requirements for parking in this regulation. Paver cells with vegetated cores are encouraged within the front parking areas to soften the landscape; if at least 25% of the required parking on site is paver cell, a 15% reduction of the total parking may be granted.

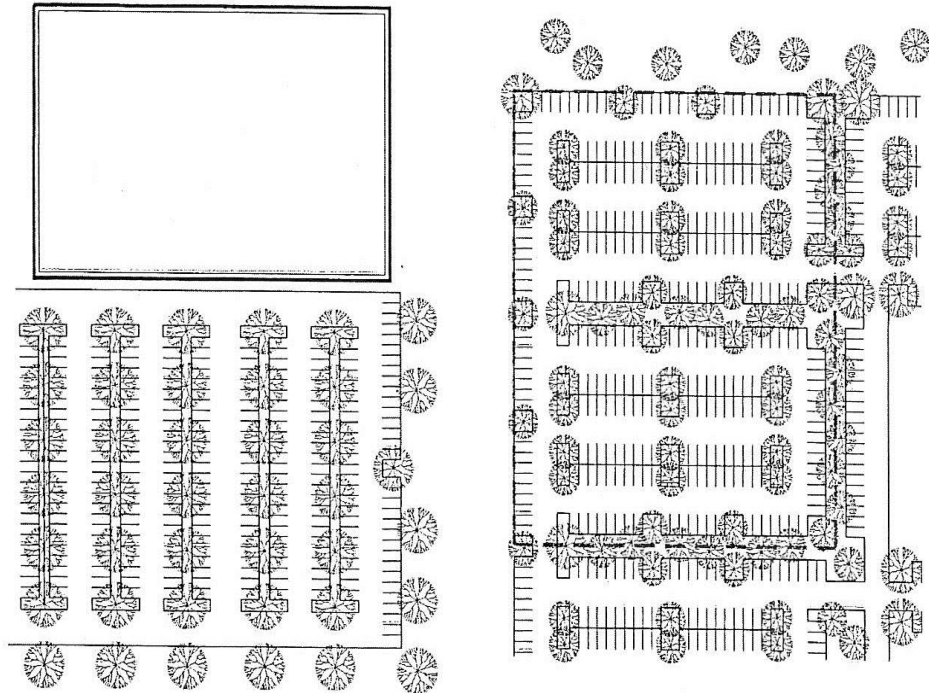
D. Landscape Requirements in Parking Areas

Parking lots located between a building and West Street shall provide at least 15% landscaped area. The landscaping should include islands between parking bays, planted peninsulas at the ends of bays, and planted areas along the perimeter of parking areas (at least 8' in width). In addition, all front parking areas shall be landscaped around the perimeter a minimum of 25' in depth and shall utilize low berms along front yards to minimize the view of parked cars. Other landscaping elements such as decorative fencing, stone walls, attractive walkways and pedestrian spaces are highly encouraged. To the extent feasible, landscape features within parking areas shall be incorporated into a low impact development stormwater management plan. A Landscape Plan reflecting the above practices shall be submitted as part of the Site Plan.

E. Parking Layout

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

Parking areas may also be divided into individual areas connecting across bays. Such areas are to be divided by landscaped islands at least 16' wide at every row of parking spaces. Such landscaped islands should occur every 10 parking spaces. See Diagram 2.



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

4-05.9 Pedestrian Circulation

Sidewalks are required along West Street frontage. All sidewalks shall be constructed to Town of Southington standards. Sidewalks shall connect from West Street to the parking fields, preferably parallel to the access drive. Safe and Convenient pedestrian access shall be provided throughout the site, incorporating paths and painted crossings to maximize pedestrian safety within parking and pedestrian areas.

Pedestrian and bicycle accommodations are required to interconnect to existing or future walkways on abutting properties or development areas and to link to the street/drives walks with existing or future multi-modal trail system.

4-05.10 Signage- Street and Buildings

No flashing or scrolling illuminated signs; full cut-off lighting is required, no electronic signs indicating sales, events, or other information other than the company or business name. Otherwise, the standards set forth in Section 13 shall apply.

4-05.11 Low Impact Development Components

All WSB developments shall implement low impact development (LID) and best management practices wherever and whenever feasible. When considering issues of overall site design, storm water drainage and infrastructure design, all developers shall first consider LID best management practices. LID BMP's shall include, but not be limited to:

- A. Hydrologic design elements (infiltration, retention and detention, bio-filters/swales)
- B. Permeable pavement elements and disconnected impervious surfaces
- C. Roadway, parking lot, driveway and circulation design elements
- D. Structural design elements (rain water harvesting and foundation plantings)
- E. Landscaping design elements (soil amendments, street trees, selection of native plant species)
- F. Implementation of alternative energy sources (solar, gas or wind turbine)
- G. Rain gardens for storm water infiltration
- H. Green roofs

4-05.12 Utilities

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

4-05.13 Specific Requirements for Multifamily Residential Uses

A. Site Design Requirements

1. Objective: The site shall be designed to integrate multi-family residential use with other approved commercial uses to achieve a village-styled mixed use environment. Such integration within the development area should also include shared roadways/parking, utilities, appropriate open space area, landscaping/buffers, strong pedestrian interconnections within the commercial/residential development and to other adjacent non-residential uses and related improvements.
2. Residential Standards
 - a. Multi-family residential uses shall be permitted. Buildings containing multi-family residential uses shall contain commercial uses on the ground floor and/or floors above the ground floor.
 - b. Multi-family residential uses shall be either studio/efficiency units, 1 bedroom units, or 2 bedroom units. Not more than 65% of the total

number of residential units shown on a Site Plan or within a first phase of those plans shall be 2-bedroom units.

- c. The floor area of the aggregate of all residential units in the proposed development area shall be limited to a maximum ratio of 2:1 to the commercial floor area shown on the submitted Site Plan. Facilities for the sole purpose of support of a multi-family residential use, such as clubhouse, meeting rooms, offices, garage space, etc., shall not be counted as either residential or non-residential floor area in determining compliance with the ratio.
- d. The construction of a development plan may be approved by the Commission to be done in phases. Projects shown in an approved Site Plan which are to be constructed in phases shall require development of both residential and commercial buildings which maintain the minimum floor area ratio between both.
- e. The applicant shall submit a plan for ensuring conformity with Section 4-05.13.A.2.c including the phasing and timing of the construction elements. Said plan and schedule must be approved by the PZC. The PZC shall require surety to establish regulatory compliance. As a condition of approval, the PZC may withhold building permits and/or certificates of occupancy to enforce approved timelines, percentages and other conditions of approval.
- f. Each residential unit shall require a minimum of 750 square feet of open space within the site. Such open space may be for recreational purposes or for preservation of natural features (wetlands, wooded areas, open lawns, etc.) or both. Regulated wetlands cannot exceed 10% of the required open space.
- g. Back and side facades of residential buildings should contribute to the pleasing scale and features of the building and should be integrated with the front façade by featuring materials and characteristics exhibited thereon.

B. Application Procedure

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

4-06

Mixed Use Transition Zone (MUT)¹

The purposes of the MUT zone are to: Accommodate mixed-use buildings with non-residential uses on the ground floor and residential uses above; Encourage development that exhibits the physical design characteristics of pedestrian-oriented, storefront-style

¹ ZA #587, new, effective 6.6.14

development with direct linkage to supporting residential use; Promote the health and well-being of residents by encouraging physical activity and greater social interaction targeted toward young professionals and active adults.

4-06.1 General Concepts

To allow for development flexibility, encourage creativity and to establish a wide variety of land uses including business, office/business, hotel/motel, conference center, restaurants and provide for accessory compatible housing diversity in a pedestrian friendly environment.

Site planning is an essential criterion of the zone. Sites are intended to be carefully planned, both within the site's own boundaries and in relation to surrounding properties. It is the express intention of these regulations to result in developments that do not resemble typical Strip Commercial Centers. All developments shall be Pedestrian Scaled and Pedestrian Friendly/Pedestrian-Oriented.

All development shall exhibit a high standard of quality in construction detail materials and appearance consistent with accepted professional standards of design by certified design professionals/architects.

Access Management shall be employed and sites developed in a manner to avoid curb cuts onto West Street in order to mitigate the deterioration of traffic flow generally caused by increased traffic generation and curb cuts on arterial streets. Shared access between sites (or provisions for future shared access), interior private service drives, and similar accessibility concepts shall be required.

All development shall be sensitive to environmentally regulated areas within the zone and maximum effort shall be made to retain and integrate significant natural features into the development proposal wherever possible.

4-06.2 Allowable Uses

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

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

- F. Residential-only buildings in support of non-residential buildings where the total footprint area of all residential-only buildings does not exceed a 2:1 ratio to total footprint area of non-residential, or mixed use buildings within the entire MUT zone. Further, there shall be residential-only development to serve as a transition from all previously existing residential zones and uses abutting the MUT zone.
- G. Age-restricted or age-targeted residential.
- H. Other uses which, in the opinion of the Commission, are of the same general character as those listed as permitted uses and which will not, in the opinion of the Commission, be detrimental to the zone.

4-06.3 Pre-Application Meeting

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

4-06.4 Consolidated Parcels

For purposes of integrated development, any number of contiguous parcels in the MUT zone may be developed as part of unified plan of development (lot coverage bonus for greater than 4 existing lots – See Section 7A) and all dedicated parcels shall be construed to be one lot when computing building coverage, yard requirements, and permitted uses, provided:

- A. The owner/developer of each lot/lease line shall give to the owner/developer of the consolidated parcel by deed, easement, or agreement filed in the office of the Town Clerk, the right of entrance, exit, passage, parking and loading, utility and stormwater access, connections, and rights to drain.
- B. The consolidated parcel is developed with an integrated plan of buildings, parking, loading and unloading in accordance with these regulations as part of a conceptual master plan.

4-06.5 Site Plan Design

- A. All site development shall be designed in accordance with the following standards or general guidelines as well as all other requirements of SPU and Site Plan application procedures that are not otherwise noted within this section.
- B. All new development shall utilize standard access management strategies that minimize or eliminate curb cuts along State highways and provide shared access between properties.
- C. Relationships to land use in abutting zones and adjacent developments within the zone (compatibility) are important considerations that will be critically reviewed by the Commission. Concerns in this regard will include buffers, in an attempt to

mitigate abrupt transitions of use and/or scale and intensity, not less than 60 feet to any residential zone (vegetative and/or architectural).

- D. Outside display of merchandise for sale on the interior part of a pedestrian environment such as in a village-style shopping center, or a courtyard area with kiosks or market carts, is only permissible where outside merchandise display is an integral part of the theme.
- E. Seasonal outdoor dining shall be permitted as an accessory use to a restaurant but shall not interfere with safe pedestrian circulation and shall provide a minimum 4 foot unobstructed passage.
- F. The use of features such as benches, niches, plantings, and pavers, shall be used along interior pedestrian ways.
- G. Loading docks, truck parking, utility meters, HVAC equipment, trash collection, trash compaction and other service functions, shall be incorporated into the overall design of the building and landscaping and shall be effectively screened.
- H. Utilities servicing the site shall be provided for under ground.
- I. Sidewalks may not be required along the West Street frontage when a coordinated development plan proposes incorporating at least four existing lots and where a master plan of development has proposed an integrated sidewalk system. Otherwise, sidewalks are required along all street frontages. Safe and Convenient pedestrian access shall be provided throughout the site, incorporating paths and painted crossings to maximize pedestrian safety within parking and pedestrian areas. Pedestrian and bicycle accommodations are required to interconnect to existing or future walkways on abutting properties or development areas.
- J. Unless specifically noted by the applicant at the time of Site Plan application and specifically approved by the Commission, all roads and utilities within the development area shall be owned and maintained by the owner(s) of the development, an association or other entity formed to carry out maintenance, but not the Town of Southington.

4-06.6

Residential Site Design Requirements

- A. Maximum residential yield within the zone shall be five (5) dwelling units per acre/parcel. Yield may be concentrated to achieve a cohesive mixed-use development.
- B. All residential development shall be accessible either via internal private roadways or local roadways with no direct access from state highways. Flexibility is required regarding temporary roadway length. All residential internal roadway systems shall be planned to extend into adjacent MUT zoned sites, and easements for access and all utilities and maintenance shall be provided to all other MUT parcels.

C. Multi-family residential uses shall be permitted and may consist of studio, one and two bedrooms per unit.

D. Commercial buildings may contain residential units above the ground level floor.

4-06.7

Architectural

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

A. Predominant exterior building materials shall be high quality materials. These include, but are not limited to:

1. Brick;
2. Wood;
3. Fieldstone;
4. Other native stone;
5. Glass
6. Window Lattice
7. Vinyl, or other man-made product approved by the commission not otherwise prohibited herein, may be used for residential structures. If used, vinyl may not comprise more than 25% of the surface area on all sides of a residential structure.

B. Predominant exterior building materials shall not include the following:

1. Smooth-faced concrete block;
2. Tilt-up concrete panels;
3. Pre-fabricated steel panels; or,
4. Fiberglass or metal.

C. All back and side facades of a building should contribute to the pedestrian scale of the building and encourage site integration by featuring characteristics similar to the front façade; such architectural elements may include windows, articulation, and other features.

D. Facades greater than 100 feet in length shall incorporate articulations like wall plane projections or recesses.

E. Ground-floor facades that face public streets and interior walkways shall have colonnades, display windows, entry areas, awnings, or other architectural features.

F. Façade colors shall be low reflectance, subtle, neutral, or earth tone colors. The use of high intensity colors or fluorescent colors is prohibited.

- G. Variations in roof lines, such as cupolas and peaked roofs, should be used to add visual interest to buildings.
- H. Rooftop equipment such as HVAC units shall be screened from public view with parapets featuring three dimensional cornice treatments. Flat roofs shall be fully screened by parapet walls.
- I. Color elevation plans shall be submitted with the development application to assist the Commission in determining compliance with this section.

4-06.8 Landscaping

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

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

4-06.9 Lighting

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

4-06.10 Parking/Loading

- A. Off-street Parking and loading: It is the intent to create off-street parking that is creative and to achieve attractive, innovative parking layouts that will accent and highlight buildings and features of the Zone.

- B. The provisions of Section 12, as they apply to minimum number of parking spaces, do not apply to developments located within this zone. The applicant must demonstrate that parking is adequate to the proposed use(s). Shared parking between sites by way of cross-easements is encouraged as is alternative parking surfaces in areas subject to increased demand during seasonal increases in commercial activity.
- C. The use of pavers or stamped concrete paving in intersections, interior drives or access drives is highly encouraged, particularly where pedestrian attention is more focused.
- D. The view of large parking areas from public streets shall be minimized through the use of perimeter landscaping and berms.
- E. Off-street parking shall be distributed around buildings in order to ensure pedestrian oriented/pedestrian friendly sites where pedestrians and the building architecture, rather than the automobile and the parking lot are the primary focus.
- F. Recognizing direct commercial access to West Street is discouraged and primary access to the MUT parcel(s) is encouraged from existing local streets, flexibility in parking design is important to the developer(s), the site and the town. Understanding successful commercial uses require visibility, creative and shared design is encouraged to maximize commercial success, site sensitivity and integration of mixed uses on the property. The utilization of alternative surfaces where there is a need for overflow parking shall be considered.

4-06.11 Signage

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

4-06.12 Stormwater Management

In addition to compliance with Zero Increase in Runoff (ZIRO) as approved by the Southington Engineering Department, the site shall implement low impact development (LID) and best management practices (BMP) wherever and whenever feasible. When considering issues of overall site design, storm water drainage and infrastructure design, all developers shall first consider LID best management practices in association with the Connecticut Stormwater Quality Manual, as amended. LID BMP's may include, but not be limited to:

- I. Hydrologic design elements (infiltration, retention and detention, bio-filters/swales).
- J. Permeable pavement elements and disconnected impervious surfaces.

- K. Roadway, parking lot, driveway and circulation design elements.
- L. Structural design elements (rain water harvesting and foundation plantings).
- M. Landscaping design elements (soil amendments, street trees, selection of native plant species).
- N. Implementation of alternative energy sources (solar, gas or wind turbine).
- O. Rain gardens for storm water infiltration.
- P. Green roofs.