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**BOROUGH OF NEWTOWN**  
**NEWTOWN, CONNECTICUT**

**ZONING REGULATIONS**

*Originally Adopted January 8, 1932*

*Revised April 18, 2024*

*Effective May 17, 2024*

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164 **PREFACE**  
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167

168 “The primary purpose of zoning is to **conserve and promote the health,**  
169 **safety and general welfare of the people of the community.** Zoning regulations  
170 are designed to **protect existing developments** and to **give proper direction**  
171 **and control to future expansion and development.”**  
172

173 Connecticut Development Commission  
174 File No. FH74.01A  
175  
176

177 “Persons who 'pressure' their councilman or alderman into introducing and  
178 securing passage of 'spot zone' amendments that are purely for private and  
179 personal gain remind us of those individuals possessing a 'short cut complex' who  
180 invariably try to crowd into or near the front of a long line of people waiting to buy  
181 tickets to a ball game or show. They just won't conform with the conventions,  
182 customs and usages of their fellow man. Special privilege is their business and  
183 they are adept practitioners of the 'art'. The Golden Rule, as a practical and  
184 workable yardstick by which we may guide our lives and live in harmony and good  
185 order with our fellow citizens, . . . is distinctly distasteful to them.”  
186

187 ZONING LAW AND PRACTICE Yokley (1953), Page 214  
188 Permission Granted by the Michie Company,  
189 Charlottesville, Va.  
190  
191

192 “The power to grant a variance in the application of established zoning  
193 regulations should be exercised charily. The obvious reason is that unless great  
194 caution is used and variations are granted only in proper cases, the whole fabric  
195 of town and city-wide zoning will be worn through in spots and raveled at the edges  
196 until **its purpose in protecting property values and securing an orderly**  
197 **development** of the community is completely thwarted.”  
198

199 Heady v Zoning Board of Appeals  
200 Mr. Justice Baldwin of the Supreme Court  
201 of Errors of Connecticut  
202 139 Conn. 463 at page 467.  
203

204  
205 **STATUTORY AUTHORITY FOR ZONING IN**  
206 **THE BOROUGH OF NEWTOWN**  
207  
208

209 Zoning was originally set up in Newtown under “An Act Revising and  
210 Amending the Charter of the Borough of Newtown,” which was Special Act 290  
211 (January, 1931) contained in Vol. XXI, Special Laws of Connecticut at Page 250.  
212 This Act contained numerous provisions concerning the general government of the  
213 Borough of Newtown and Sections 42, 50 and 51 thereof were concerned with  
214 zoning of the Borough.

215 SECTION 42 provided for the naming of a building inspector by the Warden  
216 and Board of Burgesses in May 1931 and annually thereafter.

217 SECTION 50 thereof included Sections 423 through 431 of the General  
218 Statutes, Revision of 1930, as amended thereafter, as a part of the zoning law of  
219 the Borough of Newtown.

220 The general zoning law contained in those sections as amended up to 1949  
221 is now contained in Sections 836-848 of the General Statutes, Revision of 1949.  
222 These sections have been extensively amended since 1949, and reference must  
223 be made to the amending statutes for details.

224 SECTION 51 provided for the naming of a Zoning Commission by the  
225 Warden and Board of Burgesses.

226 The appointments of the building inspector and the Zoning Commission  
227 were not made within the time required by the Special Act of 1931, but the doings  
228 of the annual and special meetings at which the Warden and Burgesses were  
229 elected, and at which the Warden appointed various officers, were validated in  
230 1933 by Special Act No. 345 contained in Vol. 21 of the Special Laws of  
231 Connecticut at Page 1004, and approved May 24, 1933.

232 The only other changes made in the Special Acts relating to zoning in the  
233 Borough of Newtown, are the following, all of which are contained in “An Act  
234 Amending the Charter of the Borough of Newtown,” Special Act 106, Vol. XXVI  
235 Special Laws of Connecticut, Page 749, and approved April 9, 1953:  
236

237 Section 1. Section 42 of number 290 of the Special Acts in 1931 is amended  
238 to read as follows: At the first regular meeting of the Zoning Commission, following  
239 the annual Borough election in May 1953, and annually thereafter, there shall be  
240 appointed by the Zoning Commission a building inspector to hold office for one  
241 year or until the next regular annual meeting of said Commission and he be  
242 responsible to said Commission. The building inspector shall possess such  
243 powers and perform such duties and services as the Zoning Commission may  
244 direct or as this act or the ordinances of said Borough may specify. He shall be  
245 diligent in causing the enforcement of, and in detecting violations of, the provisions  
246 of the General Statutes, this act or ordinance of said Borough relating to the  
247 construction, repair, alteration, demolition or removal of buildings and structures  
248 within said Borough, or relating to any matter within the scope of his powers and  
249 duties. If the construction of any building in the course of erection shall not conform

250 to the provisions of the General Statutes of the ordinances of said Borough or the  
251 orders of the Zoning Commission of said Borough, he shall notify in writing the  
252 owner or owners, architects or builders, and if such construction shall not be made  
253 to so conform within 90 days, he shall notify the Zoning Commission, which shall  
254 take action to cause such construction to be made in conformity thereto.

255 This changed the original Section 42 concerning naming of a building  
256 inspector in several ways, the chief of which was to require thereafter that the  
257 building inspector be appointed by the Zoning Commission instead of the Warden  
258 of the Borough, and that he be responsible to said Zoning Commission instead of  
259 to the Warden.

260  
261 Section 2. Section 51 of said number 290 of the Special Acts of 1931 is  
262 amended to read as follows: At the annual meeting of said Borough to be held on  
263 the first Tuesday after the first Monday in May 1953, there shall be elected one  
264 member of the Zoning Commission for a term of 5 years from the date of said  
265 annual meeting and at said annual meeting thereafter one member shall be elected  
266 for said term of 5 years. Any appointed members of said Zoning Commission shall  
267 be filled by appointment by the remaining members of said Commission until the  
268 next regular annual meeting of the Borough. Said Zoning Commission shall be the  
269 zoning authority of the Borough of Newtown.

270 The above change made the Zoning Commission elected rather than  
271 appointed by the Warden, and provides for the filling of vacancies during the year  
272 by the remaining members of the Commission until the next regular annual  
273 meeting of the Borough.

274  
275 Section 3. Said Special Act is amended by adding Section 52 as follows:  
276 At the annual meeting of said Borough to be held on the first Tuesday after the first  
277 Monday in May 1953, there shall be elected one member of the Zoning Board of  
278 Appeals for a term of 5 years from the date of said annual meeting and at said  
279 annual meeting thereafter one member shall be elected for said term of 5 years.  
280 Any appointed members of said Zoning Board of Appeals in office on the effective  
281 date of this act shall hold office until the term for which they have been appointed  
282 shall expire. Any vacancy which may occur in said Zoning Board of Appeals shall  
283 be filled by appointment by the remaining members of said Zoning Board of  
284 Appeals until the next regular annual meeting of the Borough.

285 This section added an additional section to the Special Acts of 1931 and  
286 provides for an elective Zoning Board of Appeals and the filling of vacancies as on  
287 the Zoning Commission. It was necessary to add this section because the Special  
288 Act of 1931 did not specifically provide for a Zoning Board of Appeals, but by  
289 incorporation of the General Statutes, Revision of 1930, under Section 427, there  
290 was set up a Board of Appeals to be appointed by the Zoning Commission.

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**ARTICLE 1**  
**PURPOSE**

These Zoning Regulations are promulgated to secure to the Borough of Newtown the protections and benefits provided by Chapter 124 of the General Statutes, Revision of 1958, as amended. They are designed to lessen 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 to encourage the most appropriate use of land throughout the Borough of Newtown. These Regulations and the Zoning Map constitute the comprehensive plan for zoning in the Borough of Newtown.

308 **ARTICLE 2**  
309 **DEFINITION OF TERMS**

310  
311 As used in these Regulations the following terms shall have the following  
312 meanings:

313  
314 “ACCESSORY USE” shall mean a use customarily incidental and  
315 subordinate to the principal use being made of the lot, but not including any use  
316 specifically prohibited by 4.04 of these Regulations.

317 “ACCESSORY APARTMENT” shall mean a separate dwelling unit that (A)  
318 is located on the same lot as a principal dwelling unit of greater footage, (B) has  
319 Kitchen Facilities, and (C) complies with or is otherwise exempt from any  
320 applicable building code, fire code and health and safety regulations.

321 “ALCOHOLIC BEVERAGE” shall mean any beverage, the sale or  
322 dispensing of which requires a permit from the Connecticut Liquor Control  
323 Commission.

324 “ALCOHOLIC BEVERAGE OUTLET” shall mean any packaging store,  
325 restaurant, tavern, grill or other place where alcoholic beverages are sold, whether  
326 for consumption on or off the premises, except wholesale distributors, stores  
327 selling canned or bottled beer only, or drugstores dispensing liquor on prescription  
328 only.

329 “ASSISTED LIVING FACILITY” shall mean an elderly housing facility as  
330 defined in Section 19a-490(1) of the Connecticut General Statutes, that in addition  
331 to house, provides a variety of basic services such as nursing services and  
332 assistance with activities of daily living to a stable resident population. *[Added*  
333 *effective 04.24.17]*

334 “BOROUGH” shall mean The Borough of Newtown.

335 “BUFFER” is a means or device by which to ameliorate encroachments  
336 upon property owner’ and occupants’ of other properties to their right to quiet  
337 enjoyment of their property including, but not limited to the right to maintain views  
338 indicative of a Rural New England Village. Buffers are to be designed to address  
339 anticipated intrusions and may consist, for example, of natural buffers, separating  
340 distance, physical or non-physical barriers, screens or fences. *[Added effective*  
341 *May 17, 2024]*

342 “BUILDING” shall mean any structure having a roof supported by columns  
343 or walls and intended for the shelter, housing, or enclosure of persons, animals or  
344 chattels.

345 “BUSINESS BUILDING” shall mean a building, which may be comprised of  
346 more than one discrete building structure, none of which shall exceed 6,500 square  
347 feet of gross floor area, provided that

348 1) each such building structure is physically and visually separated;

349 and

350 2) all such structures are situated and oriented upon the lot so as to  
351 minimize the visual mass of the various components when viewed from any  
352 public way;

353 3) such structures are used for businesses, restaurants without drive-  
354 through service, or retail uses, including, but not limited to a liquor package  
355 store, or for banking, office or professional uses, or for shops where  
356 personal services are customarily provided directly on the premises,  
357 including, but not limited to barber shops, beauty shops, tailors,  
358 photographers, appliance repairs, opticians, travel agencies, custom  
359 photocopy, small equipment rental, food caterers, pharmacies, service  
360 agencies, specialized schools, secretarial services, and similar light  
361 convenience services, or any combination thereof, provided, however, that  
362 permanent sales and service areas of all such uses shall be wholly enclosed  
363 and there shall be no permanent outdoor storage of merchandise. [#D  
364 *Amended effective December 21, 2015*]  
365 "CANNABIS" shall mean marijuana as defined in section 21a-240 of the  
366 Connecticut General Statute.  
367 "CANNABIS ESTABLISHMENT" shall mean a producer, dispensary facility,  
368 cultivator, micro-cultivator, retailer, hybrid retailer, food and beverage  
369 manufacturer, product packager, delivery service or transporter all as defined in  
370 the Connecticut General Statute 21a-240.  
371 "CLUB" shall mean a group of persons organized solely for an ongoing  
372 recreational, social, patriotic, political, benevolent or athletic purpose or purposes,  
373 including without limitation, country clubs and fraternal organizations, but not  
374 including such a group of persons if the facilities operated by them are open to the  
375 general public, whether or not upon payment of a fee.  
376 "COMMISSION" shall mean the Borough Zoning Commission.  
377 "CORNER LOT" - see "Lot, Corner".  
378 "DETACHED DWELLING" shall mean a dwelling surrounded on all sides by  
379 yards.  
380 "DWELLING" shall mean a building capable of providing complete living  
381 quarters including complete kitchen and bathroom facilities.  
382 "DWELLING UNIT" shall mean any house or building, or portion thereof,  
383 which is occupied, is designed to be occupied, or is rented, leased or hired out to  
384 be occupied as a home or residence of one or more persons. [Added effective  
385 January 31, 2024]  
386 "EMERGENCY SERVICE COMMUNICATION FACILITIES" shall mean  
387 communication equipment intended for the exclusive use of municipal and state  
388 emergency services, including police, public safety and fire services.  
389 "EXTERNALLY ILLUMINATED SIGN" - see "Sign, externally illuminated".  
390 "FAMILY" shall mean one or more persons related by blood, marriage or  
391 adoption living together as a single unit, including domestic help, but not including  
392 paying guests, boarders or roomers.  
393 "FRONT YARD" - see "Yard, front".  
394 "FRONTAGE" - see "Lot frontage".  
395 "FULL SERVICE RESTAURANT" shall mean a RESTAURANT as defined  
396 in the Borough Zoning Regulations where food and drink from a printed menu is  
397 delivered to tables by a server, paid for after consumption and served on non-  
398 disposable plates with non-disposable cutlery. [Added effective May 17, 2024]

399 "GARAGE" - see "Public Garage".  
400 "GROSS FLOOR AREA" shall mean the sum of the gross horizontal area  
401 of the building measured from the exterior faces of exterior walls. Gross floor area  
402 shall include the area of the basements when used for residential, commercial,  
403 professional or industrial purposes, but does not include a cellar or portion of a  
404 basement used for incidental storage or housing of mechanical or HVAC  
405 equipment. [Amended effective December 21, 2015]  
406 "GUEST HOUSE" shall mean an accessory building without kitchen  
407 facilities used solely for the accommodation of guests of the family making principal  
408 use of the lot for residence purposes and for which no rental or other charge is  
409 made or received, either directly or indirectly, in cash, kind of services. The  
410 maximum area of a guest house shall not exceed 15 percent of the area of the  
411 principal dwelling on said lot.  
412 "HEIGHT" for a BUILDING, DWELLING, OR OTHER STRUCTURE - the  
413 vertical distance from the average finished ground level, measured 10 feet from  
414 the building, dwelling, or other structure footprint to the highest point of the  
415 structure. [Added effective April 22, 2019]  
416 "HOSPITAL" shall mean a place for the diagnosis, treatment or care of  
417 human ailments, including without limitation, a sanitarium, rest home, home for the  
418 aged, nursing home and convalescent home, but not including correctional  
419 institutions or places to which persons may be involuntarily committed.  
420 "HOTEL" and "MOTEL" shall have the same meaning and shall mean a  
421 building or buildings in which rooms, each with private bath facilities, provide  
422 temporary lodgings to transients for a consideration and which may not provide a  
423 private outside entrance to each room or suite of rooms, rooms for public  
424 assembly, or rooms for the serving of food.  
425 "ILLUMINATED SIGN" - see "Sign, externally illuminated" and "Sign,  
426 internally illuminated".  
427 "JUNK YARD" means an area in excess of 200 square feet not completely  
428 enclosed in a permitted structure or building which is used for the accumulation,  
429 storage or disposal of waste, abandoned materials or used materials of any kind  
430 not being stored for immediate use on a lot.  
431 "KENNEL" - see "Operating a Kennel".  
432 "KITCHEN FACILITIES" are any room or part of a room used, intended or  
433 designed to be used for cooking or the preparation of food. The presence of a  
434 range or oven, or utility connections suitable for servicing a range or oven, shall  
435 normally be considered as meeting the definition of a kitchen. [Added effective  
436 November 11, 2020]  
437 "LIGHT OFFICE" means those office spaces that are used to support not-  
438 for-profit and charitable organizations or off-site professional uses." [Added  
439 effective August 22, 2016]  
440 "LOCAL RESIDENTIAL STREET" -see "Street, local residential".  
441 "LOT" shall mean a parcel of land, of any size or shape, occupied by one  
442 principal building or devoted to one principal use and containing the permitted  
443 accessory buildings and uses customarily incidental to such principal building or  
444 use, and including such open spaces as are required under the provisions of these

445 Regulations. Where land is undeveloped “lot” shall mean all contiguous land  
446 owned by the same owner or owners except subdivision lots owned by a person  
447 not required to obtain reapproval of the subdivision pursuant to 2.17 of the  
448 Newtown Land Subdivision Regulations effective October 1967. The mere  
449 recording or filing of a map in the Town Clerk's Office shall not constitute the  
450 creation of a lot.

451 “LOT, CORNER” - a corner lot shall mean a lot bounded on 2 or more sides  
452 by intersecting streets, the street lines of which intersect with each other at less  
453 than 150 degrees.

454 “LOT COVERAGE” - the entire area of a lot covered by buildings, storage,  
455 loading, impervious surfaces, driveways, sidewalks and parking areas. [Added  
456 effective May 17, 2024]

457 “LOT FRONTAGE” shall mean the distance between the sidelines of a lot  
458 measured along the street line, or in the case of a corner lot, measured between  
459 the sideline on one side and the street line on the other. For purposes of this  
460 definition, the street line of a temporary turnaround (as used in the Newtown Land  
461 Subdivision Regulations) shall be the street line which would exist if the street were  
462 extended and the temporary portion of the turnaround eliminated.

463 “MAJOR COLLECTOR STREET” -see “Street, major collector”.

464 “MINIMUM SQUARE” means a square each side of which is the length  
465 prescribed for the zone in which the lot is situated and which is capable of being  
466 drawn entirely within the boundaries and touching the minimum front setback line  
467 of a lot in said zone. No more than 20% of the minimum square shall be classified  
468 as inland wetlands as determined by field survey.

469 “MOTEL” -see “Hotel”.

470 “MUNICIPALITY” shall mean a city, town, borough, village, township or  
471 other municipal government created by State Law, which has an elected  
472 governing body, chief executive and municipal public officials including a  
473 municipal clerk, tax assessor and tax collector. [Added effective May 17,2024]

474 “NATURAL BUFFER” shall mean a space on a lot and the lot line in which  
475 numerous trees exist, which is cleared of all rubbish and waste material. [Added  
476 effective May 17, 2024]

477 “NURSERY SCHOOL” shall mean the providing of daytime care or  
478 instructions for not more than 15 children from 2 to 5 years in age, inclusive.  
479 Schools or places providing instruction or day care for more than 15 children or for  
480 children 6 years of age or older shall be considered private schools.

481 “OFFICE” shall have its customary use and shall mean a place within a  
482 building in which clerical, professional, administrative and non-personal services  
483 are carried out. It shall not be applicable to store, shop, bank, residential,  
484 restaurant or personal service uses.

485 “OFFICE BUILDING” shall mean a building devoted exclusively to office. It  
486 may include one or more discrete building structures on the same lot devoted  
487 exclusively to office use”.

488 “OPERATING KENNEL” shall mean the keeping or raising dogs for a profit  
489 or the keeping of more than 10 dogs over the age of 6 months without regard to  
490 profit.”

491 "PARKING AREA" - an authorized off-street area not within a building where  
492 motor vehicles are stored for the purpose of temporary, daily or overnight off-street  
493 parking. [Added effective April 22, 2019]

494 "PARKING SPACE" means any area used or designated for use for the  
495 parking of motor vehicles.

496 "PERSONAL SERVICE ESTABLISHMENT" shall mean an establishment  
497 engaged in providing a service involving the care of a person, his or her apparel  
498 or his or her pets, including a barber shop, beauty parlor, day spa, nail saloon, day  
499 health club, shoe repair, tailoring or dressmaking, photographic studio, apparel  
500 rental services, counseling and pet grooming provided that pets are not kept  
501 overnight. [Added effective August 22, 2016]

502 "POND" shall mean any body of water of any size created by excavation or  
503 impounded by the action of man and not existing as a natural condition in the Town.

504 "PROFESSIONAL BUILDING" is a structure that is used by Professional  
505 Persons and may include residential units, Personal Service Establishments and  
506 Light Office spaces. [Added effective August 22, 2016]

507 "PROFESSIONAL PERSON" shall mean an accountant, architect,  
508 consultant, dentist, lawyer, professional engineer, registered land surveyor or  
509 medical doctor, including without limitation, a physician, surgeon, optometrist,  
510 psychologist, psychiatrist, podiatrist, chiropractor or osteopath.

511 "PUBLIC GARAGE" shall mean a building, or a part thereof, used for the  
512 storage, care or repair of motor vehicles for remuneration, including without  
513 limitation, the keeping of motor vehicles for hire, but excluding sales rooms for the  
514 sale of new automobiles, farm equipment, trucks and motorcycles.

515 "PRINCIPAL PUBLIC UTILITY INSTALLATION" is a major utility  
516 infrastructure facility that constitutes a principal use on a parcel. [Added effective  
517 April 20, 2015]

518 "INCIDENTAL PUBLIC UTILITY INSTALLATION" includes facilities and  
519 structures that aid in the delivery of public utility services to the public, but does  
520 not include Public Utility Equipment. Such installations are considered incidental  
521 only insofar as they are minor in relation to the principal use on the lot and are  
522 limited in height to the average peak roof height of buildings any part of which are  
523 within 500 feet of the installation. [Added effective April 20, 2015]

524 "PUBLIC UTILITY EQUIPMENT" facilitates the delivery of public utility  
525 serves to the public that is either underground or it occupies less than ten square  
526 feet of surface area, such as telephone, electric and/or cable poles, street and/or  
527 sidewalk lighting, wires, fire hydrants and access ways to underground utilities that  
528 do not project above the natural ground surface. [Added effective April 20, 2015]

529 "REAR YARD" - see "Yard, rear".

530 "RESTAURANT" shall mean an establishment preparing and serving food  
531 for consumption by patrons at tables or counters enclosed within the building  
532 where the food is served.

533 "ROOMER or BOARDER" is a person who resides in a dwelling, is not a  
534 member of the family unit that is the primary occupant of the dwelling and who  
535 pays for or performs services in exchange for such occupancy. This does not

536 include a person who has separate facilities made available to him or her. [Added  
537 effective November 11, 2020]

538 “SETBACK” - the horizontal distance from any street line or lot line to any  
539 structure, measured in a straight line from and perpendicular to such street or lot  
540 line. [Added effective April 23, 2019]

541 “SCHOOL” shall mean any boarding, day or night school or college,  
542 including one conducted by the Town or State, in which full time academic  
543 instruction is offered for one or more grades.

544 “SCREENING” shall mean a continuous fence, wall, compact evergreen  
545 hedge or combination thereof, supplemented with landscape planting, that would  
546 effectively screen the property which it encloses and is broken only by access  
547 drives and walks. [Added effective May 17, 2024]

548 “SHOPPING CENTER” means a lot containing one or more buildings  
549 integrated architecturally and in placement on the lot, devoted to various business  
550 enterprises, which use the parking and other facilities on the lot in common.

551 “SIDE YARD” -see “Yard, rear”.

552 “SIGN” shall mean any device involving the visual sense, whether ordinarily  
553 defined as a sign or not, which is intended to bring attention to the subject thereof,  
554 including without limitation, illuminated structural features and extraordinarily bright  
555 lights placed or designed to attract attention.

556 “SIGN, EXTERNALLY ILLUMINATED”. An externally illuminated sign is  
557 one which is artificially illuminated in any manner from sources not contained within  
558 the sign.

559 “SIGN, INTERNALLY ILLUMINATED”. An internally illuminated sign shall  
560 mean a sign which is illuminated to any degree from sources of illumination, *except*  
561 *neon*, contained within the sign itself and may include without limitation,  
562 distinctively shaped lights even though no writing or other designs appear thereon.

563 “SIGN, WALL”. A sign which is built into or supported by a wall of a building  
564 or structure, but not merely painted on the surface of the wall.

565 “STATE” shall mean the State of Connecticut.

566 “STORY” shall mean that part of a building between a floor and the ceiling  
567 next above. An attic shall be considered a half story, unless the roof plate is more  
568 than 5 feet above the attic floor, or unless more than 60 percent of the attic floor is  
569 finished for habitable purposes, in which case it shall be considered a full story. A  
570 story which is not entirely above the average ground level at the foundation shall  
571 be figured at that fraction of a story which its height above average ground level  
572 bears to the total height of the story.

573 “STREET” shall mean any public highway over which the public has a right  
574 to pass and repass whether maintained by the Town or the State or any proposed  
575 street shown upon a final subdivision plan valid under the Newtown Land  
576 Subdivision Regulations effective October 2, 1967.

577 “STREET, ARTERIAL”. An arterial street shall mean a street, whether  
578 presently existing or proposed on a subdivision plan, which is officially classified  
579 as such by the Newtown Planning & Zoning Commission in the Newtown Plan of  
580 Development.

581 "STREET LINE" shall mean the line marking the boundary of the street right  
582 of way.

583 "STREET, LOCAL RESIDENTIAL". A local residential street shall mean a  
584 street, whether presently existing or proposed on a subdivision plan, which is  
585 officially classified as such by the Newtown Planning & Zoning Commission in the  
586 Newtown Plan of Development.

587 "STREET, MAJOR COLLECTOR". A major collector street shall mean a  
588 street, whether presently existing or proposed on a subdivision plan, which is  
589 officially classified as such by the Newtown Planning & Zoning Commission in the  
590 Newtown Plan of Development.

591 "STREET, MINOR COLLECTOR". A minor collector street shall mean a  
592 street, whether presently existing or proposed on a subdivision plan, which is  
593 officially classified as such by the Newtown Planning & Zoning Commission in the  
594 Newtown Plan of Development.

595 "STRUCTURE" shall mean anything constructed whether or not the  
596 resulting structure is raise above ground. It may be constructed of natural or  
597 artificial material. Structures shall include without limitation, swimming pools,  
598 tennis courts, garages, and parking areas. [Added effective April 22, 2019]

599 "STRUCTURAL ALTERATION" shall mean any change in a building or  
600 structure requiring a building permit under the State Building Code.

601 "SURVEY" shall mean class A-2 or better.

602 "TOPSOIL" shall mean earth materials, including loam, which are arable  
603 and which constitute the surface layer of earth material.

604 "TOWN" shall mean the Town of Newtown.

605 "TRAILER" shall mean a portable, primarily temporary living  
606 accommodation towed on wheels, transported on a truck or having its own motive  
607 power, which may or may not contain running water, bath facilities, a toilet,  
608 appropriate sanitary connections or cooking facilities.

609 "TRANSIENT LODGING" is that establishment that receives payment in any  
610 form of exchange for the use of any dwelling for one (1) month or less, including  
611 any hotel, motel, bed and breakfast, boarding house, hostel or the like. [Added  
612 effective November 11, 2020]

613 "WALL SIGN" - see "Sign, wall".

614 "WHOLESALE BUSINESS" shall mean the sale of merchandise or other  
615 commodities solely to retail or other dealers or tradesmen none of which is sold  
616 directly to members of the general public by the wholesaler.

617 "YARD, FRONT". A front yard is an open space across the width of the lot  
618 between the building or structure (other than driveways) nearest a street and the  
619 street line.

620 "YARD, REAR". A rear yard is an open space across the full width of the  
621 lot between the rear most building or structure (other than driveways) and the rear  
622 lot line.

623 "YARD, SIDE". A side yard is an open space extending from the front yard  
624 to rear yard between the side lot line in question and the nearest building or  
625 structure (other than driveways).



626           “ZONE” shall have the same meaning as the word “district” or “zoning  
627 district” as such terms are employed in Chapter 124 of the General Statutes of  
628 Connecticut, Revision of 1958, as amended.  
629

630  
631 **ARTICLE 3**  
632 **DESIGNATION OF ZONES**  
633

634 3.01 THE BOROUGH OF NEWTOWN IS HEREBY DIVIDED INTO THE  
635 FOLLOWING ZONES:

- 636 A. FARMING AND RESIDENTIAL
  - 637 B. PROFESSIONAL ZONE
  - 638 C. BUSINESS
  - 639 D. INDUSTRIAL
- 640

641 3.02 ZONING MAP Said zones are bounded and defined on a map entitled  
642 "Borough of Newtown, Connecticut, Zoning Map", dated **January 1, 2003** and filed  
643 with the Borough Clerk and which, with all explanatory matters thereon, is hereby  
644 made part of these Regulations.

645  
646 3.03 ALL OFFICIAL ZONING MAPS of the Borough of Newtown approved  
647 prior to the adoption of these Regulations shall remain on file in the Office of the  
648 Town Clerk, but shall be considered merged into the Zoning Map referred to in  
649 3.02. Said maps shall have validity only to the extent that a court of competent  
650 jurisdiction finds them necessary to determine the location of a zoning boundary  
651 which it finds not determinable from the map referred to in 3.02 hereof.

652  
653 3.04 Where uncertainty exists as to the boundaries of zones as shown on  
654 the Zoning Map, the following rules shall apply:

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

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

661 C. Boundaries indicated as following identifiable lot lines or as being  
662 parallel or perpendicular thereto, or extensions thereof, shall be construed  
663 as following such lot lines or being parallel or perpendicular thereto, or  
664 extensions thereof, even though such lot lines are not drawn accurately or  
665 to scale on the Zoning Map.

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

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

672

**ARTICLE 4  
USES**

4.01 THE PRINCIPAL USES PERMITTED in the zones indicated are set forth below. Only those principal uses are permitted and all others are hereby expressly prohibited.

4.02 Where the use is expressed as a building or structure, it is intended to refer to the use commonly carried on in said building or structure.

**4.03 PROHIBITED USES**

No use shall be permitted in any zone, even if otherwise listed as a permitted principal or accessory use, which causes or results in:

A. 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 set forth below shall automatically be considered a violation of this Section, but 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 this Section without regard to said performance standards.

B. The charts and documents referred to below establishing the performance standards are on file with the Town Clerk of the Town of Newtown and constitute a part of these Regulations as set forth in full herein. [Added effective May 17, 2024]

1. Smoke, Dust or other Air Contaminant. Smoke, dust or other air contaminant shall not be discharged into the atmosphere for a period or periods aggregating more than 3 minutes in any hour, which is dark or darker in shade than that designated as No. 2 in the Ringelman Chart, as published by the United States Bureau of Mines, or which is of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke, designated as No. 2 on the Ringelman Chart.

2. Noise. No sound pressure level shall exceed the decibel levels in the designated octave bands shown below. Sound levels shall be measured at the lot lines within which the subject use is located, and with a sound level meter and associated octave band filter manufactured in accordance with the American Standards Association. Measurements shall be made using the flat network of the sound level meter.

Maximum Permitted of Octave Bands of Cycles per Second	Maximum Permitted Sound Pressure in Decibels at Lot Line
31.5	72
63	71
125	65
250	57
500	51
1,000	45
2,000	39
4,000	34

720  
721  
722 3. Odors. Offensive odors noticeable off the lot but within the  
723 Industrial Zone where the use is located shall not exceed the standards  
724 established as a guide by Table III (Odor Thresholds) in Chapter 5: "Air  
725 Pollution Abatement Manual," copyrighted 1951 by the Manufacturing  
726 Chemists Association, Inc., Washington, D.C.

727 4. Vibration. Vibration noticeable off the lot but within the Industrial  
728 Zone shall not exceed the standards developed by the U.S. Bureau of  
729 Mines, Bulletin No. 442, or any revision thereof.

730 5. Lighting. See Section 7.10.

731 6. Encroachment upon the rights of other land owners and  
732 occupants to quiet enjoyment of their land rights including, but not limited  
733 to views indicative of a Rural New England Village.

734  
735 C. Menace by reason of fire, explosion or other potential hazard to person  
736 or property.

737  
738 D. Any discharge into the atmosphere, the ground or any brook or other  
739 body of water of any substance which, in the form and quantity discharged, will  
740 damage the environmental fauna and flora of the lot in question, or which will be  
741 harmful to persons breathing the atmosphere or drinking or bathing in the water  
742 of the lot.

743  
744 E. Unsightly outdoor storage or accumulation of chattels or personal  
745 property. [Amended effective March 3, 2014]

746  
747 F. Cannabis Establishment.

748  
749 4.04 PROVISIONS OF GENERAL APPLICATION

750 [Amended effective April 22, 2019]

751 A. No business, commercial restaurant or professional use shall contain  
752 less than 800 square feet.

753  
754 B. No discrete business, commercial, restaurant or professional building  
755 shall contain more than 6,500 square feet of gross floor area."

756  
757 C. A building greater than 6,500 square feet of gross floor area and  
758 existing prior to the adoption of these regulations, shall be allowed to increase its  
759 gross floor area by no greater than ten (10) percent provided that:

760 [Entire paragraph added effective April 23, 2019]

761  
762 1. The existing building footprint is not increased and, if the existing  
763 part of the building to be increased in gross floor area is within the  
764 required or pre-existing setback, the setback non-conformance shall not  
765 be increased, and

- 766                   2. The increased gross floor area is required for an existing use in  
767                   said building, and  
768                   3. There has been no previous gross floor area increase.  
769

770           4.04.1           EMERGENCY SUSPENSION OF REGULATIONS

771           [Amended effective June 23, 2014]

772           The Commission shall have authority to suspend operation of such of  
773           these regulations as may be done consistently with the Connecticut General  
774           Statutes and only in strict conformity with the following provisions:  
775

776           A.

777                   1. Upon an application submitted by the landowner, tenant or other  
778                   person interested in a specified lot showing extraordinary hardship,  
779                   substantial interference with an ongoing permitted use occasioned by fire,  
780                   calamity, natural disaster or other sudden emergency and the proposed  
781                   remedy, the Zoning Commission may, upon four affirmative votes,  
782                   temporarily suspend in whole or in part, the operation and application of  
783                   such of these regulations as will, in its judgment, alleviate said hardship  
784                   for a definite period not extending beyond one year from the date of the  
785                   occurrence.

786                   2. Additional applications relating to the same occurrence may be  
787                   granted by the Commission for additional definite periods not to exceed  
788                   one year by four affirmative votes and only upon a satisfactory explanation  
789                   of the reasons why the emergency giving rise to the first and any  
790                   additional orders of suspension have not been resolved within the time  
791                   period provided in the first order of suspension, plus additional  
792                   applications, and a demonstration by the applicant of diligence in  
793                   commencing and completing permanent repairs or otherwise resolving the  
794                   hardship in such a manner and to such extent as is intended to continue  
795                   the previous use of the property in terms of the nature, intensity and extent  
796                   thereof.

797           The provisions of this paragraph shall be deemed applicable to any  
798           property for which one or more suspension applications have been approved  
799           prior to the effective date of the amendment to these regulations providing for  
800           previous suspension orders and, provided further, that any application submitted  
801           pursuant to this subparagraph is submitted within 30 days after the effective date  
802           of this amendment.  
803

804           B. Upon the granting of such an application, the Commission shall state  
805           upon the record its finding with respect to the nature and date of the occurrence,  
806           the hardship found, the section or sections of these regulations which are  
807           affected by its order and the remedy allowed. No such application may be  
808           approved without a finding that such suspension will not adversely affect the  
809           health, safety or welfare of the people of the Borough of Newtown and will not  
810           substantially affect property values.  
811

812           C. The filing of such an application shall not suspend the operation or  
813           effect of any cease and desist order issued by the Zoning Enforcement Officer.

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4.04.2 It is the intent of these regulations to encourage, protect, enhance and perpetuate uses, structures and appurtenant vistas of historical value which represent or reflect elements of the Borough’s cultural, social, economic, political or architectural history.

#### 4.04.3 EMERGENCY SERVICE COMMUNICATION USES

“Emergency Service Communication Facilities” shall mean communication equipment intended for the exclusive use of municipal and state emergency services, including police, public safety and fire services.

There shall be allowed and permitted as a second or additional use of a parcel within the Borough, by special exception, upon the joint application of the property owner and the municipal agency affected, and upon the conditions contained in this section, the installation, maintenance and use of Emergency Service Communication Facilities, upon a showing, in addition to the requirements for a special exception, that:

- A. there is a specific articulated public safety need for such facilities that will be addressed and resolved by the installation, maintenance and use of the proposed Facilities,
- B. the proposed physical components of the Facility impose the least burden on the neighborhood in which they are installed and on the environment when considered in light of the foreseeable useful life of the technology in relation to the reasonable growth needs of the town,
- C. the installation, existence, maintenance and operation of the Facility will neither create nor increase a safety, quality of life or health problem,
- D. the proposed Facility is the best feasible solution to address and resolve the stated safety problem.
- E. The application for the particular Facility and use shall:
  - 1. identify the applicants,
  - 2. identify, with particularity, the public safety problem to be addressed and resolved by the proposed Facility,
  - 3. describe, with particularity, the physical components required and proposed to address and resolve the stated safety problem, and
  - 4. describe other measures considered by the agency to resolve the safety problem which would not require a special exception under this section, and the reasons why the proposed Facility presents a solution that is sufficiently superior to the others as to justify an exception to the general prohibition of multiple uses for properties.

Any special exception granted pursuant to this section shall be for the use and the Facility described in the application. Any addition or expansion of such Facility is hereby prohibited in the absence of a subsequent exception granted pursuant to this section.

#### 4.04.4 INCIDENTAL PUBLIC UTILITY INSTALLATIONS AND EQUIPMENT

A. Reasonably necessary Public Utility Equipment is allowed in all zones in addition to the principal use on the lot and on land dedicated to public use,

861 such as street right-of-ways, provided that its presence and/or location shall not  
862 present a hazard to persons or property.

863 B. Incidental Public Utility Installations are allowed in addition to the  
864 principal use on a lot in all zones by special exception, provided that with respect  
865 to residentially zoned parcels there is found an overriding need arising out of  
866 public safety or convenience.

867 *[4.04.4 A and B added effective April 20, 2015]*

868

#### 869 4.05 RESIDENTIAL ZONES

870 No land, building or other structure shall be used and no building or other  
871 structure shall be erected, altered or added to which is arranged, designed,  
872 intended to be, or is capable of being used except for one of the following  
873 principal uses, provided the Site Development Plan approval has been granted in  
874 accordance with Article 10 hereof, if so required.

875 A. One-family dwelling, one per lot.

876 B. Farming, including dairying, horse raising, sheep raising and poultry  
877 raising, but excluding operating a kennel or the raising of fur-bearing animals.

878 *[Subparagraph C deleted effective March 3, 2014]*

879

#### 880 4.05.1 RESIDENTIAL OPEN SPACE DEVELOPMENT

881

882 A. Purpose and Intent: The intent of this regulation is to allow for greater  
883 flexibility and creativity in the design of single-family residential developments  
884 within the Borough of Newtown and to provide for larger areas of open space and  
885 the preservation of the unique natural features of land parcels in order to properly  
886 manage such growth.

887 B. Applicability: Any parcel or contiguous parcels consisting of more than  
888 25 acres of land that lie entirely within a residential zone are eligible to apply for a  
889 Special Exception for an Open Space Residential development per §4.06K for  
890 the following uses:

891 1. Detached Single-Family Dwelling Units with attached or  
892 detached garages, which shall be served by a private street, maintained  
893 by and at the expense of a private homeowners' association.

894 2. A clubhouse, community center, cabana, picnic pavilion, pool,  
895 tennis court, or other passive or active recreation facility, exclusively  
896 serving the dwelling units on the parcel and subject to all other area,  
897 height, and yard requirements of the underlying zone.

898 C. Any such development shall meet the standards and regulations for  
899 residential uses contained in these regulations, except that the standards  
900 contained in this subsection shall prevail over any conflicting standard otherwise  
901 applicable.

902 1. Density Calculation: The maximum number of dwelling units  
903 permitted shall not exceed 1.5 times the Developable Acreage, which is  
904 the total (gross) acreage of the parcel(s) minus any land having wetlands,  
905 watercourses, ponds, or steep slopes over 25%. In addition, the total  
906 number of units cannot exceed one per acre of the total (gross) acreage of  
907 the parcel(s).

908 2. Open Space: A minimum of 50% of the parcel must be set aside  
909 as preserved open space via a conservation easement in favor of the  
910 Borough of Newtown, resulting in the protection of the unique features of  
911 the parcel. The preserved open space may contain trails, bike paths,  
912 picnic tables, docks, un-motorized boat storage, and other features for  
913 passive recreation, but shall contain no structures nor permit motorized  
914 vehicles within.

915 3. Area, Height and Yard Requirements: Area, Height and Yard  
916 Requirements of the underlying zone and all other applicable sections of  
917 these regulations apply, and in addition:

918 a. Setbacks: In order to provide a buffer area to the  
919 neighboring parcels, the minimum setback from the public  
920 street line shall be 200 feet or four times the regular setback  
921 for the underlying zone, whichever is greater. The minimum  
922 side and rear yards shall be 100 feet or four times the  
923 regular setback for the underlying zone, whichever is  
924 greater. No private street, driveway, parking area, or  
925 structure shall be within the minimum setback area other  
926 than that portion of a private street or required secondary  
927 accessway (if any), the sole purpose being for entrance or  
928 egress from the property to the street.

929 b. Minimum Distance Between Buildings: In no case  
930 shall the distance between buildings be less than twenty (20)  
931 feet, except for detached garages, which must be no less  
932 than five (5) feet from the dwelling unit they serve and twenty  
933 (20) feet from any other building.

934 4. Wastewater Discharge and Water Supply: Any lots considered  
935 for Residential Open Space Use shall have access to public sewers and  
936 public water, and any development shall be connected to public sewers  
937 and public water before final Certificate of Occupancy.

938 5. Utilities: All utilities on the lot shall be underground.

939 6. Steep Slopes: Site layout should be designed to minimize  
940 development upon and re-contouring of slopes having twenty-five (25)  
941 percent or more grades. Disturbance of steep slopes and the creation of  
942 steep slopes shall be avoided to the greatest extent possible.

943 7. Accessways, Private Streets, Driveways, Sidewalks, and  
944 Parking.

945 a. Accessways:

946 1. Each Residential Open Space development shall  
947 be served by a strip of land having a width of not less than  
948 one hundred (100) feet throughout its length from a public  
949 highway through which vehicular access is provided. This  
950 shall contain a private street as the primary accessway for  
951 ingress and egress.

952 2. Each parcel containing forty (40) or more dwelling  
953 units shall have a secondary accessway suitable for use by  
954 emergency vehicles. The secondary accessway shall be not



955 less than twenty (20) feet wide throughout its length. It may  
956 be located within the same strip of land as the primary  
957 accessway or in a separate location, but may not encroach  
958 upon the private street which is the primary accessway. The  
959 secondary accessway need not be paved with an impervious  
960 surface; however it shall be hard surfaced and accessible by  
961 fire apparatus. The secondary accessway shall remain  
962 unobstructed and shall be maintained at all times so that  
963 there are no impediments to emergency vehicle use.

964 b. Streets:

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

971 2. The design speed shall be 15 mph and so posted  
972 with proper signs. The minimum horizontal curve radius shall  
973 be 70 feet, the minimum stopping sight distance shall be 65  
974 feet and the minimum sight distance for intersections shall  
975 be 70 feet. All other construction methods and materials of  
976 the private streets shall conform to the standards for a local  
977 residential street as set forth in the Newtown Road  
978 Ordinance, as amended, except that no easement, right of  
979 way or dedication of land to the Town or Borough shall be  
980 required for the private streets.

981 3. All phases of the construction of the streets shall be  
982 inspected and certified by the applicant's licensed  
983 professional engineer. All certifications must be provided to  
984 the Newtown Land Use Agency prior to the release of any  
985 bonds.

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

999 c. Driveways: Each driveway serving dwelling units shall  
1000 meet the following criteria:

- 1001 1. Travel width: The travel width of the driveway shall  
 1002 at no point be less than ten (10) feet. Driveways serving  
 1003 more than one dwelling unit shall be not less than sixteen  
 1004 (16) feet wide.
- 1005 2 Grading: Driveways within the lot shall not contain  
 1006 grades greater than five (5%) percent.
- 1007 3 All driveways upon the site shall intersect with the  
 1008 private street in the development. No driveway shall intersect  
 1009 directly with a public highway.
- 1010 d. Sidewalks: As part of the granting of the special  
 1011 exception, the Commission may require the installation of a  
 1012 sidewalk along any portion of the parcel which fronts on an existing  
 1013 public highway.
- 1014 e. Parking: Three parking spaces per dwelling unit shall be  
 1015 provided off the private street. Each parking space shall contain a  
 1016 rectangle no less than nine (9) feet in width and eighteen (18) feet  
 1017 in length. Parking spaces may be provided by use of a garage,  
 1018 driveway, or a paved surface dedicated to parking.
- 1019 8. Lighting: All private streets and parking areas shall be artificially  
 1020 illuminated. Such lighting shall be residential in character and shall be  
 1021 coordinated with the landscaping plan. No direct rays from such lighting  
 1022 shall fall off the lot or shine into the windows of the dwelling units within  
 1023 the lot. All exterior lighting shall comply with the provisions elsewhere in  
 1024 these regulations.
- 1025 9. Dogs: The limitations established in section §4.07 (E) shall not  
 1026 apply to Open Space Residential developments. For such developments,  
 1027 the keeping or boarding of dogs over the age of six months not for profit  
 1028 shall be limited to three per dwelling unit.

1029  
 1030 4.06 SPECIAL EXCEPTIONS – RESIDENTIAL ZONES

- 1031  
 1032 The following uses are permitted as principal uses subject to the granting  
 1033 of a special exception by the Commission in accordance with the standards,  
 1034 criteria, conditions and procedure which are set forth in 8.04 hereof:
- 1035 A. Places of religious worship.  
 1036 B. Schools and nursery schools.  
 1037 C. Principal Public Utilities such as substations, pump stations, regulator  
 1038 valve vaults, water tanks and sewage treatment plans, having no material or  
 1039 motor vehicle service or storage yards. [Added effective April 20, 2015]  
 1040 D. Intentionally omitted. [Amended effective March 3, 2014]  
 1041 E. Intentionally omitted. [Amended effective April 20, 2015]  
 1042 F. Public works garages and public storage areas operated by or on  
 1043 behalf of the Town.  
 1044 G. Cemeteries owned by the town, by a church, or a cemetery association  
 1045 located in Town.  
 1046 H. Parks and playgrounds operated by the Town.  
 1047 I. Horticulture and wildlife reservations not operated for profit.

1048 J. Municipal buildings and uses, public libraries, public museums, but not  
1049 including dumps, incinerators and other garbage disposal areas, municipal  
1050 garages, public works storage yards or commercial-type recreation facilities.

1051 K. Residential open space development.

1052 The minimum lot area for such special exception uses shall be computed  
1053 as (1) 4 times the gross floor area of all buildings of the lot; (2) 2 times the area  
1054 of the lot devoted to the proposed use, including without limitation, the gross floor  
1055 area of all buildings and the area of all other structures, parking areas, loading  
1056 areas and driveways; or (3) where a lot is split by a zone line the minimum lot  
1057 area of the highest acre zone in which any part of the lot lies, whichever is  
1058 greater. *[Amended effective March 3, 2014]*

#### 1059 1060 4.07 ACCESSORY USES - RESIDENTIAL

1061 Accessory uses are permitted. The following types of uses are considered  
1062 accessory in all Farming and Residential Zones so long as they remain clearly  
1063 accessory to the principal use on a lot and are limited as set forth below:

1064  
1065 A. The office of a professional person on the premises which he owns and  
1066 in which he resides.

1067 1. The use does not change the residential character of the  
1068 dwelling in any visible manner, nor shall there be any external evidence of  
1069 the accessory use except a sign permitted by these Regulations.

1070 2. Total floor area occupied by the accessory use does not exceed  
1071 25 percent of the floor area of the dwelling excluding the basement and  
1072 the attic.

1073 3. The use does not create interference with radio and television  
1074 reception in the vicinity and does not create any noise, odor, vibrations,  
1075 light or unsightly conditions outside the dwelling in which said uses are  
1076 conducted.

1077 4. There are no more than 3 persons employed on the premises, no  
1078 more than 2 of whom may reside off the premises.

1079 B. Nursery school.

1080 C. Keeping not more than 2 roomers or boarders by a resident family in  
1081 the dwelling, exclusive of domestic employees.

1082 D. Storage of not more than one boat and/or trailer bearing current  
1083 registration. Such boat and/or trailer shall be housed within a permanent  
1084 structure or kept in the rear yard or side yard.

1085 E. The keeping or boarding of dogs over the age of 6 months not for profit  
1086 as follows: Not more than 3 - any lot; not more than 5 - minimum lot size of 2  
1087 acres; not more than 10 - minimum lot size of 4 acres.

1088 F One (1) Accessory Apartment attached to or located within the proposed  
1089 or existing single-family principal dwelling, or detached from the proposed or  
1090 existing principal single-family dwelling and located on the same lot as such  
1091 dwelling. *[Entire paragraph added January 22, 2022]*

1092 1. The Accessory Apartment shall include cooking facilities.

1093 2. The Accessory Apartment shall have a maximum floor area of  
1094 one thousand (1,000) square feet or forty (40) percent of the main dwelling  
1095 floor area, whichever is less.

1096 3. The rental period for the Accessory Apartment shall be greater  
1097 than one (1) month and shall not be used for transient lodging.

1098 4. The floor area for Accessory Apartments shall be calculated by  
1099 measuring the interior dimensions, minus areas less than five (5) feet in  
1100 ceiling height and stair cases.

1101 5. One (1) off-street parking space shall be provided for the  
1102 Accessory Apartment.

1103 6. Any request for an Accessory Apartment under these regulations  
1104 shall be accompanied by the following:

1105 a. Approval from the Borough of Newtown Building Inspector  
1106 that he or she has reviewed the plans for the proposed Accessory  
1107 Apartment and the proposed plans meet the requirements for  
1108 Connecticut Building Code.

1109 b. A statement from the Borough Sanitarian regarding the  
1110 adequacy of the water supply and waste disposal system for the  
1111 existing single-family dwelling and proposed accessory apartment.

1112 c. A site survey showing all structures upon the site, the lot  
1113 area, set back distances, well and septic areas.

1114 d. Floor plans for the proposed Accessory Apartment with  
1115 dimensions, means of egress and photographs of the dwelling that  
1116 is proposed for the Accessory Apartment.

1117 e. A copy of the Assessor's Card for the lot.

1118 If all of the above criteria are met, the Borough Zoning Enforcement  
1119 officer shall issue a Certificate of Zoning Compliance for the proposed  
1120 Accessory Apartment provided, however, the aforesaid certificate shall  
1121 terminate when there is a change of ownership of the existing single-  
1122 family principal dwelling.

1123

#### 1124 4.08 USES PERMITTED IN THE PROFESSIONAL-LIMITED BUSINESS ZONE

1125 No land, building or other structure shall be used and no other building or  
1126 other structure shall be erected, altered or added to which is arranged, designed,  
1127 intended to be or is capable of being used except for one of the following uses  
1128 provided the Site Development Plan approval has been granted in accordance  
1129 with Article 10 hereof, if so required:

1130

1131 A. One-family dwelling one per lot.

1132 B. A Professional Building containing less than 4,500 square feet of gross  
1133 floor area.

1134 C. A one-family dwelling plus the office of a professional person. (The  
1135 limitations contained in 4.07A hereof do not apply to the professional office within  
1136 such one-family dwelling.)

1137 D. Residential units are permitted within a professional building provided  
1138 that the residential area is less than fifty (50) percent of the allowed gross floor

1139 area of each professional building. The residential dwellings shall be located  
1140 above any permitted professional use and:

- 1141 1. Shall be a minimum of eight hundred (800) square feet.
- 1142 2. Shall allow two (2) parking spaces for each residential unit.

1143 E. Personal Service Establishments are permitted with a professional  
1144 building provided that the total square feet of such establishments are less than  
1145 fifty (50) percent of the allowed gross floor area of each professional building.

1146 F. Light Office uses are permitted in a professional building provided that  
1147 the total light office space is less than fifty (50) percent of the allowed gross floor  
1148 area of each professional building.

1149 [Paragraph Amended effective August 22, 2016]

#### 1151 4.08.1 PROFESSIONAL USES PERMITTED BY SPECIAL EXCEPTION

1152 [Effective August 22, 2016]

1153 The following principal uses are permitted in a Professional Zone  
1154 subject to obtaining a special exception from the Commission in accordance with  
1155 the standards, criteria, conditions and procedures which are set forth in 8.04  
1156 hereof:

1157 A. A Professional Building exceeding 4,500 square feet of gross floor  
1158 area. Lot frontage shall be equal to at least  $\frac{1}{2}$  the average depth of the lot, but  
1159 not less than 150 feet. Sufficient parking spaces shall be provided to  
1160 accommodate all persons reasonably expected to patronize said professional  
1161 building at one time, which shall not be more than twice the number of spaces  
1162 required under 7.05H. The requirements of 7.09 hereof shall otherwise be met  
1163 except the Commission may require wider buffers, wider side or rear yards and a  
1164 deeper building setback than are otherwise required where needed to screen  
1165 adequately adjacent residential zones, or to meet the standards set forth in 8.04,  
1166 provided that the structural coverage including parking, driveway and loading  
1167 area is not required to be reduced to less than 60 percent of the lot area. The  
1168 wall of the office building facing the street shall not be longer than 200 feet or  
1169 twice the distance which it is set back from the street line, whichever is greater.  
1170 All portions of the lot in excess of 10 acres are excluded in determining maximum  
1171 structural coverage permitted. [4.08.1 Added effective August 22, 2016]

1172 B. Assisted Living Facilities may be erected only after obtaining special  
1173 exception subject to the standards, criteria, conditions and procedures which are  
1174 set forth in 8.04 and are subject to the following:

- 1175 1. Must have public water and sewer.
- 1176 2. Must border a major arterial road, not a secondary road.
- 1177 3. Minimum lot area: 3 acres.
- 1178 4. Maximum building size as specified in the definition of a

1179 Business Building in 2.02.D.

1180 5. Parking will be provided to accommodate at a minimum 1 space  
1181 per 6 assisted living units plus 1 space per employee on the largest shift  
1182 provided that there is no resident driving.

1183 6. Due to the diminished parking requirements, Assisted Living  
1184 Facilities may have lot coverage (buildings only) up to 35%.

1185 7. In order to facilitate access to building entrances, some of the  
1186 required parking may be located to the front of the building(s) if the  
1187 commission, in its discretion, finds that  
1188 a) such location is reasonably necessary in light of the  
1189 specifics of a proposed special exception development and  
1190 b) the overall purposes served by the comprehensive zoning  
1191 laws will not be significantly affected thereby.  
1192 c) Such front yard parking may be located, to the extent  
1193 necessary, closer than 20 feet from the street line provided that it is  
1194 adequately screened.  
1195 [4.08.1B added effective April 24, 2017]

1196  
1197  
1198  
1199 **4.09 USES PERMITTED IN A BUSINESS ZONE**

1200 No land, building or other structure shall be used and no building or  
1201 structure shall be erected, altered or added to which is arranged, designed,  
1202 intended to be or is capable of being used except for one of the following uses  
1203 provided the Site Development Plan approval has been granted in accordance  
1204 with Article 10 hereof, if so required:

- 1205 A. A single or multi use Business building not exceeding 4,500 square  
1206 feet. [Amended effective March 3, 2014]
- 1207 B. A bank.
- 1208 C. A telephone exchange, electric substation or other public utility use.
- 1209 D. A funeral parlor.
- 1210 E. A restaurant without drive through service. Such restaurant may include  
1211 outdoor service provided that the restaurant holds a Restaurant Permit i  
1212 accordance with the provisions of Section 30-22 of the General Statutes as  
1213 amended from time to time, and provided further that such outdoor dining area  
1214 shall be enclosed by a wall or fence sufficient to reasonably ensure that access  
1215 thereto is accessible only through the enclosed restaurant area. [Added effective  
1216 May 17, 2024]
- 1217 F. Municipal buildings and uses, public libraries, public museums, but not  
1218 including dumps, incinerators and other garbage disposal areas, municipal  
1219 garages, public works storage yards or commercial type recreation facilities.
- 1220 G. Intentionally omitted. [Amended effective March 3, 2014]
- 1221 H. Publishing, including associated printing operations.

1222  
1223 **4.10 BUSINESS ZONE USES BY SPECIAL EXCEPTION**

1224 The following principal uses are permitted in a Business Zone subject to  
1225 obtaining a special exception from the Commission in accordance with the  
1226 standards, criteria, conditions and procedures which are set forth in 8.04 hereof.

- 1227  
1228 A. Any existing filling station may be used as a combination filling station  
1229 and convenience store provided:
  - 1230 1. Adequate parking is provided for the store in accordance with
  - 1231 Article 7 hereof in addition to parking provided for the filling station.

1232 2. Groceries, hot and cold sandwiches, salads and other prepared  
1233 edible food products are sold for use or consumption only off the  
1234 premises; no space is provided on the premises or in the building for  
1235 tables, counters or other facilities designed to be used for eating and no  
1236 food may be cooked; however, a microwave oven and warming ovens,  
1237 appliances and other devices may be used for the preparation of  
1238 sandwiches and heating prepared foods.

1239 3. No door providing public access to the convenience store shall  
1240 enter upon a yard in which gas pumps are located unless the distance  
1241 between the wall containing said door and the edge of the gas pump  
1242 island facing said wall is not less than 20 feet at the nearest point.

1243 4. No person operating the gas pumps or otherwise servicing motor  
1244 vehicles in the filling station area of the premises shall sell or dispense any  
1245 food products in the convenience store portion of the premises, provided,  
1246 however, nothing shall prohibit a cashier from acting as the filling station  
1247 cashier, as well as the convenience store cashier.

1248

1249 B. A laundromat or dry cleaning establishment.

1250

1251 C. A shopping center.

1252 1. The minimum area of a lot containing a shopping center is 4  
1253 acres.

1254 2. Such lot need not have street frontage provided that it is served  
1255 by a strip of land 100 feet wide, the lot line closest to the street is at least  
1256 twice the distance from the street line as the required minimum lot width in  
1257 the zone in which the land fronting on the street is located and an  
1258 adequate buffer is provided along the strip of land and between the  
1259 shopping center lot and the rear yards of the land having street frontage,  
1260 where required by the Commission.

1261 3. Any other provision of these regulations notwithstanding,  
1262 sufficient parking spaces shall be provided to accommodate all persons  
1263 reasonably expected to patronize the stores, shops, etc. in the shopping  
1264 center at one time. The ratio of one space per 200 square feet of gross  
1265 floor area shall be a minimum requirement.

1266 4. More than one detached building may be placed on the lot.  
1267 Building and parking areas shall be arranged in such a way as to promote  
1268 the orderly and safe flow of traffic within the shopping center and promote  
1269 the convenience and safety of pedestrians therein.

1270 5. All buildings within a shopping center shall be in harmony with  
1271 each other as to architectural design and exterior surfacing.

1272 6. Intentionally omitted. *[Amended effective December 22, 2014]*

1273 7. The requirements of Article 5 hereof shall otherwise be met  
1274 except that the Commission may require wider side and rear yards and a  
1275 deeper setback than are otherwise required where needed to buffer and  
1276 screen adequately adjacent residential zones, or meet the standards set  
1277 forth in 8.04, provided that structural coverage, including parking and

1278 loading areas, is not required to be reduced to less than 60 percent of lot  
1279 area.

1280 8. If the proposed shopping center has frontage on a street, the wall  
1281 of any building running in the same general direction as the street shall not  
1282 be longer than 200 feet or twice the distance which it is setback from the  
1283 street line, whichever is greater.

1284  
1285 D. Office or Business building exceeding 4,500 square feet of gross floor  
1286 area. Lot frontage shall be equal to at least 1/2 the average depth of the lot, but  
1287 not less than 150 feet. Sufficient parking spaces shall be provided to  
1288 accommodate all persons reasonably expected to patronize said building at any  
1289 one time, provided that in any mixed use Business building a minimum of five (5)  
1290 parking spaces shall be provided for each 1,000 square feet of rentable space.  
1291 The Commission may require wider buffers, wider side or rear yards and a  
1292 deeper building setback than are adjacent Residential Zones, or to meet the  
1293 standards set forth in 8.04, provided that structural coverage including parking  
1294 and loading areas is not required to be reduced to less than 60 percent of lot  
1295 area. The wall of the building facing the street shall not be longer than 200 feet  
1296 or twice the distance, which it is set back from the street line, which ever is  
1297 greater. Lot area shall not exceed 10 acres unless all portions of the lot in  
1298 excess of 10 acres are excluded in determining maximum structural coverage  
1299 permitted.

1300  
1301 E. A bed and breakfast.

1302  
1303 F. Multi-specialty veterinary hospital providing, but not limited to, surgical,  
1304 emergency, medical and oncology treatment for animals referred by outside  
1305 veterinarians. Such a hospital does not provide routine or general veterinary  
1306 services (i.e. vaccines, boarding or grooming). No outdoor runs are permitted  
1307 and such a hospital shall be connected to public sewer.

#### 1308 1309 4.11 ACCESSORY BUSINESS USES

1310  
1311 The following uses are examples of uses considered accessory to  
1312 business uses and will be permitted in all business zones so long as they remain  
1313 clearly accessory to the principal use on each lot:

1314  
1315 A. Outdoor electrical apparatus, the sole function of which is to provide  
1316 electrical service to the buildings on the lot.

1317  
1318 B. Adequately buffered and screened containers for the disposal of refuse  
1319 which are emptied periodically, at least weekly. Except as allowed with an  
1320 annual permit, storage of other machinery, equipment, merchandise or similar  
1321 items outdoors is prohibited. *[Amended effective March 3, 2014]*

1322  
1323 C. Exterior lighting, including without limitation, lighting for gasoline service  
1324 station pumps and outdoor sales areas and storage, where permitted, except that



1325 all such lighting shall be so arranged that no direct rays therefrom fall off the lot  
1326 on which it is located.

1327

1328 D. The square footage dedicated to outside sales, displays and/or storage  
1329 shall be considered part of the gross floor area of the business establishment.  
1330 [Added effective May 17, 2024]

1331

#### 1332 4.12 USES PERMITTED IN INDUSTRIAL ZONES

1333

1334 No land, building or other structure shall be used and no building or other  
1335 structure shall be erected, altered or added to which is arranged, designed,  
1336 intended to be, or is capable of being used except for the following principal uses  
1337 provided the Site Development Plan approval has been granted in accordance  
1338 with Article 10 hereof, if so required.

1339

1340 A. In all Industrial Zones the following uses are permitted:

1341

1. Laboratories devoted to research, design and experimentation.

1342

2. Operation of a public utility authorized to furnish service to  
residents of the Town.

1343

1344

3. Buildings containing executive offices for a single corporation or  
related corporations, but excluding offices devoted to the sale of real or  
personal property to the general public on the lot in question.

1345

1346

1347

4. Printing and publishing establishments.

1348

1349

5. Light industrial uses 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.

1350

1351

1352

6. Wholesale business.

1353

1354

7. Storage in bulk of and warehouses for such materials as building  
material, clothing, cotton, drugs, dry goods, feed, food, furniture,  
hardware, ice machinery, pipe, rubber, shop supplies, 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.

1355

1356

1357

1358

1359

1360 B. More than one principle use may be permitted in the same structure or  
1361 building subject to the following:

1362

1. Parking for each such use shall meet the requirements of  
Section 7.05.

1363

1364

2. Intentionally omitted. *[Amended effective March 3, 2014]*

1365

3. Intentionally omitted. *[Amended effective March 3, 2014]*

1366

4. Intentionally omitted. *[Amended effective March 3, 2014]*

1367

5. A maximum of four (4) tenants shall be allowed.

1368

#### 1369 4.13 ACCESSORY INDUSTRIAL USES

1370

1371           The following uses are examples of types of uses considered accessory  
1372 and will be permitted in all industrial zones so long as they remain clearly  
1373 accessory to the principal use on each lot:

1374

1375           A. Eating facilities for the accommodation of persons employed on the  
1376 premises and for visitors but not open to the general public.

1377

1378           B. Garages to shelter vehicles owned by the person, business or industry  
1379 occupying the lot and his agents and employees.

1380

1381           C. Outdoor electrical apparatus, the sole function of which is to provide  
1382 electrical service for the operations conducted on the lot.

1383 **ARTICLE 5**  
1384 **AREA, HEIGHT, BUILDING, YARD REQUIREMENTS**  
1385

1386 5.01 The regulations concerning the area of lots, height of buildings, yard  
1387 dimensions and similar requirements for each zone are set forth in the following  
1388 charts. Unless otherwise provided in the section by which a use of building is  
1389 specifically permitted, no building, dwelling or other structure shall be erected,  
1390 altered or added to except in conformity with the requirements of said charts.  
1391 Where the section permitting a building or use states a requirement inconsistent  
1392 with said charts, such as certain sections permitting uses by special exception,  
1393 said section shall control.  
1394

1395 5.02 HEIGHT LIMITATIONS  
1396

1397 A. No dwelling, building or other structure may exceed 35 feet in height  
1398 above average ground level regardless of the number of stories except buildings  
1399 or structures used in farming not inhabited by humans.  
1400

1401 B. The height limitations of these Regulations shall not apply to the spires,  
1402 towers or belfries of churches, flagpoles, residential radio or television antennae,  
1403 or electric utility transmission towers and cables.  
1404

1405 C. Air conditioning units, elevator shafts and mechanical devices used in  
1406 connection with manufacturing which cannot be placed at a height of less than 35  
1407 feet for engineering or technological reasons may be installed above the roof line  
1408 of the building within the perimeter of the roof in an Industrial Zone provided:

1409 1. Such structure is not more than 40 feet above average ground  
1410 level or the height of such structure above the roof line is not greater than  
1411 50 percent of the height of the roof line, whichever is less.

1412 2. The total square foot area of all such structures measured at  
1413 their widest point shall not exceed 10 percent of the total square foot roof  
1414 area.

1415 3. The bulk of said structures, computed using the maximum  
1416 dimensions for height and square foot area for each structure, shall be  
1417 included in computing the bulk limitation required by 5.01 of these  
1418 Regulations.  
1419

1420 D. Municipal buildings and public schools may be erected to a height  
1421 exceeding 35 feet provided that the front, rear and side yards shall each be  
1422 increased by two feet for each one foot by which such building exceeds 35 feet.

1423 Existing municipal buildings which, on May 22, 1995, exceed the height  
1424 limitations contained in Section 5.02 of these regulations, may be altered or  
1425 enlarged, provided that the maximum structure does not exceed the maximum  
1426 elevation of the existing structure and provided further, that any such alteration or  
1427 enlargement shall comply with all zoning and building requirement  
1428

1429 5.03 SPECIAL YARD REGULATIONS

1430

1431 A. Corner Lots. All yards bounding on a street shall meet the minimum  
1432 requirements for front yards whether or not said street is presently maintained by  
1433 the Town.

1434

1435 B. Buildings housing horses, cattle, sheep or poultry, whether as a  
1436 principal or accessory use of the premises, shall be located at least 100 feet from  
1437 any property line.

1438

1439 C. There shall be no side or rear yard required in any Industrial Zone  
1440 adjacent to a railroad right of way actually containing track.

1441

1442 D. ADA Structural Exemptions. Structural alterations to single family  
1443 residences including but not limited to handrails or wheelchair ramps, which are  
1444 necessary to provide access to individuals with a physical disability shall be  
1445 exempt from the applicable minimum yard setback and maximum lot coverage  
1446 requirements provided that the proposed structure meets the following criteria:

1447

1448 1. The proposed structural alteration must comply with applicable  
1449 guidelines for the American Disabilities Act (ADA); and

1450

1451 2. A Certificate of Occupancy has been issued for the residence or  
1452 the residence has been in existence prior to October 1, 1971. An A-2  
1453 survey shall not be required provided that the applicant can illustrate, to  
1454 the satisfaction of the Zoning Enforcement Officer, the proposed structure  
1455 is located wholly within the subject property boundary and access will not  
1456 affect adjoining property or the public right of way.

1456

1457 5.04 SPECIFIC REQUIREMENTS FOR BUILDINGS & PLOTS

1458

1459 A. No building or structure shall be erected for business, professional, or  
1460 industrial use unless built of materials and of building designs appropriate for a  
1461 scenic, rural New England town, recognizing architectural scale, rhythm, and  
1462 proportion, avoiding monolithic building forms the architectural appearance of  
1463 which is devoid of traditional scale, rhythm, and proportion. It is within the  
1464 purpose of this section to encourage the use of traditional materials and forms,  
1465 along with fractured façades and roof forms in order to control the scale of the  
1466 built environment and maintain, to the extent possible, the traditional character of  
1467 the Borough of Newtown.

1468

1469 B. It is the intention of these Regulations that all structures and land used  
1470 to be provided with sufficient amount of off-street parking area to meet the needs  
1471 of persons employed at or making use of such structures or land uses. No  
1472 permit for the erection of a structure or alteration of an existing structure in the  
1473 excess of \$500.00 or for the development of a land use shall be issued unless  
1474 off-street parking areas shall have been laid out in the plan, in accordance with

1475 the appropriate requirements for the structure and uses set forth in this Section  
1476 below, and approved by the Commission as provided in Paragraph F of this  
1477 Section.

1478  
1479 C. Structures and land uses in existence at the time of the adoption of  
1480 these Regulations shall not be subject to the requirements set forth below,  
1481 providing that any parking areas now existing to serve such structures or uses  
1482 shall not be reduced in the future except where they exceed the requirements in  
1483 which case they shall not be reduced below these Requirements. Required  
1484 parking area for any enlargement or extension, shall, however, be provided as a  
1485 condition for the issuance of any building permit for such enlargement or  
1486 extension in the future.

1487  
1488 D When Business, Professional or Industrial Zones border any Residence  
1489 Zone, no building permit for the erection or alteration of a structure in excess of  
1490 \$500.00 or for the development of a land use shall be issued until an acceptable  
1491 buffer and screen shall have been laid out on the Plan and approved by the  
1492 Commission. Whenever the boundary between a Residence zone and a  
1493 Business or Professional or Industrial zone shall be a street, the Commission  
1494 may require the installation of a suitable landscape screen and related buffers  
1495 along said street line.

1496  
1497 E. The plans for any commercial, professional or industrial building or  
1498 structure or the alteration of existing structures for which site development plan  
1499 approval is not required by the provisions of Article 10 but which will cost in  
1500 excess of \$10,000.00 shall be submitted to the Commission for approval prior to  
1501 issuing a Zoning Permit by the Zoning Enforcement Officer. Said plan shall show  
1502 specifically the location and size of the off-street parking area and landscape  
1503 screen which may be required to comply with this Section and the means of  
1504 access to such parking area from the public street or highway. The Commission  
1505 may withhold its approval from any plan which does not comply with the  
1506 provisions of this Regulation or does not make adequate provision for safety to  
1507 traffic on the public street, safety to pedestrians using the parking facility.  
1508 Required plans shall be drawn and sealed by a licensed architect and/or  
1509 engineer and/or surveyor and submitted in 5 copies.

1510  
1511 F. Nonconformity of any lot in an R-1 Residence Zone with the specific  
1512 requirements for plots in an R-1 Residence Zone contained in this Section 5.04  
1513 shall not prevent the erection, enlargement, alteration or maintenance on such lot  
1514 of a building or buildings in accordance with the provisions of these Regulations  
1515 which were applicable to such a lot immediately prior to December 14, 1963,  
1516 provided:

1517  
1518 1. Such lot is one which immediately prior to December 14, 1963,  
1519 existed as a conforming or allowable non-conforming building lot under the  
1520 Zoning Regulations of the Borough of Newtown then in effect.

1521 2. Such lot shall not at any time on or after December 14, 1963,  
 1522 have adjoined other land directly owned, or indirectly, in whole or in part,  
 1523 by the same owner which would have enabled such owner to conform with  
 1524 the requirements of R-1 Residence Zones under these Regulations.  
 1525

1526 G. Nothing in the amendments to the Zoning Map, the Zoning Boundaries  
 1527 and the Zoning Regulations of the Borough of Newtown, effective December 14,  
 1528 1963, shall be deemed to prevent the erection of a one-family house on any lot of  
 1529 less than required size shown on a map duly filed with the Town Clerk prior to  
 1530 May 1, 1956.  
 1531

1532 **TABLE OF SPECIFIC REQUIREMENTS FOR BUILDINGS AND PLOTS**

1533 [Amended effective April 22, 2019 and May 17, 2024]

1534	Farm& Resid	Prof.	Bus.	Ind.
1536				
1537	1	1	.5.	2
1538	150	150	150.	250
1539				
1540	50	N/A	N/A.	150
1541	75			N/A
1542	25	25	25.	50
1543	N/A	N/A	N/A.	50
1544				
1545	135	N/A	N/A.	N/A
1546				
1547	800	1,500	N/A	N/A
1548				
1549	1,200	2,250	N/A	N/A
1550				
1551				
1552	(See 4.06)	25%	35%.	25%
1553				
1554				
1555	0	60%	70%	60%
1556				
1557				
1558				
1559				
1560	N/A	N/A	N/A.	6

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 1562 H. Any new lot created after [effective date of this regulation] shall contain  
 1563 an area of land at least equal to the minimum lot area in acres for the zone in  
 1564 which it is located exclusive of wetlands, watercourses, FEMA 100-year flood  
 1565 plains, and natural slopes of twenty-five (25%) percent or greater. If the lot is a  
 1566 rear lot, then the area of the access strip of land intended for the driveway must  
 1567 also be excluded from the calculation of the minimum lot size.  
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## ARTICLE 6

### SIGNS

#### 6.01 PURPOSE

Signage should enhance and not detract from the harmony and historic character of the Borough of Newtown while meeting the need for adequate business identification, advertising and visual communication. It is the responsibility of the Borough to promote public safety, protect property values, minimize visual clutter and enhance the physical appearance of the Borough. The intent of these regulations is to fulfill the aforementioned responsibilities and give due consideration to the protection and enhancement of the Borough of Newtown's historic character.

#### 6.02 GENERAL PROVISIONS [Amended effective March 3, 2014]

No zoning permits or site plans shall be approved if the proposed signage is not in conformance with these sign regulations.

Directional signs shall contain no advertising.

In all zones, signs must be located on the same lot as the building or use to which the sign applies, the wording on the sign shall be limited to the name, trade name, address and profession of the person, organization, building, business or industry using the building lot or building, words descriptive of the items grown, produced, manufactured, sold or stored thereon or the services rendered thereon.

If any lot lies in two (2) or more zones, the sign regulations for the more restrictive zone will apply to the entire lot.

Window advertising signs are not allowed in any zone.

##### A. Relationship to the Streets.

1. In all zones other than Residential, no sign shall be located closer than twenty-five (25') feet from the paved or traveled portion of any road in any zone with the exception of names and addresses attached to mailboxes or signs placed flush against the front wall of a building in existence.

2. Signs shall not conflict with the following corner visibility requirements. Signs shall not be so located as to obstruct or interfere with the visibility of vehicular or pedestrian traffic; they shall not obstruct or interfere with the view of any traffic control sign, signal or device. The minimum required lines of sight are:

- a. local residential streets and unclassified streets – 150 feet;
- b. minor and major collector streets – 200 feet;
- c. arterial streets – 250 feet.

1614 Where the paved or traveled portion of such street is widened, then  
1615 any sign obstructing the new lines of sight shall be set further back to  
1616 conform to these requirements.

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1619 6.03 DEFINITION OF TERMS [Entire 6.03 amended effective March 3, 2014]  
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1621 Signs shall be classified by structural type and by functional type.

1622  
1623 A. Structural types of signs are defined as:

1624 1. Freestanding Sign: a sign placed on the ground or supported by  
1625 one or more uprights, poles or other supports placed in or upon the  
1626 ground.

1627 2. Wall Sign: a sign attached to the exterior surface of the structure  
1628 and to the unit to which it pertains, or forms the background surface of the  
1629 sign and which does not project more than twelve (12") inches from the  
1630 structure.

1631 3. Projecting Sign: a sign which is wholly or partly dependent upon  
1632 a building for support and which projects more than twelve (12") inches  
1633 from the building.

1634 4. Portable Sign: a sign which is not permanent and not affixed to a  
1635 building, structure or the ground.

1636 5. Window Sign: a sign either (a) located on a window or (b)  
1637 located within the building which can be viewed through the window of the  
1638 structure.

1639 6. Hanging Sign: a sign that is suspended from the front of and  
1640 parallel to the building structure. The sign shall not extend beyond the  
1641 front of the structure. *[Amended effective December 21, 2015]*

1642  
1643 B. Functional types of signs are defined as:

1644 1. Identification Sign: A Roadside Identification Sign or a Building  
1645 Sign that is free standing and a free standing sign located on the premises  
1646 which indicates the name, address and/or identifying symbol of a  
1647 development containing a professional office building, a residential  
1648 development, industrial park or commercial center, a shopping center, a  
1649 school park, place of worship, hospital or other public or semi-private  
1650 facility. *[Amended effective December 21, 2015]*

1651 2. Name-Plate Sign: located at the premises which indicates the  
1652 name and occupation or profession of each occupant of the premises.

1653 3. Real Estate Sign: a sign which pertains to the sale, lease or  
1654 rental of the premises, or a portion of the premises, on which the sign is  
1655 located.

1656 4. Construction Sign: a temporary sign located on the premises on  
1657 which construction is taking place during the period of such construction  
1658 which may indicate the names of the design professionals, contractors,



1659 owners, financial supporters, sponsors and/or similar individuals or firms  
1660 having a role or interest with respect to the structure or project.

1661 5. Business/Professional Sign: a sign which directs attention to a  
1662 business or profession on the premises on which the sign is located.  
1663 Such signs shall include those of individual retail, wholesale, industrial,  
1664 commercial and professional establishments.

1665 6. Advertising Sign: a sign that promotes one (1) or more products  
1666 or services except as defined above.

1667 7. Directional Sign: a sign limited to directional messages for  
1668 pedestrian or vehicular traffic.

1669 8. Temporary Sign: a sign which is limited to a specific period of  
1670 time.

1671 9. Directory Sign: a sign that provides information to an interior  
1672 building/occupant.

1673

1674 C. Other Definitions:

1675 1. Interior Building: a building that does not have an accessible  
1676 road frontage and is set back and behind a building with accessible road  
1677 frontage.

1678

1679 6.04 SIGN AREA AND DESIGN [Entire 6.04 amended effective March 3, 2014]

1680 A. Computation of Sign Area:

1681 1. The area of a sign shall be computed from the outer dimensions  
1682 of the frame, trim or molding by which the sign is enclosed. When a sign  
1683 consists of freestanding letters, symbols or characters its area shall be  
1684 computed as the area of the smallest rectangle which encloses all of the  
1685 letters, symbols or characters.

1686 2. Where a sign does not contain a frame, trim or molding, the area  
1687 shall be determined by the perimeter of the sign face. (Amended effective  
1688 May 17, 2024)

1689 3. When a sign consists of two or more faces, only one face of the  
1690 sign shall be used in computing the sign area if the faces are parallel to  
1691 and within twelve (12") inches of each other. Otherwise, all faces of the  
1692 sign shall be used to compute the sign area.

1693 4. When a sign consists of two or more faces, only one face of the  
1694 sign shall be used in computing the sign area if the faces are parallel to  
1695 each other and part of a single sign structure. Otherwise, all faces of the  
1696 sign shall be used to compute the sign area.

1697 5. When a free standing sign is mounted on a flat surface, the sign  
1698 area will be the size (square footage) of the flat surface or the square  
1699 footage of the sign, whichever is greater. (Amended effective May 17,  
1700 2024)

1701

1702 B. Design: The design of the sign shall not include moving parts or a  
1703 material giving the appearance of motion.

1704

- 1705 6.05 STANDARDS FOR WALL SIGNS AND FREESTANDING SIGNS  
1706 A. Standards for Wall Signs:  
1707 1. No wall sign shall extend beyond the outer edge of any wall of  
1708 the building to which it is attached.  
1709 2. A wall sign shall be parallel to the wall to which it is attached and  
1710 shall not project more than twelve (12") inches therefrom.  
1711 3. No wall sign shall be painted directly on any wall.  
1712 4. No wall sign shall extend above the eaves of the building to  
1713 which it is attached.  
1714  
1715 B. Standards for Freestanding Signs:  
1716 1. In residential zones, the height of any freestanding sign shall not  
1717 exceed six (6') feet. In non-residential zones, the height of any  
1718 freestanding sign shall not exceed the height of ten (10') feet. The height  
1719 of the sign shall be measured from the ground to the top of the sign.  
1720 2. In all zones other than Residential, no part of any freestanding  
1721 sign shall be located within ten (10') feet of any property line. In  
1722 Residential zones, no part of any freestanding sign shall be located within  
1723 ten (10') feet of any side property line.  
1724 3. Only one (1) freestanding sign shall be permitted on a lot even if  
1725 there is more than one building or use on that lot.  
1726 4. For free standing signs mounted on a base, the base shall not  
1727 exceed 1 foot in height, 1 foot in depth and not extend more than 6 inches  
1728 beyond the sign length. (Amended effective May 17, 2024)  
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1731 6.06 SIGN ILLUMINATION

- 1732 A. When a sign is externally illuminated, the light source shall be directed  
1733 on that sign and shielded so that the beams or rays of light do not shine or  
1734 directly reflect onto the adjacent properties or street and in harmony with the  
1735 neighborhood.  
1736 B. An externally illuminated sign located on a lot adjacent to or across  
1737 from the street from a residential zone shall not be illuminated between the hours  
1738 of 10:00 P.M. and 7:00 A.M.  
1739 C. Illumination shall be non-animated and non-flashing.  
1740 D. Internally illuminated signs are not permitted.  
1741

1742 6.07 PERMITTED SIGNS

- 1743 A. Subject to these regulations, the following signs are allowed without a  
1744 permit:  
1745 1. Not more than one (1) real estate sign for each lot is allowed on  
1746 which the sign is located; such sign not to be illuminated or exceed six (6)  
1747 square feet in area in residential zones or twelve (12) square feet in non-  
1748 residential zones. Real estate signs shall be removed thirty (30) days after  
1749 the sale, lease or rental. [Amended effective March 3, 2014]  
1750

1751 B. Subject to these regulations, the following signs are permitted for  
1752 allowed residential accessory uses in a Residential Zone with a sign permit:  
1753 1. One freestanding sign meeting the following requirements:  
1754 a) the sign shall be of the hanging type, supported by  
1755 a single post;  
1756 b). not larger than two (2) square feet with the longest  
1757 side not more than three times the length of the shortest  
1758 side;  
1759 c). signs shall be located between the side property  
1760 lines of the lot on which the referenced use is located, as  
1761 extended to the center line of the street;  
1762 d). no portion of such sign shall be located within ten  
1763 (10) feet from the edge of that portion of the street designed  
1764 for motor vehicle use.  
1765

1766 C. Subject to these sign regulations, the following signs are allowed with a  
1767 special temporary permit, provided that there is a minimum of thirty (30) days  
1768 between such permits: [Amended effective May 3, 2024]

- 1769 1. temporary signs including banners, pennants, valances, flags,  
1770 streamers, inflatables and A-frame signs provided that:
- 1771 a. a temporary permit has been issued by the Zoning  
1772 Enforcement Officer indicating the nature, size, location and tenure  
1773 of the signs;
  - 1774 b. the permit shall be valid for a period not to exceed ten (10)  
1775 days;
  - 1776 c. the signs shall be removed within forty-eight (48) hours  
1777 after the event to which they relate;
  - 1778 d. such signs shall not be illuminated;
  - 1779 e. temporary non-banner type signs shall not exceed nine (9)  
1780 square feet in area to include both sides and temporary banner  
1781 signs shall not exceed forty five (45) square feet in area; and  
1782 [Amended effective March 3, 2014 and May 17, 2024]
  - 1783 f. up to four (4) temporary sign permits may be obtained in  
1784 any one (1) calendar year relating to a single location provided that  
1785 there is a minimum of thirty (30) days between each permit.
  - 1786 g. non-profit events within the Borough of Newtown, non-  
1787 recurring professional or business events such as grand openings,  
1788 going out of business, clearance sales, seasonal promotions and  
1789 events. [Amended effective December 21, 2015]

1790 2. Subject to the requirements of the preceding section, only one  
1791 (1) temporary banner or sign at a time, for public service, non-profit  
1792 purposes, in connection with an event transpiring within the Borough or  
1793 Town of Newtown, may be hung or posted on the east side of the railroad  
1794 bridge on Church Hill Road. Permits for such banner signs may be issued  
1795 by either the Warden of the Borough or the Borough Zoning Enforcement  
1796 Officer. [Amended effective March 3, 2014]

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D. Subject to these regulations, the following signs are allowed in a professional zone with a permit: [Entire Subparagraph D amended effective March 3, 2014]

1. One (1) identification sign per property not to exceed eight (8) square feet in area; and
2. One (1) wall or hanging sign per building occupant not to exceed four (4) square feet in area or six (6) feet in length and affixed to their occupied space. The information on a wall or hanging sign, not to exceed (4) square feet, may be placed on an awning provided that a wall or hanging sign is not placed on the building. The wall sign, hanging sign, and signage on the awning shall be compatible with the distinctive character and architecture of the building. [Amended effective April 22, 2019]
3. For Professional zoned properties with multiple buildings, an additional directory sign not to exceed eight (8) square feet in area will be allowed for each interior building. The interior directory-style sign shall not be directly visible from a roadway.
4. Properties/buildings located in the Village District where all parking is located within the rear yard or rear of building shall be entitled to one (1) identification sign for each accessible road frontage and two (2) wall signs per building occupant, one visible from the street and the other visible from only the rear parking. Name plate signs not to exceed two (2) square feet in area may be used in lieu of the wall signs in the rear of the building and must be visible only from the rear parking.

E. Subject to these regulations, the following signs are allowed in a Business zone with a permit: [Entire Subparagraph E amended effective March 3, 2014]

1. One (1) identification sign per property not to exceed eight (8) square feet in area; and either
  - a. One (1) projecting business sign per building occupant not to exceed eight (8) square feet in area: or
  - b. One (1) wall or hanging sign per building occupant not to exceed fourteen (14) square feet in area, except that the business establishments having an excess of fifty (50) linear feet of building frontage shall be allowed an additional one (1) square foot of sign area for each five (5) linear feet of such building frontage, provided, however, that no such business establishment shall have a total sign area in excess of twenty-five (25) square feet. Up to (4) square feet of the wall or hanging sign allowance may be placed on an awning and will be included in the total sign allowance. The wall sign, hanging sign, and signage on the awning shall be compatible with the distinctive character and architecture of the building. [Last amended effective April 22, 2019]

1842 c. For Business zoned properties with multiple buildings, an  
1843 additional directory sign not to exceed eight (8) square feet in area  
1844 will be allowed for each interior building. The interior directory-style  
1845 sign shall not be directly visible from a roadway.

1846 2. Properties located in the Village District and where all parking is  
1847 located within the rear yard, shall be entitled to one (1) identification sign  
1848 for each accessible road frontage and two (2) wall business signs per  
1849 building occupant, one visible from the street and the other visible only  
1850 from the rear parking. Each such sign shall not exceed fourteen (14)  
1851 square feet in area, except that business establishments having in excess  
1852 of fifty (50) linear feet of frontage shall be allowed an additional one (1)  
1853 square foot of sign area for each five (5) linear feet of such additional  
1854 frontage provided, however, that no such business establishment shall  
1855 have any single sign that exceeds twenty five (25) square feet in area.  
1856

1857 F. Subject to these regulations, the following signs are allowed in an  
1858 Industrial zone with a permit:

1859 1. One (1) freestanding sign not to exceed twenty (20) square feet  
1860 in area; and

1861 2. Two (2) industrial or name plate signs, as applicable, not to  
1862 exceed four (4) square feet in area per building occupant; and either:

1863 a. One (1) wall industrial sign per building occupant not to  
1864 exceed fourteen (14) square feet in area, except that the business  
1865 establishments having an excess of fifty (50) linear feet of building  
1866 frontage shall be allowed an additional one (1) square feet of sign  
1867 area for each five (5) linear feet of such additional frontage;  
1868 provided, however, that no such industrial establishment shall have  
1869 a total sign area in excess of twenty-five (25) square feet; or

1870 b. One (1) projecting sign per building occupant not to  
1871 exceed sixteen (16) square feet in area.

1872 3. For Industrial zoned properties for multiple industries within the  
1873 property, the freestanding sign area may be increased by two (2) square  
1874 feet per industrial tenant with an industry in that property. The total  
1875 freestanding signage shall not exceed twenty-four (24) square feet.  
1876

1877 G. For Municipal buildings and Municipal uses (in a residential zone),  
1878 signage allowances of 6.07.D.1 shall apply for one free standing sign, with a  
1879 maximum of two sides, which directs attention to the governmental facility with  
1880 additional sign area permitted for offices or uses and/or preexisting  
1881 nonconforming uses on the premises on which the sign is located and/or specific  
1882 events taking place therein or on the grounds thereof. The additional sign area  
1883 shall not exceed two (2) square feet per office, use and/or specific event. Such  
1884 event signs may be changed from time to time without prior approval and are  
1885 limited to events taking place and such events as are planned to occur within the  
1886 30 days next following any change in the event sign. *[Last amended effective*  
1887 *April 22, 2019]*

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- H. District identification signs shall meet the following requirements:
1. Not larger than five (5) square feet with the longest side not more than two (2) times the length of the shortest side.
  2. The sign shall be of the hanging type, supported by a single post.  
[Amended effective December 22, 2014]

I. Village District Identification and Business Sign *[#1 added effective December 21, 2015]*

1. Properties in the Village District other than those zoned Residential and properties zoned Residential on which the principal use is not a residence shall be entitled to one (1) Roadside Identification Sign for each accessible road frontage and not more than two (2) wall signs per business occupant, one visible from the street and the other, where all parking is located within the rear yard, visible only from the rear parking area. Such wall signs may be composed of multiple parts if building design makes such a multi-part sign more consistent with Village District goals. Each such sign, including a multi-part sign, shall not exceed the wall sign square footage specified in each zone, except for establishments having in excess of fifty (50) linear feet of building frontage shall be allowed an additional one (1) square foot of sign area for each five (5) linear feet of building frontage, provided however, that no such establishment shall have any such sign that exceeds twenty five (25) square feet in area.
2. On properties located in the Village District containing Shopping Centers and multi-component business, professional and industrial developments on which an anchor or principal building structure is set back from the roadway at least two hundred (200) feet, such Shopping Center or business, professional or industrial development may have, in lieu of a Roadside Identification Sign, one (1) Building Identification Sign located either on the face of the building or on a roof element such as a cupola. Such Shopping Center or business, professional or industrial development with three (3) or more discrete business buildings may have up to two (2) Building Identifications Signs per center or development.
3. Building Identification Signs shall be set back from the travelled portion of the adjacent roadway at least two hundred (200) horizontal feet and be no larger in area than thirty (30) square feet, provided that four (4) additional square feet may be added for each additional hundred (100) feet the sign is back from the travelled portion of the adjacent roadway. Such signs shall otherwise conform to general sign regulations contained herein.
4. One additional projecting sign per tenant located at the main business entrance if the center or development has a pedestrian walkway. The sign shall contain the business name and will not exceed two (2) square feet.

1934 J. Public or Semi-Public Facility. One (1) identification sign, not to exceed  
1935 nine (9) square feet in area, to identify a public or semi-public facility. The  
1936 identification sign for a place of worship, school, museum or similar institution  
1937 may include as part of its sign area, a bulletin board on which messages and  
1938 announcements of activities and programs can be displayed. [Added effective  
1939 May 17, 2024]

1940

#### 1941 6.08 SIGN PERMITS

1942 A. No sign shall be constructed, erected, altered or otherwise changed  
1943 except for signs specifically allowed without a permit as provided herein.

1944 B. All sign permit applications shall be signed by the applicant and owner  
1945 of the lot on which the sign will be located and shall be accompanied by the  
1946 following:

1947 1. A sketch drawing to scale of the building frontage façade,  
1948 showing locations, dimensions and area of all existing and proposed signs  
1949 on the premises; and

1950 2. Plans and specifications of the proposed sign, including its  
1951 dimensions, area, maximum and minimum height, proposed message and  
1952 design, materials, colors, method of construction and illumination.

1953

1954 C. Where a building or use is allowed only upon the obtaining a special  
1955 exception, all proposed signs for such building or use shall be governed by these  
1956 regulations. All proposed signs, for such building or use shall be part of the  
1957 application for said special exceptions and shall be approved by obtaining sign  
1958 permit(s). [Amended effective May 17, 2024]

1959

1960 D. All permits shall be issued by the Zoning Enforcement Officer.

1961

#### 1962 6.09 SIGN MAINTENANCE AND REMOVAL

1963 A. All signs, together with their supports, braces, guys and anchors, shall  
1964 be kept in good working order and safe condition.

1965 B. The owner of the lot on which the sign is located shall be directly  
1966 responsible for keeping such sign, including its illumination sources, in good  
1967 working order and safe condition and maintained in its original condition.

1968 C. Unsightly, damaged, deteriorated signs or signs in danger of falling  
1969 shall be returned to their original condition or removed.

1970 D. With the exception of real estate and temporary signs, all signs and  
1971 their supports, braces, guys and anchors, which pertain to a business no longer  
1972 conducted on the premises where such sign is located shall be removed by the  
1973 owner of the lot on which the sign is located within five (5) days following  
1974 cessation of the relevant activity. [Amended effective March 3, 2014]

1975 E. Non-conforming signs shall be completely and totally removed at such  
1976 time as the use changes or ownership of the business changes.

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## ARTICLE 7

### PARKING, LOADING, LANDSCAPE AND SIDEWALK REQUIREMENTS

#### 7.01 PARKING FACILITIES

Parking facilities meeting these Regulations shall be provided off the street-right-of-way for all new buildings erected, for all existing buildings which are enlarged to an extent exceeding 20 percent of the floor area existing on (effective date of these Regulations) and for all premises where the use is changed subsequent to said date. Parking facilities shall be sufficient to accommodate the motor vehicles of all occupants, employees, customers, and others normally visiting the premises at any one time. For those buildings where on street parking is provided, twenty-five (25%) percent of the designated on-street parking spaces within 500 feet of the property lot may be included in the minimum required parking spaces for that building. [Amended effective December 22, 2014]

7.02 Except as noted in Paragraph 7.01, parking facilities shall be on the same lot with the use used to compute the requirements for the number of off street parking spaces, except that in Professional, Business 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 facility is within 500 feet of the building lot on which the building use is being served, (b) that the right to use such off-site parking, whether the right is exclusive or shared, is secured to the primary site by long term agreement, and (c) off-site parking is located on the same side of the street as the principal use and is connected by sidewalks or equivalent pedestrian access. [Amended effective December 22, 2014]

7.03 A. Each parking space shall be capable of containing a rectangle 9 feet in width and 20 feet in length and be contiguous to a driveway permitting access to a street.

B. Driveways (other than driveways serving a single family residence without an accessory use requiring parking) contiguous to parking spaces 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. 12 feet for parallel and 30 degree angle parking.
2. 15 feet for 45 degree angle parking.
3. 18 feet for 60 degree angle parking.
4. 20 feet for 90 degree angle parking.



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C. Driveways (other than driveways serving a single family residence without an accessory use requiring parking) contiguous to parking spaces to be used for 2 way travel shall not be less than 20 feet wide no matter what the angle of parking.

7.04 A. No parking space shall be permitted closer than 20 feet from the street line, except for parking spaces existing at the inception of this regulation. Parking spaces are permitted within a setback area provided that:

1. The parking spaces were in existence or approved prior to the inception of this amendment, or
2. The parking spaces are to the rear of the lot or building so as to minimize the visibility from the street, and
3. The parking spaces are no closer than 20 feet from a street line, and
4. The parking spaces are allowed only to the extent of meeting the minimum parking requirements. Parking within the setback shall be minimized to the maximum extent possible, and
5. The parking spaces for Assisted Living Facilities comply with section 4.08.1.B.7 of these regulations. [Entire paragraph Amended effective April 22, 2019]

B. Except for the parking required for a single family residence without an accessory use requiring parking, all parking spaces and areas shall have impervious, bituminous concrete or equivalent surfacing, shall be adequately drained so that water does not collect or stand on the surface, shall have each parking space clearly marked and driveways shall be marked to indicate the direction of travel. Provided, however, that approved pervious pavers may be used upon application therefore if:

1. the Commission finds that, if the proposed developments or any portion thereof are within a regulated wetland area or affects a regulated wetland area, the Inlands Wetlands Commission, after having fully considered the purposes of Sections 22a-36 through 22a-45 of the General Statutes and the factors contained therein, has previously found that the proposed use of pervious pavers, and the location and extent thereof, will have an acceptable degree of impact on the environment, provided, however, that the Commission may, upon the affirmative vote of four members override a finding of the Inlands Wetlands Commission under this section, and
2. the Commission finds that the proposed use of such pervious pavers

2068 a. is consistent with the comprehensive plan and the Plan of  
2069 Development, and

2070 b. is reasonably necessary after considering the health,  
2071 safety and convenience of the community, preservation of property  
2072 values, the impact on density and traffic congestion and  
2073 alternatives to their use.  
2074

2075 C. Driveways (other than driveways serving a single family residence  
2076 without an accessory use requiring parking) providing access to a parking area  
2077 from a street shall be at least 9 feet wide if one way and 20 feet wide if two way,  
2078 and if providing access to a parking area of more than 10 parking spaces shall  
2079 not enter a public highway less than 75 feet from the center line of the nearest  
2080 intersecting street on the same side of the street as the driveway.  
2081

2082 D. The perimeter of any parking area in a Professional, Business or  
2083 Industrial zone shall be provided with a curb not less than 6 inches in height  
2084 appropriately backfilled with earth material. If the parking area on a lot serving a  
2085 nonconforming use in a residential zone is paved or otherwise improved  
2086 subsequent to the date of these Regulations, said curb shall also be installed.  
2087

2088 E. Parking in Business and Professional zones will be to the rear of the  
2089 building away from the street line. Placement of buildings shall not interfere with  
2090 vehicular or pedestrian sight lines.

2091 1. The perimeter of any parking area in a Professional, Business or  
2092 Industrial zone shall be provided with a curb not less than 6 inches in  
2093 height appropriately backfilled with earth material. If the parking area on a  
2094 lot serving a nonconforming use in a residential zone is paved or  
2095 otherwise improved subsequent to the date of these Regulations, said  
2096 curb shall also be installed.

2097 2. For all new construction and substantial reconstruction of  
2098 buildings for non-residential uses, except those lots abutting Main Street,  
2099 curbing of driveways and on the street shall be granite curbing, which shall  
2100 have a beveled edge along the outside edge facing the street or drive.  
2101 [Amended effective December 22, 2014]  
2102

2103 7.05 The number of parking spaces set forth in the following schedule of  
2104 requirements will be considered as the minimum required for each such use to  
2105 meet the standards set by 7.01 hereof, subject to the exception provided by 7.06  
2106 below. The schedule is intended to be representative and not inclusive, and the  
2107 minimum parking required by 7.01 hereof for permitted uses not specified herein  
2108 shall be determined by reference to the most similar use for which a requirement  
2109 is given. More parking spaces may be required where the Zoning Enforcement  
2110 Officer reasonably determines that the nature of the use is such that more  
2111 vehicles than the minimum number of spaces specified herein are probably going  
2112 to be parked in connection with such use at one time.  
2113

- 2114 A. Places of assembly with fixed seats, such as a theater, church,  
2115 auditorium, or funeral parlor - 2 spaces per 6 seats. Where pews or benches are  
2116 used as fixed seats, 2 spaces will be required per 9 linear feet.
- 2117 B. Places of assembly without fixed seats such as banquet halls and club  
2118 houses, including volunteer fire departments - one space for 100 square feet of  
2119 gross floor area (limited in the case of volunteer fire departments to the area of  
2120 the fire house used for meetings or banquets) subject to the exceptions of 7.06.
- 2121 C. Bowling alleys - 5 per bowling lane.
- 2122 D. INTENTIONALLY OMITTED. [Amended effective December 22, 2014]
- 2123 E. Hotels or motels - one space for each bedroom, plus one for each  
2124 employee on the largest shift.
- 2125 F. Restaurant or Tavern - one space per 2 seats (or per 4 linear feet of  
2126 bench), plus one for each employee on the largest shift.
- 2127 G. Uses permitted by 4.09A shall require parking at the rate of one space  
2128 per 200 square feet of gross floor area or part thereof, and any use permitted as  
2129 an accessory use pursuant to 4.07A wherein articles are sold on the premises  
2130 shall require parking at the rate of one space per 75 square feet of gross floor  
2131 area or part thereof (limited in the case of residences to the area of the residence  
2132 actually devoted to the accessory use permitted by 4.07A)."
- 2133 H. Professional office buildings, the portion of buildings used for banking  
2134 or publishing, and professional offices carried on as an accessory use pursuant  
2135 to 4.07A - one per 250 square feet of gross floor area (limited in the case of  
2136 residences to the areas of the residence actually devoted to the accessory use  
2137 permitted by 4.07A).
- 2138 I. All industrial uses and uses permitted by 4.09C - one per employee on  
2139 the largest shift plus one per industry or business vehicle usually kept on the  
2140 premises.
- 2141 J. Roadside stands for a sale of agricultural produce or nursery stock -  
2142 one space per linear foot measured on the longest dimension of the stand - not  
2143 less than 10.
- 2144 K. Single family residential dwellings - 2 spaces (which may be provided  
2145 by the use of an enclosed garage or breezeway).
- 2146 L. Dwellings carrying on an accessory use pursuant to 4.07A which is not  
2147 a professional office nor any portion of which is devoted to retail sales - dwelling  
2148 requirements plus one space for each employee not residing on the premises.
- 2149 M. Nursery School as an accessory use pursuant to 4.07B - dwelling  
2150 requirement plus one space for each employee or other supervising parent.
- 2151 N. Where roomers or boarders are kept by a family pursuant to 4.07C -  
2152 dwelling requirement plus one space for each roomer or boarder.
- 2153 O. Public libraries - one space for each 500 sq. feet of gross floor area.
- 2154 P. Use of Small Car Parking Spaces.
- 2155 1. Uses obtaining approval of a site development plan for which the  
2156 minimum number of parking spaces to be provided determined by  
2157 application of Section 7.05 is at least 50 may utilize small car parking  
2158 spaces containing a rectangle 8' width plus 16' length for not more than 25  
2159 percent of the total number of parking spaces provided. Uses existing on

2160 July 13, 1985 for which the minimum number of parking spaces which  
2161 should be provided by application of Section 7.05 is at least 50 may  
2162 modify their parking lots to utilize small car parking spaces for not more  
2163 than 25 percent of the total number of parking spaces provided by  
2164 application to and approval by the Commission. Any application to permit  
2165 small car parking spaces for existing uses shall be accompanied by a  
2166 survey plan of all parking lots and driveways serving the existing use,  
2167 drawn to scale of not less than 1" = 40', certified by a registered land  
2168 surveyor as meeting the A-2 classification of the Connecticut Technical  
2169 Council. Said plan shall also show the information required by Subsection  
2170 7.05P.2 below and all other information and improvements described in  
2171 this Article 7. Small car parking spaces shall not be allowed unless  
2172 approved by the Commission under site development plan review or by  
2173 application to an existing use.

2174 2. Small car parking spaces shall be laid out in groups of four or  
2175 more. Pavement markings shall be different from the regular sized  
2176 parking spaces and shall contain the phrase "COMPACT VEHICLE  
2177 ONLY" in letters not less than 9 inches high in each small car space.  
2178 Pavement markings shall be maintained and repainted as needed to  
2179 clearly delineate the difference between small car parking spaces and  
2180 regular sized parking spaces. [Amended effective December 22, 2014]  
2181

2182 7.06 Churches, theaters, banquet halls, and other similar uses, the parking  
2183 requirements for which are likely to occur during hours other than ordinary  
2184 business hours, may provide not more than 50 percent of the required parking  
2185 space through the use of parking spaces provided by adjacent buildings and  
2186 uses which do carry on the major portion of their business during ordinary  
2187 business hours, provided the nearest boundary of said parking area is within 500  
2188 feet of the church, theater, bowling alley, banquet hall or similar use and provided  
2189 further that the owner of said adjacent parking space notifies the Zoning  
2190 Enforcement Officer in writing prior to the granting of any building permit to said  
2191 church, theater, bowling alley, banquet hall or other business that said church,  
2192 theater, bowling alley, banquet hall or other business may use said adjacent  
2193 parking lot during other than ordinary business hours. Revocation of such  
2194 permission by the owner of said adjacent parking lot shall be sufficient cause to  
2195 revoke a building permit issued in reliance on said permission, or to refuse a  
2196 Certificate of Occupancy, and if a Certificate of Occupancy has already been  
2197 issued when such permission is revoked, said church, theater, banquet hall or  
2198 other business shall immediately conform to the requirements of 7.01 hereof or  
2199 be subject to the penalty provided by the General Statutes for the maintenance of  
2200 a use in violation of the Zoning Regulations.

2201  
2202 7.07 A. Vehicles for which registrations are required to be obtained from the  
2203 State of Connecticut before using the public highways, including without  
2204 limitation, cars, trucks and trailers, which do not have a currently valid registration  
2205 permitting them to travel on the public highways, except operable motor vehicles

2206 used on farms, shall not be parked or stored on any lot unless completely  
2207 enclosed within a building or other structure.

2208

2209 B. Boats, boat trailers and unoccupied trailers having a current registration  
2210 to use the public highways may be parked or stored (one of each) outdoors only  
2211 if parked or stored in a rear or side yard as far from the lot line as possible.

2212

2213 C. Plumbers, electricians and similar artisans and tradesmen using panel,  
2214 pickup or similar trucks in their trade or business may park said trucks on the  
2215 same lot as the dwelling they occupy in any zone provided that no more than one  
2216 such truck is so parked or stored on the lot per occupant engaged in such trade.  
2217 Parking of light pickup and panel trucks not in excess of 1.5 tons capacity used  
2218 for transportation by occupants of the lot, whether or not artisans, is also  
2219 permitted.

2220

2221 D. Heavy Machinery and Equipment Generally Prohibited in Residential  
2222 and Farming and in Professional Zones.

2223

2224 1. Except for equipment and vehicles operated by a public authority  
2225 or public utility, and except as otherwise provided below, the presence of  
2226 any piece of construction machinery or other equipment, dump truck,  
2227 garbage truck or other heavy truck of a type not ordinarily used as a  
2228 means of transportation for people exceeding 500 pounds gross weight  
2229 ('heavy equipment') is prohibited in all Farming and Residential and  
2230 Professional Zones whether or not used or owned by an occupant of the  
2231 lot. Such heavy equipment, when parked or stored in other zones, and all  
2232 operable motor vehicles used on farms which are parked or stored  
2233 outdoors, shall be screened from the street and adjacent residentially and  
2234 professionally zoned property. [Amended effective December 22, 2014]

2235

2236 2. Heavy Equipment Permitted in Certain Circumstances. The  
2237 presence of heavy equipment is allowed in the following circumstances,  
2238 provided, however, that the Work is diligently prosecuted:

2239

2240 a. Relating to Approved Site Plan or Special Exception.

2241 Heavy equipment may be present on properties in such zones only  
2242 to the extent necessary to facilitate repairs and/or improvements to  
2243 the property on which they are present (hereinafter, 'the Work')  
2244 provided that specific provision therefore has been made in any  
2245 Site Plan or Special Exception approval.

2246

2247 b. Relating to Building Permits for Work by Independent  
2248 Contractors. Any property owner or person in control of property  
2249 may have heavy equipment on Residential and Farming or on  
2250 Professional zoned property in conjunction with, and only insofar as  
2251 is necessary for the completion of the Work by an independent

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contractor for which a building permit has been issued in advance; provided that any such time period shall not exceed 45 consecutive days from the beginning to the end of the Work period.

c. General Permit. Any property owner or person in control of property may have heavy equipment having a gross weight in excess of 500 pounds on Residential and Farming or on Professional zoned property in conjunction with, and only insofar as is necessary for the completion of the Work one time for a period of not more than seven consecutive days in any 3-month period pursuant to the General Permit established by this subsection.

Any property owner or person in control of property may have heavy equipment having a gross weight of 2,000 pounds or greater on Residential and Farming or on Professional zoned property either in conjunction with, and only insofar as is necessary for the completion of the Work one time for a period of not more than 48 consecutive hours in any 3-month period pursuant to the General Permit established by this subsection.

Heavy machinery or equipment owned by or under the control of any licensed tradesperson may be present on Residential and Farming or on Professional zoned property belonging to others during the time necessary to effect improvements or repairs contracted by the property owner or occupant.

d. Heavy Equipment Permit. Any property owner or person in control of property may have heavy equipment on Residential and Farming or on Professional zoned property in circumstances other than those specified above with a Heavy Equipment Permit. The Zoning Enforcement Officer may issue up to four Heavy Equipment Permits in any 12-month period for not more than ten days each with respect to any single property. The Zoning Enforcement Officer shall refer all other applications to the Zoning Commission for review and action thereon.

The applicant for any such permit shall provide the following information and such other information as may assist the issuing authority in determining the necessity for the presence of such equipment on the property for the period for which the application is made:

- 1) the name of the property owner and the address of the property;
- 2) a description of the nature and extent of the Work;
- 3) the proposed beginning and ending dates of the Work;
- 4) a description of the types and number of pieces of heavy equipment required for accomplishment of the Work;
- 5) a statement of the proposed workforce expected to be engaged in accomplishing the Work; and

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6) the reason, if any, why the presence of such heavy equipment for periods in excess of those provided for generally is necessary to the accomplishment of the Work.

Copies of such application(s) and/or permit(s) may be distributed to the Zoning Enforcement Officer, the Building Department, the Inland Wetlands Agency and/or other municipal agencies as deemed appropriate.

7.08 A. Space for loading and unloading shall be provided by all hospitals, hotels, restaurants, retail business, wholesale business and all manufacturing and other industrial uses at the rate of 400 square feet for each 15,000 square feet of floor area or fraction thereof up to 30,000 square feet, and 400 square feet for each 30,000 square feet of floor area or fraction thereof in excess of 30,000 square feet. Parking spaces required by 7.01 hereof may not be used to provide the required loading space.

B. The required loading space shall have adequate concrete, bituminous concrete or equivalent surfacing, and all artificial lighting used to illuminate the loading space shall be so arranged that no direct rays from such lighting fall off the lot containing said loading space.

7.09 LANDSCAPE REQUIREMENTS  
[Entire paragraph amended effective May 17, 2024]

Site development in all zones shall preserve major trees and existing landscape features wherever possible, and provide intensive replanting of all disturbed areas to control erosion, to moderate climatic extremes, and to preserve the rural residential quality of the community.

A. Landscaping:

The many mature trees in the Borough of Newtown are to be maintained to the extent possible consistent with a high quality overall design for the site.

1. Landscape plans are required for all applications. Plans shall provide the following information:

- a. A plan showing the grade of the landscape.
- b. A maintenance plan including an irrigation or a drip irrigation system.
- c. A plan for complete screening of utility installations, trash, fences, parking, outbuilding, storage areas, loading areas and lighting.

2. Plants should be selected with consideration of location and overall effect upon neighboring properties and streetscape. Provide the plants common and scientific names, size of plant ball or caliber, plant height at installation and height at maturity, form, growth habit and expected life span, plants disease and pest resistance and where near

2344 road or driveways, the salt resistance. Invasive plants are not permitted.  
2345 Plants listed on University of Connecticut's invasive plants list are not  
2346 permitted.

2347  
2348 **B. Types of Landscape Treatment:**

2349 1. Details of the proposed planting shall be shown on the required  
2350 site plan, including location, specie, initial and mature size, density, and  
2351 spacing of all plantings and other significant landscape features.

2352 2. Various types of landscape material required are:

2353 a. Shade trees; for purpose of summer shade for roads,  
2354 parking, buildings and activity areas. Requires hardy deciduous  
2355 trees, minimum 2-inch caliper 12 inches above ground, with shade  
2356 tolerant ground cover (ground cover plants, low shrubbery, grass or  
2357 mulch) in adjacent ground area.

2358 b. Slope plantings: for purpose of stabilizing cut banks and  
2359 controlling erosion. Requires hardy shrubs, erosion-resistant plants  
2360 and vines, terracing, stabilized rock cuts or retaining walls wherever  
2361 slope would exceed 1.0 : 1.5 (vertical : horizontal), rip-rap or  
2362 stabilizing planting along created drainage channels.

2363 c. Open Landscaping: for purpose of site aesthetics,  
2364 building enhancement, recreation. Requires perennial grass or  
2365 ground cover, suitable shrubs, trees or ornamental plantings,  
2366 regularly maintained for attractive appearance.

2367  
2368 **C. REQUIRED LANDSCAPED AREAS - MINIMUM TYPE REQUIRED**

2369 <u>LOCATION</u>	2370 <u>TYPE</u>
2371	
2372 Parking lot islands, and adjacent	Shade trees, landscaping
2373 to paved parking in all Zones.	Natural buffer.
2374	
2375 Bank slopes within and adjacent to	Slope Plantings
2376 developed areas in all Zones.	
2377	
2378 Roadsides, in all non-residential zones.	Shade trees at average spacing of 30
2379	to 40 feet plus appropriate open landscaping
2380	or natural buffer.
2381	

2382 **D. Suitability of Plantings**

2383 1. Plantings chosen must be well suited to environmental  
2384 conditions, properly installed and located to serve intended purposes (see  
2385 Sections 7.09A and 7.09B).

2386 2. Placement of plantings shall not interfere with safe visibility at  
2387 road intersections or exit driveways, nor cast dense winter shadows on  
2388 potentially icy roadways.

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E. Maintenance

1. 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.
2. 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.

F. Street Trees

Trees for the purpose of planting under power lines, adjacent to public roads, and within twenty-five (25) feet of buildings. Street trees must grow no more than thirty (30) feet at maturity, must be non-invasive and must not be on the Connecticut Banned Plant List (UCONN). Street trees that are selected must thrive in the following conditions:

1. Minimal amounts of water, road, deicing salts, restricted root zones, soil compaction, high soil alkalinity to leaching from cement, low soil fertility, poor soil structure, pollution and toxins, winds created by clusters of buildings, radiated heat and light, and people pressure.  
[Amended effective December 22, 2014]

7.10 LIGHTING REQUIREMENTS for BUSINESS, PROFESSIONAL and INDUSTRIAL USES

A. General: The following regulations shall apply to the provision of any outdoor illumination in connection with a use of land, buildings and other structures within the Borough. The purpose of this section is to enable the provision of sufficient outdoor illumination for safety, convenience and security while minimizing sky glow, safeguarding against discomfort glare and disability veiling glare, minimizing the trespass of light on adjacent properties and avoiding the adverse effects from illumination upon the use, enjoyment and value of property and upon the appearance and beauty of the Borough.

B. Definitions: For the purpose of these Regulations, certain lighting terms are defined as follows.

1. Foot Candle: A unit of illumination (light flux on a surface); one foot candle equals one lumen of light flux distributed evenly on one square foot of surface.
2. Foot Lambert: A unit of brightness (light seen by the eye); one foot lambert equals either one lumen of light flux reflected by one square foot of a reflecting surface or one lumen of light flux emitted or transmitted by one square foot of a diffusing surface.
3. Luminaire: A complete lighting unit consisting of a lamp or lamps, together with any reflectors, refractors, diffusers, baffles or other

2435 devices to distribute the light, and with parts to position and protect the  
2436 lamps and to connect the lamps to the power supply.

2437 C. Standards: Outdoor illumination that is subject to this Section shall not  
2438 exceed 3000K (degrees Kelvin) for LED lighting and conform to the following  
2439 standards: [Entire section C amended effective May 17, 2024]

2440 1. Glare: All outdoor illumination shall be provided and maintained  
2441 in a manner that safeguards against discomfort glare and disability veiling  
2442 glare in any street and upon pedestrian ways and vehicular parking,  
2443 loading and circulation areas on the lot where located and on any other  
2444 lot.

2445  
2446 2. Area Lighting: Area lighting luminaries, whether on poles,  
2447 attached to buildings or otherwise provided shall be consistent with dark  
2448 sky initiatives and conform to the following:

2449 a. Such area lighting shall be provided by means of full cutoff  
2450 type luminaries or IESNA cut-off fixtures as approved by the  
2451 commission;

2452 b. Such full cutoff luminaries shall be located or shielded so  
2453 as to deliver no more than .05 foot candles of illumination at the  
2454 property line, which illumination shall be measured in both a  
2455 horizontal and vertical planes at the property line;

2456 c. No area lighting luminaire shall be located more than 14  
2457 feet above the ground to the highest point of the fixture or pole;

2458 d. The lighting fixtures shall be fully shielded/recessed where  
2459 the lens is recessed or flush with the bottom surface.

2460 3. Floodlighting: Floodlighting luminaries shall be used only for  
2461 illumination of buildings and other structures and architectural and  
2462 landscape features and shall be consistent with dark sky initiatives and  
2463 shall conform to the following:

2464 a. Floodlighting luminaries shall be shielded, such as by  
2465 visors, or baffles, to minimize spillage of light beyond the outside  
2466 edge of the object being illuminated.

2467 b. Floodlighting luminaries shall be aimed at buildings and  
2468 away from adjacent properties.

2469 c. No floodlighting illumination shall be permitted within 200  
2470 feet of a Residential zone.

2471 d. Any floodlighting illumination shall not result in the  
2472 luminance (brightness) of the illuminated object exceeding five  
2473 footlamberts.

2474 e. No floodlight luminaire shall be located more than 14 feet  
2475 above the ground to the highest point of the fixture or pole.

2476 f. Floodlight luminaries shall be located or shielded so as to  
2477 deliver no more than .05 foot candles of illumination at the property  
2478 line, which illumination shall be measured in both a horizontal and  
2479 vertical planes at the property line.

2480 g. Lighting fixtures for building security, aesthetics or any  
2481 display shall, unless otherwise approved by the commission, be:  
2482 1) Top down (not upward or sideways),  
2483 2) Full cut-off or IESNA cut-off fixtures or full  
2484 shielded/recessed.

2485 h. Lighting designed to highlight flags shall be targeted  
2486 directly at the flag.

2487 D. No lighting shall be constructed, erected, altered or otherwise changed  
2488 without a permit application filed and approved. All Lighting Permit applications  
2489 shall be signed by the applicant and owner of the lot on which the lighting will be  
2490 located.

2491 E. Lighting other than that approved in the design guidelines may be  
2492 presented via the permit process, subject to all other Sections of this regulation,  
2493 and shall be accompanied by the following:

- 2494 1. a sketch drawing to scale of the building façades;
- 2495 2. a plot plan showing locations, dimensions and types of all  
2496 existing lights on the premises; and
- 2497 3. plans and specs for the proposed lights including locations,  
2498 dimensions, maximum and minimum height, proposed design materials,  
2499 photos of the proposed lighting fixtures, bulb types, bulb wattage, bulb  
2500 Color Rendering Index, foot candle, shielding, filters, directional fixtures,  
2501 housings, utility connections, transformers, louvers, reflectors, lenses,  
2502 staking, mirrors, caging, screening and landscaping.

2503 F. Village District Sidewalk Lighting Maintenance.

2504 [Added effective May 17, 2024]

2505 1. Owners of properties on which sidewalks have been installed  
2506 shall maintain such lighting poles and fixtures in original working order and  
2507 to the specifications on file with the Borough of Newtown Zoning  
2508 Enforcement Officer.

2509 2. Such owners shall ensure that the sidewalk lighting is illuminated  
2510 during the nighttime hours.  
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2512 **ARTICLE 8**

2513 **MISCELLANEOUS PROVISIONS**

2514 **SALE OF LIQUOR-ALCOHOLIC BEVERAGE OUTLETS**

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2519 8.01 A. The provisions of this section shall not apply to grocery establishments,  
2520 to stores selling canned or bottled beer only, to drugstores dispensing liquor on a  
2521 prescription only, or to full-service restaurants whose primary purpose is to  
2522 prepare and serve meals for consumption on the premises with an alcoholic  
2523 beverage as an accompaniment to those meals. [Amended effective December  
2524 22, 2014]

2525  
2526 B. No alcoholic beverage outlet shall be located in a store where any door  
2527 providing customer access to the store is less than 300 feet measured in a  
2528 straight line from the nearest property line of land occupied by any school or  
2529 church, provided that no existing premises used as an alcoholic beverage outlet  
2530 shall be deemed a violation of these regulations through the subsequent erection  
2531 of a school or church.

2532 **LOTS WITH RESTRICTED OR NO STREET FRONTAGE**

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2534  
2535 8.02 A. A lot in any zone existing as of December 14, 1963, having sole  
2536 access to a street by means of an easement, right of way or strip of land, and a  
2537 lot having frontage only on a private road or trail shown on a subdivision plan  
2538 filed in the Newtown Town Clerk's Office which is not valid under the Newtown  
2539 Land Subdivision Regulations effective October 2, 1967, may be used for uses  
2540 permitted in the zone and permitted buildings erected, altered or enlarged  
2541 thereon provided that said easement, right of way, strip of land, private road or  
2542 trail is at least 12 feet wide and will permit unlimited access for owners of such lot  
2543 and for all public utilities.

2544 1. Lots other than those having frontage on such a private road or  
2545 trail may be so used and the permitted buildings erected, altered or  
2546 enlarged only if the lot has not been owned or controlled by a person or  
2547 persons owning or controlling any other means of access to a street or a  
2548 wider easement, right of way or strip of land at any time subsequent to  
2549 December 14, 1963. If said lot cannot meet the area or minimum square  
2550 requirements for the zone in which it lies it may still be used provided that  
2551 it has not been reduced in area at any time subsequent to December 14,  
2552 1963, and did not and has not since said date adjoined other improved or  
2553 unimproved land owned or controlled by the same person owning or  
2554 controlling said lot.

2555 2. The same requirements set forth in Subsection 1 hereof shall  
2556 apply to lots having frontage only on such private roads or trails.

2557 3. Said lots shall conform in all other respects to the provisions of  
2558 these Regulations.

2559 B. In establishing front, side and rear yards for any lot without street  
2560 frontage permitted in this Section 8.02, the front yard of any such lot may be  
2561 considered located on that portion of the rear lot nearest to the street to which  
2562 such lot has access or adjacent to whichever lot line is closest to a dwelling or  
2563 other building existing or under construction on an adjacent lot.

2564 C. No building or other structure shall be constructed on any lot without  
2565 street frontage, except those on private roads or trails, unless each such lot has  
2566 its own driveway to the street which is constructed with an all weather surface  
2567 capable of supporting fire apparatus or similar mobile equipment during all  
2568 seasons of the year.

2569 D. Where property exists in a residential zone (one acre) capable of being  
2570 divided into more lots than it has street frontage for, said property may be  
2571 subdivided, pursuant to law, into three or more lots provided that no more than  
2572 one rear lot shall be created for every two lots with street frontage and the area  
2573 of the access strip of land may not be included in computing the area of the rear  
2574 lot.

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## 2577 PONDS AND INCIDENTAL EXCAVATIONS

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### 8.03 A.

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1. Excavations of earth materials, but not the removal thereof from the premises, shall be permitted in any zone when clearly incidental to the construction of buildings or structures on the property, or the construction of ponds of 1/4 acre or less in size. The creation or enlargement of such 1/4 acre pond, revision of the channel or a watercourse or any other landscaping excavations carried on by the use of bulldozers, payloaders or similar power driven excavating machinery shall require a Zoning Permit.

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2. Ponds in excess of 1/4 acre or the enlargement of any existing pond to a size greater than 1/4 acre shall require a special exception permit to be obtained. Such pond shall be for one of the following purposes only, the criteria and standards for which are as follows [Amended effective December 22, 2014]:

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a. Fire protection. Such ponds shall provide year around access for fire equipment and have a dry hydrant installed which is designed to meet the requirements of the local fire company. The storage capacity of fire protection ponds will be sufficient to protect specifically designated buildings and woodland areas. Design for fire protection ponds will be required and a copy of such design showing the location, volume and maintenance of such pond placed on file at the local fire company. Minimum depth - 8 feet.

b. Recreation. Must be for private, non-profit or family use (fishing, boating, swimming, etc.). Minimum depth - 6 feet.

2602 c. Irrigation. Such ponds must be designed for the water  
2603 requirements of the crops to be irrigated, considering the effective  
2604 rainfall that can be expected during the growing season, the  
2605 application efficiency of the irrigation method used, loss due to  
2606 evaporation and seepage, and the recharge capacity of the  
2607 watershed supplying the pond. Minimum depth - 6 feet.

2608 d. Wildlife. Minimum depth of 6 feet for only 1/2 the area of  
2609 the pond. The remaining area should be a maximum of 3 feet  
2610 deep. In lieu of a pond, a wildlife marsh may be constructed having  
2611 a minimum water area of one-half acre and a maximum depth of 3  
2612 feet.

2613 e. Livestock watering. Size of pond should be related to the  
2614 number and kind of livestock to be watered and the expected daily  
2615 consumption thereof. Minimum depth - 6 feet.

2616 f. Ornamental. Must be accessory to the use of a lot for a  
2617 permitted principal use. Minimum depth - 6 feet.

2618 3. No pond constructed under a special exception permit shall be a  
2619 ruse for a mining operation. The maximum depth allowable shall be the  
2620 least necessary in order to carry out the purpose of the pond. [Amended  
2621 effective December 22, 2014]

2622 4. Applications for a Zoning Permit or a special exception permit, as  
2623 the case may be, for a pond shall include a map (which may be a United  
2624 States Geodetic Survey) showing the watershed area and an exact  
2625 computation of the area thereof, and a computation of the peak flow from  
2626 said watershed for a 10 year or 25 year flood depending on whether it is a  
2627 dug or impounded pond. No pond shall cause the total area of all ponds  
2628 in the watershed area, including the pond to be constructed, to exceed  
2629 1/10 of the watershed area. The sides of all ponds shall have a maximum  
2630 slope of 3 feet horizontal to one foot vertical. The outlet of dug ponds  
2631 shall be capable of carrying the flow of a 10 year flood and the outlet of a  
2632 pond created by damming a stream shall be capable of carrying the flow  
2633 of a 25 year flood. Said computations and applications shall be signed by  
2634 a registered professional engineer. [Amended effective December 22,  
2635 2014]

2636 5. The Applicant for a special exception permit need meet only the  
2637 following criteria for special exceptions and permits: Section 8.04E.1, E.2,  
2638 E.3, E.4, E.5 and E.6. The powers and procedures set forth in Sections  
2639 8.04F, G, H and I shall be followed. If topsoil or other earth material are to  
2640 be removed from the premises pursuant to said special exception permit  
2641 then a construction permit as set forth in the Newtown Sand and Gravel  
2642 Regulations shall be obtained concurrently with said special exception  
2643 permit. Topsoil may be removed only in accordance with Section 8.03B  
2644 hereof. In addition to the portions of Section 8.04F which apply the  
2645 Commission may impose conditions on the construction of a pond under  
2646 special exception permit to avoid stagnation and insure the continued  
2647 vitality of the pond. [Amended effective December 22, 2014]

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B. No topsoil shall be removed from any land in the Borough except incidental to construction of a building or other structure for which a Zoning Permit is required and then only as set forth below:

1. The applicant for such Zoning Permit shall state at the time the permit is sought that he intends to remove the topsoil from the premises.

2. The area of the premises from which the topsoil is to be excavated and an area for the stockpiling of such topsoil during construction shall be shown on the plot plan submitted by the applicant. No topsoil shall be stripped except from the smallest area necessary for the construction of said building or structure and the area of the excavation necessarily incidental thereto. All areas shown shall be related to existing monuments or features on the lot or otherwise with sufficient clarity so that the exact areas to be excavated and used for stockpiling can be determined by the Zoning Enforcement Officer. A Construction Permit for the removal of said topsoil must be obtained as set forth in the Newtown Sand and Gravel Regulations concurrently with the Zoning Permit or the Zoning Permit is void.

3. All topsoil excavated pursuant to the Zoning Permit shall be stockpiled on the area designated therefore on the plot plan during the course of construction and none may be removed prior to the certification provided in Subsection 5 below.

4. When the Zoning Enforcement Officer inspects for the issuance of a Certificate of Zoning Compliance pursuant to Section 9.01C hereof, he shall inspect the premises owned or controlled by the applicant, and determine whether or not any portion thereof, other than rock outcroppings occurring naturally, has been stripped of topsoil either by man or by erosion. If the Zoning Enforcement Officer determines that portions of the applicant's premises have been so stripped, he shall refuse to issue a Certificate of Zoning Compliance until such time as the stockpiled topsoil has been spread over the stripped area to a depth of at least 6 inches.

5. When the Zoning Enforcement Officer, on the first or any subsequent inspection, determines that no area of the applicant's premises requires a covering of topsoil as aforesaid, then he shall clarify that the remaining stockpile of topsoil is surplus and may be removed by the applicant. A Certificate of Zoning Compliance shall not be issued until satisfactory removal or spreading of said stockpile has occurred, and after the issuance of such a certificate, no further removal of topsoil from the premises shall occur.

C. No earth materials (other than topsoil the removal of which is governed by Subsection B hereof) in excess of 100 cubic yards per year may be removed from any land in the Borough of Newtown except where clearly incidental to construction of a building or other structure for which a Zoning Permit is required, and then only as set forth below:

2693 1. An amount equal to the volume of that portion of any building or  
2694 other structure constructed below grade level plus 100 cubic yards may be  
2695 removed without submission for the detailed plans and the making of the  
2696 finding required by Subsections 2 and 3 below.

2697 2. An amount in excess of the amount provided in Subsection 1  
2698 above may be removed only if such removal is shown as part of the site  
2699 development work on the application for the Zoning Permit. Where such  
2700 removal is shown the applicant shall submit a topographical map showing  
2701 existing contours and finished contours at intervals of 2 feet for grades  
2702 less than 3 percent and 5 feet for grades of 3 percent and up, together  
2703 with an exact computation of the quantity to be removed and an outline of  
2704 the area to be excavated and the location where topsoil will be stockpiled  
2705 during construction.

2706 3. Before issuing a Zoning Permit permitting excavation and  
2707 removal in excess of the amount specified in Subsection 1 above the  
2708 Zoning Enforcement Officer must find in writing that the proposed  
2709 excavation is clearly incidental to the construction of the building or  
2710 structure for which the permit is sought. In determining whether or not  
2711 such excavation is clearly incidental the Zoning Enforcement Officer  
2712 should consider factors such as the feasibility or constructing the building  
2713 or other structure at the existing contours, the percent of lot area to be  
2714 excavated, the relative value of the material to be removed and the cost of  
2715 the proposed building or structure, whether or not the difficulty of  
2716 construction at existing contours was the result or prior acts of the  
2717 applicant or his predecessors in interest, the primary nature of the  
2718 applicant's business and any additional relevant factors affecting the lot in  
2719 question. A Construction Permit for the removal of said earth material  
2720 must be obtained as set forth in the Newtown Sand and Gravel  
2721 Regulations concurrently with the Zoning Permit for the Zoning Permit is  
2722 void.

2723 4. All topsoil stripped from the excavation area shall be stockpiled  
2724 on the area designated therefore on the map submitted and all of it shall  
2725 be respread on the excavated area prior to issuance of a Certificate of  
2726 Zoning Compliance unless its removal was specifically permitted and is  
2727 carried out in accordance with Subsection B above.

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#### 2729 8.04 SPECIAL EXCEPTIONS OR PERMITS

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2731 The following regulations govern the granting of any special exception  
2732 permit by the Commission.

2733 A. The Commission shall require an application on a form which it  
2734 prescribes which shall be submitted to the Commission at least 15 days prior to  
2735 its regular monthly meeting. Said application shall contain a written statement of  
2736 the proposed use, appropriate information concerning the applicant and his  
2737 interest in the property for which the special exception is being sought, and the  
2738 names and addresses of owners of property which may be affected by the



2739 granting of the special exception and in any event, the owners of property lying  
2740 within 1,000 feet of the boundaries of the parcel for which the special exception is  
2741 being sought.

2742 B. In addition four copies of a site plan shall be submitted with the  
2743 application. Said plan shall be drawn to a scale of not less than 40 feet to the  
2744 inch and shall meet the A-2 classification of the Connecticut Technical Council.  
2745 Said plan shall show the following information, which may be submitted in  
2746 several documents or maps provided that each document or map is submitted in  
2747 quadruplicate:

2748 1. The perimeter of the lot and an outline of those areas of the lot to  
2749 be devoted to the use for which the special exception is being sought with  
2750 the areas of each computed.

2751 2. Existing contours at not more than 5 foot intervals.

2752 3. Proposed contours at not more than 5 foot intervals.

2753 4. Location of all existing buildings, wells, sewage disposal  
2754 facilities, utility installations, drainage facilities, ponds, swamps,  
2755 watercourses, rock outcroppings and existing wooded areas on the site for  
2756 which the special exceptions are being sought, location of all proposed  
2757 structures, signs, loading areas, parking areas including stalls and  
2758 curbing, all planting, landscaping and buffer areas, proposed water supply  
2759 and sewage disposal systems, all storm drainage structures and facilities,  
2760 and all gas, electric and other utility installations. Gross floor area of all  
2761 buildings to remain or to be built on the lot shall be shown.

2762 C. Four (4) copies of a general location map showing the surrounding  
2763 property within 500 feet of the area proposed for a special exception, including all  
2764 existing structures, wells, sewage disposal facilities, roads, storm drainage  
2765 systems, ponds, swamps, watercourses, rock outcroppings, wooded areas,  
2766 names of contiguous property owners and contours at not less than 10 foot  
2767 intervals. This map need not be drawn to scale, provided that the scale is not  
2768 varied in any way which misleads the viewer, and all the required information is  
2769 shown.

2770 D. Architectural rendering of all proposed buildings, structures or signs,  
2771 together with a description of the nature of the exterior surfaces and all exterior  
2772 features such as, but not limited to, doors, windows, fire escapes, signs and  
2773 lighting.

2774 E. The following standards and criteria shall be met by all uses which are  
2775 permitted only by special exception or permit, in addition to those standards and  
2776 criteria which are otherwise set forth in these Regulations. No special exception  
2777 shall be granted by the Zoning Commission unless it finds that all these  
2778 standards have been or will be met. Approval without such findings shall be null  
2779 and void and the Zoning Enforcement Officer shall not issue a Zoning Permit or  
2780 Certificate of Zoning Compliance in such a case.

2781 1. the proposed use shall be in harmony with the general character  
2782 of the neighborhood.

2783 2. The proposed use shall be consistent with the intent and purpose  
2784 of these regulations.

- 2785                   3. The proposed use shall not substantially impair property values  
2786 in the neighborhood.  
2787                   4. The proposed use shall not create a traffic hazard on existing  
2788 streets.  
2789                   5. The proposed use shall not create a health hazard to persons on  
2790 or off the lot on which the use is proposed.  
2791                   6. It shall be the duty of the applicant to list on his application the  
2792 various sections of the Town and State laws, ordinances, regulations and  
2793 codes which govern his proposed use and buildings. All applicable  
2794 sections of these Regulations and all other applicable Town and State  
2795 laws, ordinances, regulations or codes, including without limitation, the  
2796 Town Sanitary Code, Town Sand and Gravel Regulations and State  
2797 Health Code, shall be complied with.  
2798                   7. The architectural design of the proposed building shall be in  
2799 harmony with the design of other buildings on the lot and within 1,000 feet  
2800 of the perimeter of the lot for which the special exception is sought.  
2801  
2802                   8. Construction proposed on the site shall be carried out so as to  
2803 utilize the site in a manner which results in the least defacement of the  
2804 natural features thereon, such as trees, rock outcroppings, etc.  
2805                   9. The lot shall contain the minimum area required for the special  
2806 exception use.

2807  
2808 F. Conditions

- 2809                   1. In granting any special exception the Commission may impose  
2810 conditions on the buildings and structures proposed to be built and on the  
2811 use of the property, including without limitation, increasing the minimum  
2812 yard, parking and landscape requirements otherwise applicable, as are  
2813 necessary to preserve the general character of the neighborhood, to  
2814 protect the public health, safety and convenience of the persons and  
2815 properties affected by said special exception, to stabilize and improve  
2816 property values in the neighborhood, and to meet the standards set forth  
2817 in Subsection E hereof. Such conditions may include requirements for the  
2818 posting of a bond in a sufficient amount, in the commission's judgment, to  
2819 ensure the completion of the infrastructure components of the approved  
2820 plan and such parts thereof as would advance the public's safety and  
2821 convenience and the public purposes of zoning and/or the proper  
2822 maintenance of such elements for a period of up to three years after the  
2823 issuance of a certificate of occupancy. *[Amended effective April 22, 2019]*  
2824                   2. When any special exception granted by the Commission is  
2825 utilized, the use, buildings and other structures shall comply in all respects  
2826 with the application, site plan and architectural plan as finally approved, as  
2827 well as the conditions imposed by the Commission under this said  
2828 Section.  
2829                   3. The applicant shall notify the Commission of any proposed  
2830 change to the special exception and shall obtain the approval of the

2831 Commission of any change to such approval prior to the implementation  
2832 thereof. The Commission may approve non-substantial modifications of a  
2833 previously approved Special Exception without a public hearing and  
2834 without special notices otherwise required. Prior to the issuance of any  
2835 Certificate of Occupancy, the applicant shall submit to the Commission a  
2836 certification by each of the applicant's engineers and architects that there  
2837 are no variances or deviations from the approved special exception. The  
2838 certification required by this section shall be deemed to be of the essence  
2839 of a Certificate of Occupancy issued in reliance thereon.

2840 G. The Commission shall hold a public hearing on each application for a  
2841 special exception, the date, time, place and purpose of which shall be warned in  
2842 the same manner as an amendment to these Regulations. The applicant shall  
2843 be required to pay an application fee pursuant to Section 9.07.

2844 H. If the owners of 20 percent or more in area of all land (other than  
2845 streets) lying outside of but within 500 feet of each boundary line of the property  
2846 proposed for a special exception objected to the proposed special exception in  
2847 writing prior to Commission action, then the Commission may grant said special  
2848 exception only upon the affirmative vote of at least 4 members of the  
2849 Commission (including alternates designated to sit for absent members).

2850 I. Any special exception granted by the Zoning Commission shall cease to  
2851 be effective two (2) years after the date of approval.

2852 J. Any party aggrieved by the decision of the Zoning Commission on any  
2853 application for a special exception may appeal said decision of the Board of  
2854 Appeals within 15 days of the effective date of said decision.

2855

#### 2856 8.05 NONCONFORMING BUILDINGS AND USES

2857

2858 A. Any building, structure or use of land, either principal or accessory,  
2859 lawfully existing at the time of adoption of these Regulations, or any amendments  
2860 thereto, may be continued although such building, structure or use does not  
2861 conform with the provisions of these Regulations.

2862 B. Once a nonconforming use has been abandoned, neither it nor any  
2863 other nonconforming use shall thereafter be reestablished. The discontinuance  
2864 of a nonconforming use and the replacement thereof by a conforming use, for  
2865 any period of time, no matter how short, shall constitute abandonment of the  
2866 nonconforming use. Such replacement by a conforming use shall occur when  
2867 that portion of the lot or building formerly devoted to a nonconforming use is  
2868 issued for a conforming use. If the owner of said premises desires to resume said  
2869 presumptively abandoned nonconforming use, he may apply to the Zoning Board  
2870 of Appeals which shall conduct a hearing and determine whether or not said  
2871 nonconforming use was abandoned. The burden of proof shall be upon the  
2872 applicant to show that the use was not in fact abandoned. [Amended effective  
2873 May 17, 2024]

2874 C. No lot on which a nonconforming use has been conducted shall be  
2875 used for any other use which does not conform to the requirement of these

2876 Regulations whether or not such new use would be more or less detrimental to  
2877 the neighborhood than the nonconforming use already existing.

2878 D. When a building in which a nonconforming use is conducted, or which  
2879 is itself nonconforming as to size, coverage, or location on the lot, is damaged or  
2880 destroyed by fire, explosion, act of God or catastrophe not brought about by or  
2881 on behalf of the owner, lessee or other person in possession and control of said  
2882 nonconforming building, it may be restored or reconstructed and used for said  
2883 nonconforming use provided that: 1. the restored or reconstructed building  
2884 covers no greater area, has no greater cubic content, and is at least as  
2885 conforming as to location on the lot as was the building damaged or destroyed  
2886 and 2. in case of destruction of the building, a Class A-2 survey is filed with the  
2887 Clerk of the Borough of Newtown, depicting its location on the lot, such survey to  
2888 be filed at or before the time an application to demolish the building is filed.

2889 The foregoing notwithstanding, any such nonconformity shall be lost  
2890 unless restoration or reconstruction, as the case may be, is substantially started  
2891 within the later of two (2) years from the date public sewers are available  
2892 according to the plan adopted by the WPCA as of the effective date of this  
2893 revision or one (1) year from the original damage or destruction or unless the  
2894 building is demolished and a Class A-2 survey is filed with the Clerk of the  
2895 Borough as stated above.

2896 E. Any nonconforming use shall not be extended to any property not  
2897 owned by the owner of the nonconforming use on the date on which it became  
2898 nonconforming by virtue of these Regulations. No building in which a  
2899 nonconforming use is conducted may be enlarged either in area or cubic content.  
2900 Such a building may be otherwise altered, improved or rebuilt.

2901 F. Any building in which a conforming use is conducted and which has  
2902 been made nonconforming as to front, side or rear yard dimensions, height or  
2903 minimum size of dwelling by virtue of these Regulations or the amendments  
2904 thereto may be enlarged, altered or maintained notwithstanding any such  
2905 nonconformity, provided that the enlargement or alteration of said building shall  
2906 not increase the degree of such nonconformity, that said building shall comply  
2907 with all other provisions of these Regulations for the zone in which it lies, and that  
2908 the lot on which it is located has not, at any time after said building became  
2909 nonconforming, been reduced in size so as to increase such nonconformity.

2910 G. Nonconformity of any improved or unimproved lot with the provisions of  
2911 these Regulations concerning minimum lot area, minimum width at the front line  
2912 or minimum square shall not prevent the erection, enlargement, alteration or  
2913 maintenance on such lot of a building or buildings which, as so erected,  
2914 enlarged, altered or maintained shall comply with all of the other provisions of  
2915 these Regulations for the zone in which it lies, if such lot was in existence on  
2916 December 14, 1963, and if it was not at any time thereafter reduced in area and  
2917 did not adjoin another improved or unimproved lot or lots owned or controlled by  
2918 the person or persons owning or controlling the lot in question on said date or at  
2919 any time thereafter.

2920 H. Nonconformity of any lot as to minimum lot area, minimum width at the  
2921 front lot line, minimum square, or ratio of rear to front lots, in a subdivision

2922 approved by the Commission (or the Newtown Planning Commission) prior to  
2923 (effective date) shall not prevent the construction of a building thereon by a  
2924 person who is not required to seek reapproval of said subdivision pursuant to  
2925 2.17 of the Newtown Land Subdivision Regulations.

2926         Access to any industrial zone may be had through any Business or any  
2927 other Industrial Zone, but the area of the lot through which access is obtained  
2928 shall not be included in computing minimum lot area or frontage. Access to  
2929 Business and Industrial Zones is not allowed through Residential or Professional  
2930 Zones except by special exception.  
2931

2932 **ARTICLE 9**

2933 **ADMINISTRATION**

2934 **9.01 ZONING ENFORCEMENT OFFICER**

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2938  
2939 A. The Commission shall designate one or more Zoning Enforcement  
2940 Officers one of whom shall serve as the Chief Officer and all other Zoning  
2941 Enforcement Officers shall serve under his direction. Said Zoning Enforcement  
2942 Officer shall administer and enforce these Regulations and shall implement and  
2943 enforce the decisions of the Zoning Commission. Said Zoning Officers shall issue  
2944 Zoning Permits as hereinafter set forth, make the inspections required in the  
2945 administration and enforcement of these Regulations and the decisions of the  
2946 Zoning Board of Appeals, issue or deny Certificates of Zoning Compliance as set  
2947 forth herein, issue orders to cease and desist from the violations of these  
2948 Regulations and are hereby authorized to inspect any lot, premises, building or  
2949 use, whether public or private, where said Zoning Enforcement Officers have  
2950 reason to believe it is or is about to be in violation of these Regulations. Said  
2951 Zoning Enforcement Officers shall institute civil actions in accordance with the  
2952 General Statutes to prevent or abate violations of these Regulations and, if  
2953 authorized, shall arrest, or they may seek warrants for the arrest and conviction  
2954 of any owner, lessee or agent of such owner or lessee, of any building, premises  
2955 or part thereof in which a violation of these Regulations has been committed or is  
2956 being committed or the agent, architect, builder, contractor or any other person  
2957 who commits, takes part or assists in any such violation. In addition, said Zoning  
2958 Enforcement Officers shall issue orders to discontinue such violations and, if  
2959 violations are not discontinued within 10 days of such order, shall institute civil  
2960 actions to recover the civil penalties provided by Statute. Where reference is  
2961 made in these Regulations to "Zoning Enforcement Officer" in the singular shall  
2962 be deemed to be a reference to any and all Zoning Enforcement Officers who  
2963 have been appointed hereunder.

2964  
2965 **9.01 ZONING PERMITS**

2966  
2967 B. Before any land, building or other structure is devoted to a new or  
2968 changed use, whether or not the owner believes such new or changed use is  
2969 conforming to these Regulations, or before the erection, enlargement or  
2970 structural alteration of any structure is commenced, a Zoning Permit shall be  
2971 obtained from a Zoning Enforcement Officer. The application for such zoning  
2972 permit shall be accompanied by a plot plan and the Zoning Enforcement Officer  
2973 may request from the applicant in writing sufficient information so that the Zoning  
2974 Enforcement Officer may determine that the proposed building, structure or use  
2975 complies with the provisions of these Regulations in all respects or Site  
2976 Development Plan approval may be obtained in accordance with Article 10  
2977 hereof, if so required.

2978 Except for single family uses, no change in occupancy, use or mix within  
2979 any building shall be made without prior review and approval by the Borough  
2980 Sanitarian and Zoning Enforcement Officer.

2981  
2982 2. No Zoning Permit shall be issued until the permits required by the  
2983 Newtown Sanitary Code as to wells and sewage disposal systems, and the  
2984 driveway permit required by the Town Road Ordinance have been obtained by  
2985 the applicant, if applicable to the use, building or structure proposed. No such  
2986 Zoning Permit shall be issued unless the Zoning Enforcement Officer has  
2987 certified in writing that the proposed building or use complies with all the  
2988 provisions of these Regulations and all conditions which have been imposed by  
2989 the Commission or Board of Appeals, where applicable. No building or permit  
2990 should be issued until the Zoning Permit has been issued.

2991 3. Upon completion of the foundation of any building or structure for which  
2992 the Zoning or Building permits have been issued, and before proceeding any  
2993 further with the construction of said building or structure, a certified survey by a  
2994 licensed professional engineer or land surveyor meeting the requirements of the  
2995 A-2 class survey of the Connecticut Technical Council shall be filed by the holder  
2996 of the Building and Zoning Permits with the Zoning Enforcement Officer. Such  
2997 survey shall show such foundation and any existing or proposed well, septic tank  
2998 and fields and indicate the distances therefrom to the street line, the side and  
2999 rear lot lines of the lot on which the building or structure is situated and the  
3000 distances to the well and septic tank and fields.

3001 4. Any Zoning Permit issued hereunder shall cease to be effective 6  
3002 months after the date of issuance (or after the date on which it is finally  
3003 determined to be valid if challenged by appeal to the Zoning Board of Appeals or  
3004 the courts) unless the use for which the permit is sought is being actively  
3005 conducted on the lot or unless work has been commenced and is being diligently  
3006 pursued on the building or other structure for which the Zoning Permit was  
3007 sought.

3008 5. Applications for Zoning Permits shall be accompanied by a fee to be  
3009 computed as follows:

3010 a. For alterations only, resulting in no increase of space, and for  
3011 new or changed uses of land, building or structures not involving  
3012 alterations or additions – no fee.

3013 b. For all other applications, see Section 9.07.

#### 3014 3015 9.01 CERTIFICATE OF ZONING COMPLIANCE

3016 C. No lot or building shall be occupied or used in whole or in part for any  
3017 purpose until a Certificate of Zoning Compliance shall have been issued by the  
3018 Zoning Enforcement Officer stating that the lot, building or structure complies  
3019 with all the provisions of these Regulations. The building or the structure is  
3020 complete and ready for occupancy or use, the applicant shall notify the Zoning  
3021 Enforcement Officer who shall, within 30 days from the receipt of such notice,  
3022 inspect the lot, building or structure and issue a Certificate of Zoning Compliance  
3023 of such lot, building or structure comply with all of the provisions of these

3024 Regulations, and any special conditions imposed by the Commission or the  
3025 Zoning Board of Appeals. Prior to issuing a Certificate of Zoning Compliance the  
3026 Zoning Enforcement Officer may require further written statements from the  
3027 owner, his agent or any person who is to occupy the premises concerning any  
3028 information he deems necessary in order to determine whether or not the  
3029 provisions of these Regulations are being and will be met. Where a portion of a  
3030 building or structure is ready for occupancy or use the Zoning Enforcement  
3031 Officer may issue a Certificate of Zoning Compliance as to that part only and no  
3032 other portion of said building or structure may be used or occupied until a  
3033 subsequent Certificate(s) of Zoning Compliance is/are obtained therefore.  
3034

### 3035 9.02 RELATIONSHIP TO OTHER REGULATIONS

3036  
3037 The violation by any person seeking a Zoning Permit or Certificate of  
3038 Zoning Compliance of the provisions of the Newtown Sanitary Code, the  
3039 Newtown Road Ordinance, the Land Subdivision Regulations, the Newtown  
3040 Sand and Gravel Regulations or any other regulations within the “police power,”  
3041 so-called, subsequently adopted by the Town of Newtown acting through its  
3042 legislative body or its boards or commissions, shall constitute a violation of these  
3043 Regulations and, while said violation is continuing, shall be sufficient cause to  
3044 refuse to issue or revoke said Zoning Permit or to refuse to issue said Certificate  
3045 of Zoning Compliance.  
3046

### 3047 9.03 ZONING BOARD OF APPEALS

3048  
3049 The Zoning Board of Appeals of the Borough shall have the powers of the  
3050 State of Connecticut and these Regulations. In exercising its power to vary these  
3051 Regulations it may do so in the case of an exceptionally irregular, narrow,  
3052 shallow, or steep lot or other exceptional physical conditions as a result of which  
3053 strict application would result in exceptional difficulty or unusual hardship that  
3054 would deprive the owner of the reasonable use of the land or building involved,  
3055 but in no other case. No variance in the strict application of any provisions of  
3056 these Regulations shall be granted by the Board of Appeals unless it finds:

3057 A. That there are special circumstances or conditions fully described in the  
3058 findings of the Board, applying to the land or buildings for which the variance is  
3059 sought, which circumstances or conditions are peculiar to such land or building,  
3060 and do not apply generally to land or buildings in the neighborhood, and have not  
3061 resulted from any act subsequent to the adoption of these Regulations, whether  
3062 in violation of the provisions hereof or not.,

3063 B. That, for reasons fully set forth in the findings of the Board, the  
3064 aforesaid circumstances or conditions are such that the strict application of the  
3065 provisions of this ordinance would deprive the applicant of the reasonable use of  
3066 such land or building and the granting of the variance is necessary for the  
3067 reasonable use of the land or building, and that the variance as granted by the  
3068 Board is the minimum variance that will accomplish this purpose and



3069 C. That the granting of the variance will be in harmony with the purposes  
3070 and intent of these Regulations, and will not be injurious to the neighborhood or  
3071 otherwise detrimental to the public welfare.

3072  
3073 **9.04 AMENDMENTS**

3074  
3075 A. These Regulations may be amended, added to or repealed and the  
3076 boundaries of the zones shown on the Zoning Map may be established, altered  
3077 or eliminated in accordance with the procedures established by the General  
3078 Statutes either on the initiative of the Commission or upon receipt of a written  
3079 application for such a change.

3080 B. Any application for an amendment, change, addition or repeal of these  
3081 Regulations or the establishment, alteration or elimination of the boundaries on  
3082 the Zoning Map shall be filed first with the Zoning Enforcement Officer at least 15  
3083 days prior to the regular monthly meeting of the Commission. Said application  
3084 shall be accompanied by a fee in accordance with Section 9.07. The cost of  
3085 publication shall be borne by the Applicant.

3086 C. Any such application shall make specific reference amendment or  
3087 change to the portion of these Regulations to be amended, changed, added to or  
3088 repealed and shall contain the text of the proposed amendment or change.

3089 D. Any application to establish, alter or eliminate a zoning boundary or  
3090 zone set forth on the Zoning Map shall be accompanied by a Class A-2 or B-100  
3091 map by a registered land surveyor drawn to scale showing the exact area for  
3092 which such change is being sought and delineating any proposed new zoning  
3093 boundaries with reference to existing monuments, natural features or otherwise  
3094 so that all persons affected can know the area for which the change is sought.  
3095 Such an application shall include the name of all property owners within the area  
3096 for which the change is sought and within the number of feet of the perimeter  
3097 thereof established by the General Statutes, presently 500 feet, within which area  
3098 a protest may be filed according to such statute. Said application shall also  
3099 contain a sufficient description of the property which may be used by the  
3100 Commission in publishing the notice of hearing on said change.

3101  
3102  
3103 **9.05 SEPARABILITY**

3104  
3105 If any Section, Subsection, clause, phrase, or any provision of these  
3106 Regulations is, for any reason, finally adjudicated to be invalid or unconstitutional  
3107 by a court of competent jurisdiction, such portion shall be deemed a separate,  
3108 distinct and independent provision, and such adjudication shall not affect the  
3109 validity of the remaining portion hereof.

3110  
3111 **9.06 PENALTIES**

3113 The procedure and penalties for violations of these Regulations shall be  
3114 as set forth in Section 8-12 of the General Statutes, as from time to time  
3115 amended.

3116  
3117 9.07 FEES (to provide additional fees to cover the cost of outside consultants  
3118 where necessary) [Entire paragraph amended effective May 3, 2024]  
3119

3120 The following fees shall be submitted with, and as a part of, applications  
3121 and petitions for:  
3122

3123 **Please note that the commission may determine that it is**  
3124 **reasonably necessary to engage the services of an outside**  
3125 **consultant or consultants to assist it with evaluating any application**  
3126 **submitted pursuant to these regulations or in inspecting or verifying**  
3127 **improvements made or being made pursuant thereto. In that event,**  
3128 **the fees and costs incurred by the commission with respect thereto**  
3129 **shall be assessed as additional fees in relation to any such**  
3130 **application. Such additional fees shall be paid regardless of the**  
3131 **outcome of the application and, in any event, prior to and as a**  
3132 **condition of the issuance of any certificate of approval or permit**  
3133 **issued in consequence of said application.**  
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3142  
3143 Zoning

3144	Amendments*	\$360.00
3145	Change of Zone*	\$460.00
3146	Site Development Plans*	\$410.00
3147	Special Exceptions/Special Permits*	\$460.00
3148	(cost of transcript extra, if required)	
3149	Village District*	\$360.00
3150	Zoning board of Appeals*	\$210.00
3151	Ponds and Incidentals*	\$210.00
3152	Special Meetings*	\$310.00
3153	(For any special meeting requested by	
3154	Applicant or Petitioner and any special	
3155	meeting required regarding any	
3156	application or petition)	

3157  
3158  
3159

Zoning Permits

New Construction/additional space	\$12.00 per 100 sq. ft.
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3160		(plus \$60.00 DEEP fee)
3161	Temporary Sign Permit	
3162	For Profit	\$25.00 plus \$25.00 Deposit
3163	Nonprofit	No Fee
3164		
3165	Sign Application Fee	\$40.00
3166		(plus \$60.00 DEEP Fee)
3167		
3168		
3169	Special Event Fee	
3170	For Profit	\$50.00 plus \$50.00 Deposit
3171	Nonprofit	No Fee
3172		
3173	Circus/Carnival	\$50.00 plus \$50.00 Deposit
3174		
3175	Roadside Stand	\$25.00 plus \$50.00 Deposit
3176		
3177	Tag/Auction Sale	\$25.00 plus \$25.00 Deposit
3178		
3179	Temporary Retail Sale	\$300.00 plus \$500.00 Deposit
3180		
3181	Certificate of Zoning Compliance/Land Use Inquiry	
3182	Residential	\$30.00
3183	Commercial	\$100.00
3184		
3185	Sand and Gravel	
3186	Construction Permits	\$150.00 plus \$60.00 DEEP Fee
3187		
3188	Zoning Regulations	
3189	Hard copy book	\$40.00
3190		
3191	Zoning Map	\$15.00
3192		
3193	Citation Fine	
3194	All zoning regulation violations	\$100.00/day until compliance
3195		
3196		
3197	* Includes \$60.00 DEEP Fee	

3198 **ARTICLE 10**

3199 **SITE DEVELOPMENT PLANS**

3200  
3201  
3202 10.00 A. Purpose -- The Site Development Plan approval process is hereby  
3203 established by the Zoning Commission in an effort to aid in the upgrading of  
3204 future development of the Borough of Newtown; in an effort to encourage the  
3205 appropriate development in the use of land and buildings; and in an effort to  
3206 diminish detrimental effects on neighborhood characteristics and property values.  
3207

3208 B. Site Development Plan approval is required for any development  
3209 involving the erection of any new structure greater than 1500 square feet in area  
3210 and/or the reconstruction, enlargement, extension or structural alterations of  
3211 existing structures which would result in an increase in the gross floor area of  
3212 greater than 1500 square feet. Excepted from this requirement are the lawful  
3213 construction, alteration and occupancy of single family dwellings and uses  
3214 accessory thereto.  
3215

3216 C. The Commission shall require an application on a form which it  
3217 prescribes. Said application shall contain a written statement of the proposed  
3218 use, appropriate information concerning the applicant and his interests in the  
3219 property for which Site Development Plan approval is being sought.  
3220

3221 D. In addition, the following information shown either on a Site  
3222 Development Plan, supplemental plans drawn to a scale of not less than 1" = 40'  
3223 (except where otherwise specified), said plan not to exceed 25" x 37", reports or  
3224 documents:  
3225

- 3226 1. Name and address of owner and of developer, if different.
- 3227 2. Scale, north arrow, date, and zone classification.
- 3228 3. Signature and seal of a professional engineer, and/or surveyor,  
3229 and/or architect, where applicable, licensed to practice in Connecticut.
- 3230 4. Names of all abutting property owners. All zone or municipal  
3231 boundaries within 1,000 feet of the property.
- 3232 5. Perimeter of property involved together with total property area.
- 3233 6. A map showing the proposed area of construction at a scale of  
3234 not less than 1" = 20'.
- 3235 7. All proposed improvements to the property, including paved  
3236 parking areas, walks, landscaping, building setback dimensions, wells or  
3237 water supply, septic systems (including 100 percent reserve area),  
3238 drainage with invert elevations at basins, and pipe size, utilities, signs,  
3239 (size, type and location), outdoor lighting, erosion control and curbing (with  
3240 all radii shown).
- 3241 8. The location of each proposed septic system, detailed design  
3242 computations for septic systems including type of sewage, equipment data

- 3243 sources and layout of system and the location and results of each deep  
 3244 test hole and percolation test and/or approval from WPCA.
- 3245 9. Preliminary building plans including schematic floor plans,  
 3246 exterior elevations and perspective drawings.
- 3247 10. Existing and proposed contours at intervals not to exceed 5  
 3248 feet, smaller intervals may be necessary to show characteristics of that  
 3249 terrain. Proposed spot elevations at strategic locations.
- 3250 11. The volume of earth to be removed from the site or to be filled  
 3251 into the site.
- 3252 12. All existing topographical features on and within 50 feet of the  
 3253 property, structures, paved areas, foliage limits, wetlands, watercourses,  
 3254 underground utilities, septic systems, wells, isolated trees, stone walls,  
 3255 driveways, paths, ledge outcroppings or boulders, easements and building  
 3256 setback lines.
- 3257 13. Proposed open space such as parks, lawn areas and recreation  
 3258 facilities and such proposed covenants, easements and other provisions  
 3259 relating to dimensions, location and density of such buildings and public  
 3260 facilities as are necessary for the welfare and maintenance of the  
 3261 development and are consistent with the best interests of the Borough.
- 3262 14. The percentage of building coverage and lot coverage.  
 3263 [Amended April 22, 2019]
- 3264 15. Location and dimensions of loading, storage, refuse collection,  
 3265 exterior machinery and equipment, and parking areas including the  
 3266 location, dimensions and number of vehicle spaces and traffic islands.
- 3267 16. Proposed vehicular and pedestrian circulation patterns  
 3268 including location and dimensions of private and public streets and  
 3269 common drives.
- 3270 17. Field measurements of sight distances in both directions from  
 3271 each access to Town and State Roads.
- 3272 18. A traffic survey of the area or any other information which the  
 3273 Commission may reasonably require or the applicant may wish to submit.
- 3274 19. If filed with a Village District application, a block face drawing in  
 3275 accordance 12.F.5 Streetscapes. [Added effective April 22, 2019]
- 3276
- 3277 E. In addition, the Commission shall receive the following: [Entire  
 3278 paragraph added effective April 22, 2019]
- 3279
- 3280 1. A statement from the Fire Marshall on firefighting feasibility of the  
 3281 proposed development, recommendations and/or approval.
- 3282 2. An inland/wetlands license from the Conservation Commission, if  
 3283 required.
- 3284 3. A statement from the Borough Engineer detailing  
 3285 recommendations and/or approval.
- 3286 4. Approvals from the Water/Sewer Authority and Aquarion if  
 3287 required by the Commission and are normally obtained as a stipulation  
 3288 detailed in the Commission's approval of the application.

- 3289                   5. A statement from the Police Department detailing  
3290 recommendations and/or approval.  
3291                   6. A statement from the Conservation Director detailing comments,  
3292 recommendations and/or approval.  
3293                   7. A statement from the Health Department on the water and  
3294 wastewater disposal needs of the development, recommendations and/or  
3295 approval.  
3296                   8. A statement from the Planning Commission that the application  
3297 is in accordance with the Town of Newtown Plan of Conservation and  
3298 Development.  
3299                   9. A report from the Village District's consultant per 12.05A if  
3300 required.

3301  
3302           F. No Site Development Plan shall be approved by the Commission  
3303 unless it finds that the following standards and criteria have been or will be met:

- 3304                   1. The architectural design and renderings of buildings, including  
3305 among other elements, the building material, roofline and building  
3306 elevations, shall be of such character as to harmonize with the  
3307 neighborhood, and to protect property values in the neighborhood.  
3308                   2. All details of the Site Development Plan are designed and  
3309 arranged so as not to create a health or safety hazard to persons or  
3310 property on or off the road on which the development is planned.  
3311                   3. All details of the Site Development Plan are planned to conserve  
3312 as much of the natural terrain and vegetation as possible.  
3313                   4. All details of the Site Development Plan are planned to minimize  
3314 excessive light and noise.  
3315                   5. All details of the Site Development Plan are in keeping with the  
3316 general intent and spirit of the Borough Zoning Regulations.  
3317                   6. Utilities and drainage have been so laid out so as not to unduly  
3318 burden the capacity of such facilities.  
3319                   7. The streets and drives will be suitable and adequate to carry  
3320 anticipated traffic within the site.  
3321                   8. All applicable sections of these Regulations and all other  
3322 applicable Borough, Town or State Laws, ordinances, regulations, or  
3323 codes shall be complied with.  
3324                   9. Additional three dimensional renderings if needed by the  
3325 Commission or ZEO. *[Added effective May 17, 2024]*  
3326

3327  
3328           G. The Commission may at its discretion hold a public hearing on any  
3329 proposed development requiring a Site Development Plan. Said public hearing  
3330 shall be heard within 65 days of the submission of a complete Site Development  
3331 Plan.

3332  
3333           H. Notice of such public hearing shall be warned in the same manner as  
3334 an amendment to these Regulations.

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I. Non-substantial changes in an approved Site Development Plan may, with the written approval of the Zoning Enforcement Officer, be made, provided such changes shall in no way affect the overall layout, design, density, impact or nature of the Site Development Plan. Such non-substantial changes may include, but are not limited to, the locations of catch basins, manholes and other technical aspects of drainage, slight alterations of the location of roads, structures or buildings due to unforeseen topographical or geological features, slight alterations of finished contours, minor rearranging of lighting standards. If the Zoning Enforcement Officer shall have any question as to whether such a proposed change is non-substantial, such change shall require the review and written approval of the Commission.

J. The applicant shall notify the Commission of any proposed change to the approved site plan and shall obtain the approval of the Commission of any change to such approval prior to implementation thereof. Prior to the issuance of any Certificate of Occupancy, the applicant shall submit to the Commission a certification by each of the applicant's engineers and architects that there are no variances or deviations from the approved site development plan. The certification required by this section shall be deemed to be of the essence of a Certificate of Occupancy issued in reliance thereon.

K. Any site plan approval granted by the Zoning Commission shall cease to be effective two (2) years after the date of issuance.

3359 **ARTICLE 11**

3360 **EROSION AND SEDIMENT CONTROL**

3361  
3362  
3363 These Regulations may be cited as “Erosion and Sediment Control  
3364 Regulations of the Borough of Newtown, Connecticut,” and are adopted for the  
3365 purpose of conforming with and adhering to the requirements and public policy  
3366 as set forth in Public Act 83-388.

3367  
3368 **DEFINITIONS**

3369 A. “Certification” means a signed, written approval by the Commission,  
3370 that a soil erosion and sediment control plan complies with the applicable  
3371 requirements of these Regulations.

3372 B. “Commission” means the Borough Zoning Commission.

3373 C. “Conservation Director” means the Conservation Official of the Borough  
3374 of Newtown.

3375 D. “County Soil and Water Conservation District” means the Fairfield  
3376 County Soil and Water Conservation District established under Subsection 2 of  
3377 Section 22a-315 of the General Statutes.

3378 E. “Development” means any construction or grading activities to  
3379 improved or unimproved real estate.

3380 F. “Disturbed area” means any area where the ground cover is destroyed  
3381 or removed leaving the land subject to accelerated erosion.

3382 G. “Erosion” means the detachment and movement of soil or rock  
3383 fragments by water, wind, ice, gravity machinery or manmade activity, etc.

3384 H. “Grading” means any excavating, grubbing, filling (including hydraulic  
3385 fill) or stockpiling of earth materials or any combination thereof, including the land  
3386 in its excavated or filled condition.

3387 I. “Inspection” means the periodic review of sediment and erosion control  
3388 measures shown on the certified plan.

3389 J. “Sediment” means solid material, either mineral or organic, that is in  
3390 suspension, is transported, or has moved from its site of origin by erosion.

3391 K “Soil” means any unconsolidated mineral or organic material of any  
3392 origin.

3393 L. “Soil Erosion and Sediment Control Plan” means a scheme that  
3394 minimizes soil erosion and sedimentation resulting from development and  
3395 including, but not limited to, a map and narrative.

3396  
3397 **11.02 ACTIVITIES REQUIRING A CERTIFIED EROSION AND SEDIMENT**  
3398 **CONTROL**

3399 **PLAN**

3400 A soil erosion and sediment control plan shall be submitted with any  
3401 application for development when the disturbed area of such development is  
3402 cumulatively more than 1/2 acre.

3403  
3404 **11.03 EXEMPTIONS**



3405 A single family dwelling that is not part of a subdivision of land shall be  
3406 exempt from these Regulations.

3407  
3408 11.04 EROSION AND SEDIMENT CONTROL PLAN

3409 A. To be eligible for certification, a soil erosion and sediment control plan  
3410 shall contain proper provisions to adequately control accelerated erosion and  
3411 sedimentation and reduce the danger from storm water runoff on the proposed  
3412 site based on the best available technology. Such principles, methods, practices  
3413 necessary for certifications are found in the Connecticut Guidelines for Soil  
3414 Erosion and Sediment Control, as amended. Alternative principles, methods and  
3415 practices may be used with prior approval of the Commission or the  
3416 Conservation Director, its designated agent.

3417 B. Said plan shall contain, but not be limited to:

3418 1. A narrative describing:

3419 a. the development.

3420 b. the schedule for grading and construction activities

3421 including:

3422 1) start and completion dates.

3423 2) sequence of grading and construction activities.

3424 3) sequence for installation and/or application of soil  
3425 erosion and sediment control measures.

3426 4) sequence for final stabilization of the project site.

3427 c. the design criteria for proposed soil erosion and sediment  
3428 control measures and storm water management facilities.

3429 d. the construction details for proposed soil erosion and  
3430 sediment control measures and storm water management facilities.

3431 e. the installation and/or application procedures for proposed  
3432 soil erosion and sediment control measures and storm water  
3433 management facilities.

3434 f. the operation and maintenance program for proposed soil  
3435 erosion and sediment control measures and storm water  
3436 management facilities.

3437 2. A site plan map at a sufficient scale to show:

3438 a. the location of the proposed development and adjacent  
3439 properties.

3440 b. the existing and proposed topography including soil types,  
3441 wetlands, watercourses and water bodies.

3442 c. the existing structures on the project site, if any.

3443 d. the proposed area alterations including cleared,  
3444 excavated, filled or graded areas and proposed structures, utilities,  
3445 roads and, if applicable, new property lines.

3446 e. the locations of and design details for all proposed soil  
3447 erosion and sediment control measures and storm water  
3448 management facilities.

3449 f. the sequence of grading and construction activities.

3450 g. the sequence for installation and/or application of soil  
3451 erosion and sediment control measures.

3452 h. the sequence for final stabilization of the development  
3453 site.

3454  
3455 11.05 MINIMUM ACCEPTABLE STANDARDS

3456 A. Plans for soil erosion and sediment control shall be developed in  
3457 accordance with these Regulations using the principles as outlined in the  
3458 Connecticut Guidelines for Soil Erosion and Sediment Control, as amended. Soil  
3459 erosion and sediment control plans shall result in a development that: minimizes  
3460 erosion and sedimentation during construction, is stabilized and protected from  
3461 erosion when completed, and does not cause off-site erosion and/or  
3462 sedimentation.

3463  
3464 B. The minimum standards for individual measures are those in the  
3465 Connecticut Guidelines for Soil Erosion and Sediment Control, as amended. The  
3466 Commission may grant exceptions when specifically requested by the applicant if  
3467 technically sound reasons are presented.

3468  
3469 C. The appropriate method from the Connecticut Guidelines for Soil  
3470 Erosion and Sediment Control, as amended, shall be used in determining peak  
3471 flow rates and volumes of runoff unless an alternative method is approved by the  
3472 Commission.

3473  
3474 11.06 ISSUANCE OR DENIAL OF CERTIFICATION

3475  
3476 A. The Commission shall either certify that the soil erosion and sediment  
3477 control plan, as filed, complies with the requirements and objectives of these  
3478 Regulations or deny certification when the development proposal does not  
3479 comply with these Regulations.

3480  
3481 B. Nothing in these Regulations shall be construed as extending the time  
3482 limits for approval of any application under Chapters 124, 124A or 126 of the  
3483 General Statutes.

3484  
3485 C. Prior to certification, any plan submitted to the Commission shall be  
3486 reviewed by the Conservation Director who shall make recommendations  
3487 concerning such plan, provided such review shall be completed within 30 days of  
3488 the receipt of such plan.

3489  
3490 D. The Commission may forward a copy of the development proposal to  
3491 the Northwest Conservation District, to the Newtown Inland Wetlands  
3492 Commission, and any other Town of Newtown Department, commission or  
3493 agency, or any consultant for review and/or comment. [Amended effective  
3494 December 21, 2015]  
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11.07 CONDITIONS RELATING TO SOIL EROSION AND SEDIMENT CONTROL

A. 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 Regulations of the Borough of Newtown and the Subdivision Regulations of the Town of Newtown, as from time to time amended.

B. 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.

C. Planned soil erosion and sediment control measures and facilities shall be installed as scheduled according to the certified plan.

D. 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. [Amended effective December 21, 2015]

11.08 INSPECTION

Inspection shall be made by the Commission or the Conservation Director, 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. The Commission may require the permittee to verify through progress report 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. 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.

11.09 Site Stabilization Agreement [added effective December 21, 2015]

A Site Stabilization Agreement between the applicant and the Borough of Newtown shall be a requirement for a Certificate of Occupancy sign-off during the non-growing months of the year.

3538  
3539 **ARTICLE 12**

3540 **BOROUGH OF NEWTOWN VILLAGE DISTRICT**

3541  
3542  
3543 **INTRODUCTION**

3544  
3545 In 1998, the Zoning Commission of the Borough of Newtown began a  
3546 project to establish a Village District in accordance with the authority provided by  
3547 §8-2j of the General Statutes and to incorporate in the district a set of design  
3548 guidelines that would protect the distinctive character, landscape and historic  
3549 values set forth in the Plan of Development. The members of the committee  
3550 considered State, regional and municipal policies and past decisions and studied  
3551 similar documents from regulatory commissions of village districts in other  
3552 jurisdictions, as well as the federal standards for rehabilitation of properties.

3553  
3554 Village District development is controlled by zoning regulations that are to  
3555 be interpreted with the help of such Village District Design Guidelines as may be  
3556 adopted by the Commission from time to time. Guidelines have a role that is  
3557 different in nature from the zoning regulations. Guidelines do not always dictate  
3558 specific limits, nor does strict adherence to them necessarily assure approval.  
3559 Evaluation of buildings requires judgment in studying plans submitted. The  
3560 Commission has to consider each design on its own merit, as well as its effect on  
3561 the neighborhood and the Borough as a whole. By themselves, guidelines do not  
3562 guarantee excellent or even mediocre architecture. The important point is that by  
3563 following these guidelines, the property owner is doing his part to help the  
3564 Commission protect the fragile, irreplaceable environment of the Borough.

3565  
3566 The guidelines are not designed to promote any particular architectural  
3567 styles. Their role is to protect existing properties against incorrect alterations and,  
3568 as new buildings are built and additions made to existing structures, to preserve  
3569 the continuity and architectural unity of the district. Within that overall unity today  
3570 are a variety of styles and settings, and, as a result, different new buildings could  
3571 be compatible. Some buildings, however, may not be. For that reason, the intent  
3572 of the guidelines is to be selective-and sometimes restrictive-in order to exclude  
3573 designs that would erode the historic, cultural and economic resource built up  
3574 over generations.

3575  
3576 **Historic Continuity**

3577 The historic value of the commercial center of the Borough is found in the  
3578 design of its individual buildings, the street scene, and the overall relationship of  
3579 buildings, streets and topography as well as vehicular and pedestrian traffic and  
3580 densities of uses. The architecture and the street scene are a reflection of a  
3581 society, economy, and technology somewhat different from today's. The  
3582 Borough's commercial center evolved in a simpler society and before the  
3583 widespread availability of electricity, large machinery, easy transportation, low

3584 cost steel and glass, and elevators. The general appearance of street vistas and  
3585 the present character of separate buildings represent an accumulation of many  
3586 periods. The overall pattern of streets, lots, buildings, and landmarks was  
3587 established in the 18th century and followed in the 19th and 20th centuries.  
3588 Today, caution and vigilance remain essential to the continued preservation of  
3589 the Borough through regulation of the commercial center.

#### 3591 Distinctive Character

3592 Anything as subtle as charm is difficult to define, and the quaint and  
3593 distinctive character of the center defies exact definition as well. Its history and  
3594 that of the Town as a whole inform it. The component parts of the Borough  
3595 interrelate in a subtle and distinctive way: the repetition and similarity of house  
3596 after house with similar or special architectural details and seldom of greater  
3597 height than three stories; a mix of small and grand houses on small lots facing  
3598 adjacent streets; a variety of small business and professional offices. These  
3599 elements have produced the ambience of the Borough for leisurely living and  
3600 have given it quaint and distinctive New England small town charm that is found  
3601 with decreasing frequency.

#### 3603 Overall Unity

3604 Courts have not attempted to define these special qualities but rather have  
3605 looked more toward a total concept or overall unity, as the definitive statement.  
3606 The wording of the "Village District" statute, general rather than categorical,  
3607 seems to take into account that, within the overall entity of a Village District, there  
3608 is a spread of historic styles, cultural influence, land use and density. However  
3609 general this phraseology, its thrust and intention are unmistakable.

#### 3611 Design Quality

3612 While the quality of a building's design may not improve with age, every  
3613 generation must evaluate the significance of architectural styles and examples,  
3614 being guided by the wisdom of the past and wary of its folly. Some buildings that  
3615 are interesting and intriguing now, for instance, were previously considered to  
3616 have very little value.

#### 3618 Major Components of the Village District Distinctiveness

3619 A. While a statement in the Introduction suggests that defining the "quaint  
3620 and distinctive character" of the Borough and its commercial center is difficult, the  
3621 major physical components of its distinctiveness are not mysterious or elusive.  
3622 The Commission, in attempting to fulfill its legal responsibility to preserve its rural  
3623 New England village character, recognizes that size, scale and design of  
3624 buildings, along with workable pedestrian and vehicular traffic patterns are  
3625 essential physical components of the distinctiveness and uses them in evaluating  
3626 the appropriateness of physical changes proposed within the District.

3627

3628 B. Scale of the District.

3629 Vertical as well as horizontal distance is measured in human footsteps.  
3630 Human size and untaxed physical capability, along with available technology and  
3631 material, established the scale of the district. This human scale, reflected in the  
3632 size of buildings, contributes more to the distinctiveness of the commercial  
3633 district than any other single component.

3634  
3635 C. Texture of Typical Street Scene (Pattern created by scale, setback,  
3636 landscaping, density, traffic generation, signs, etc.).

3637 The typical street scene facilitates pedestrian traffic unfettered access to  
3638 commercial uses.

3639 The predominant ratio of solid wall area to area of openings, proportions  
3640 and directional emphasis of wall openings and roof, parapet and floor shall be  
3641 respected and maintained wherever possible.

3642  
3643 D. Typical Building Materials (Walls: Brick, wood; Roofs: Slate, wood and  
3644 tile shingles).

3645 Design unity within the District is greatly enhanced by the use of relatively  
3646 few materials and their repetition. Materials for exterior walls, doors, windows,  
3647 roofs, paving, etc. shall be compatible in quality, color and texture with existing  
3648 prevalent materials in the neighborhood.

3649  
3650 E. Typical Commercial Building Site Plan.

3651 The pattern within the Borough and the District is of relatively small  
3652 residential and commercial buildings, punctuated by larger institutional and public  
3653 buildings. Business and commercial buildings, however, should not substantially  
3654 exceed other commercial buildings in the vicinity in mass, nor should they  
3655 dominate them.

3656  
3657 F. Liaison with Town.

3658 1. Visual Contact:

3659 Because of the distinctive views of the Borough offered from Castle  
3660 Hill Road and other sites in the Town, care should be taken to prevent the  
3661 introduction of elements that would disrupt that element.

3662 2. Physical Access:

3663 Free-flowing, convenient traffic patterns, both vehicular and  
3664 pedestrian, are the lifeblood of commerce and social intercourse. It is  
3665 essential to public safety and to maintaining property values. Accordingly,  
3666 it is one of the essential elements to be preserved, both for the short term  
3667 and long term health of the community. Church Hill Road and Queen  
3668 Street are burdened with a number of existing uses that contribute to the  
3669 traffic problems currently existing in the District, including three schools  
3670 and two significant shopping centers. Church Hill Road, moreover,  
3671 previously provided the primary access for trucks between Route 184 and  
3672 Route 25. With the upgrade to the railroad underpass, it will undoubtedly  
3673 again provide that access. The Borough, however, has little discretion

3674 with respect to controlling traffic facilities on those two roadways -  
3675 roadways that are at the crossroad of the District.

3676 3. Size and Proportion:

3677 The specific size of individual building elements makes a very  
3678 significant difference in their appearance. Small differences in size may be  
3679 readily apparent, particularly when they constitute a large proportional  
3680 difference.

3681 Certain elements are limited in their size because of historical  
3682 building conventions and 19th century construction technology. In some  
3683 instances, changes in building technology have resulted in corresponding  
3684 changes in the prevalent sizes of particular elements. And while  
3685 technological improvements through time have allowed increases in scale,  
3686 such advances should not dictate changes in the community. The  
3687 possible should not control the desirable. Thus, improperly sized buildings  
3688 or uses would be detrimental to the overall well being of the District,  
3689 especially given limited traffic facilities.

3690 In general, it can be said that buildings of various styles derive  
3691 much of their effect and importance from the fact that their various parts  
3692 adhere to systems of scale and proportion that are unique to the  
3693 respective styles. So, too, with community styles. To tamper with these  
3694 relationships can be detrimental to the sense of the building and the  
3695 community alike. Although the rules of scale and proportion are too  
3696 numerous to set down here, decisions are based upon the Commission's  
3697 knowledge of the norms.

3698 4. Density:

3699 Density of use and mass of structure shall be vigorously held to the  
3700 legally permitted level, as per the Zoning Ordinance of the Borough of  
3701 Newtown.

3702 5. Streetscapes:

3703 Proposed additions to existing structures and new buildings shall  
3704 not be higher than the predominant building height on the block face  
3705 between the two intersecting streets.

3706  
3707 Applicants for volumetric additions or new construction affecting the  
3708 street façade must prepare a block face drawing of the structure or  
3709 structures proposed showing the area thereof as seen from the street,  
3710 along with similar block face drawings of other buildings and structures in  
3711 the immediate neighborhood, all rendered in the same scale, so as to  
3712 show the proportional relationship of the proposal to other buildings and  
3713 structures in the area.

3714  
3715 SUMMARY

3716  
3717 A. PREDOMINANT CHARACTERISTICS.

3718 The distinctiveness of an area is created by its predominant  
3719 characteristics, not the exceptions or deviations. While the Village District has

3720 variety in building designs, this variety is within discernable limits. Uncontrolled  
3721 variation or designs out of context will not preserve the District's distinctiveness.

3722 Though change is inevitable, even in an historic district, accommodating  
3723 the District to the requirements of contemporary life should not be achieved at  
3724 the cost of the integrity of the district's unique environment.

3725

3726 **B. ADDITIONS AND NEW BUILDINGS.**

3727 All structures should be recognizable products of their time of  
3728 construction. Contemporary design for additions to existing buildings and new  
3729 structures is encouraged, but contemporary designs must be compatible with the  
3730 distinctive character of the district and related to neighboring historic buildings in  
3731 size, scale, materials, and site plan.

3732 The size of business and commercial buildings must be limited as  
3733 heretofore indicated to preserve the scale of the District. Large-scale business  
3734 and commercial buildings are alien to the distinctiveness of the Village District  
3735 and the Borough. Any good faith effort to comply with the legal requirement to  
3736 preserve its distinctive character does not permit approval of large-scale  
3737 business or commercial buildings.

3738 With this background in mind, the following Design Regulations are  
3739 adopted:

3740

3741 **Village District Regulations**

3742

3743 **12.01 Purpose**

3744 A. The purpose of these regulations is to protect the Village District, which  
3745 is comprised of those properties that abut Church Hill Road on the northern side  
3746 between Wendover Road and the railroad tracks that mark the Borough  
3747 boundary, those that abut Church Hill Road on the southern side that do not abut  
3748 Main Street, those properties any portion of which abuts Queen Street on the  
3749 easterly side between Church Hill Road to and including Newtown Middle  
3750 School, and on the westerly side for a distance of 800 feet measured from  
3751 Church Hill Road in accordance with the authority and intent of §8-2j of the  
3752 General Statutes, as amended from time to time. In the event there is a conflict  
3753 between the requirements of the Village District Regulations and the regulations  
3754 applicable to the underlying zone, those in the Village District Regulation will  
3755 control.

3756 1. The purpose of these regulations is also to protect the Main Street  
3757 Village District, which is comprised of those properties that abut Main Street and  
3758 South Main Street extending to Johnny Cake Lane and those that abut Church  
3759 Hill Road on the northerly side between Main Street and Wendover Road within  
3760 the Borough of Newtown.

3761 2. All properties lying within the Borough of Newtown Village District and  
3762 the Main Street Village District shall be subject to and shall conform to the  
3763 requirements and standards contained in Article 12 of the Borough of Newtown  
3764 Zoning Regulations, insofar as they are applicable, and shall be subject to Village  
3765 District review thereunder provided further that properties in the Main Street



3766 Village District shall not be required to comply with the curbing, sidewalk and  
3767 sidewalk lighting requirements contained therein.  
3768 [Findings, 12.01, 12.01B(1) and 12.01B(2) amended and added effective  
3769 October 3, 2016]

3770  
3771 12.02 Applicability of Village District Regulations

3772 Village District approval in accordance with these regulations, in addition  
3773 to the requirements of the underlying zoning district regulations, is required prior  
3774 to any proposed new construction, substantial reconstruction or rehabilitation of  
3775 properties within the District and in view from public roadways.

3776  
3777 12.03 Application Requirements

3778 A. An application for Village District approval shall be submitted on a form  
3779 to be provided by the Commission and shall contain such information as will  
3780 allow the Commission to make a reasoned decision on each of the following  
3781 design criteria, in addition to criteria set forth in the Zoning Regulations relating to  
3782 uses and buildings permitted in Business and Professional zones, including, but  
3783 not limited to the following:

3784  
3785 1. Proposed buildings and modifications to existing buildings shall  
3786 be constructed with appropriate materials and of building designs  
3787 appropriate for a scenic and rural New England town, recognizing  
3788 architectural scale, rhythm and proportion, and shall avoid large monolithic  
3789 building forms;

3790 2. Proposed buildings or modifications to existing buildings shall be  
3791 harmoniously related to their surroundings, the terrain in the district and to  
3792 the use, scale and architecture of existing buildings in the district that have  
3793 a functional or visual relationship to the proposed building or modification;  
3794 All spaces, structures and related site improvements visible from public  
3795 roadways shall be designed to be compatible with the elements of the  
3796 area of the village district in and around the proposed building or  
3797 modification. The color, size, height, location, proportion of openings, roof  
3798 treatments, building materials and landscaping of the property that is to be  
3799 improved and any proposed signs and lighting shall be evaluated for  
3800 compatibility with the local architectural motif and the maintenance of  
3801 views, historic buildings, monuments and landscaping; and

3802 3. The removal or disruption of historic, traditional or significant  
3803 structures or architectural elements shall be minimized.

3804  
3805 B. All development in the Village District shall be designed to achieve the  
3806 following compatibility objectives:

3807 1. Buildings and building layout, including all site improvements,  
3808 shall reinforce existing buildings and streetscape patterns and the  
3809 placement of buildings and included site improvements shall assure there  
3810 is no adverse impact on the district:

- 3811                   2. Proposed streets shall be connected to the existing District road  
3812 network, wherever possible;
- 3813                   3. Open spaces within the proposed development shall reinforce  
3814 open space patterns of the district, in form and siting;
- 3815                   4. Locally significant features of the site such as distinctive  
3816 buildings or sight lines of vistas from within the District, shall be integrated  
3817 into the site design;
- 3818                   5. The landscape design shall complement the district's landscape  
3819 patterns;
- 3820                   6. Exterior signs, site lighting and accessory structures shall  
3821 support a uniform architectural theme and be compatible with their  
3822 surroundings; and
- 3823                   7. The scale, proportions, massing and detailing of any proposed  
3824 building shall be in proportion to the scale, proportion, massing and  
3825 detailing in the District.

3826

3827 12.04 Village District Application Fees

3828                   At the time of filing an application for Village District approval, the  
3829 applicant shall pay a fee which will be comprised of a basic fee in accordance  
3830 with Section 9.07 plus the cost to the Borough of Newtown for outside review as  
3831 required by the following section, as that cost is established from time to time.  
3832 The full fee under this section shall be paid prior to, and as a condition of, the  
3833 issuance of the Commission's decision on the application. By submitting a Village  
3834 District application, or authorizing another to make such an application on the  
3835 Property Owner's behalf or with his consent, the owner of property that is the  
3836 subject of the application agrees that, if the fees required by this section are not  
3837 paid in full (including that portion of the fee necessitated by application review by  
3838 a design professional) at the time the Commission issues its decision thereon,  
3839 the amount of the fee remaining unpaid shall become a lien upon the property in  
3840 favor of the Borough of Newtown, and the owner consents to the filing of a notice  
3841 of lien therefore on the Newtown Land Records."

3842

3843 12.05 Referral of Application to Outside Consultants

3844                   A. All applications for new construction and substantial reconstruction  
3845 within the District and in view from public roadways may be subject to a referral,  
3846 at the discretion of the Borough of Newtown Zoning Commission, to an architect,  
3847 architectural firm, landscape architect, or planner who is a member of the  
3848 American Institute of Certified Planners selected and contracted by the  
3849 Commission and designated as a village district consultant for such application  
3850 upon receipt. The consultant shall report his findings to the Commission within  
3851 35 days after the referral. [Amended effective April 22, 2019]

3852                   B. The commission may seek the recommendations of any town or  
3853 regional agency or outside specialist with which it consults, including, but not  
3854 limited to, the regional planning agency, the municipality's historical society, the  
3855 Connecticut Trust for Historic Preservation and The University of Connecticut  
3856 College of Agriculture and Natural Resources. Any reports or recommendations

3857 from such agencies or organizations shall be entered into the public hearing  
3858 record.

3859

#### 3860 12.06 Public Hearing/Non-Substantive Changes

3861 A. All such applications shall be considered at a public hearing to be  
3862 conducted in accordance with the procedures and schedule provided in Title 8 of  
3863 the General Statutes and these Regulations for special exceptions.

3864 B. The Commission may approve non-substantial modifications of any  
3865 Village District approval without a public hearing and without special notices  
3866 otherwise required.

3867

#### 3868 12.07 Specific Regulatory Standards

3869 All activity subject to Village District review shall comply with the following  
3870 standards, provided, however, that any construction, reconstruction or  
3871 rehabilitation of property during a five year look-back period that does not  
3872 increase the gross floor area of a building by more than 500 square feet is  
3873 exempt from such of the following infrastructure regulations as would otherwise  
3874 require installation of sidewalks, granite curbing and sidewalk lighting. [Amended  
3875 effective December 21, 2015]

3876

3877 A. Design and Placement of Buildings. New construction, substantial  
3878 reconstruction and rehabilitation of buildings shall conform to the following:  
3879 [Amended effective December 21, 2015]

3880 1. Permitted building designs are those appropriate for a scenic and  
3881 rural New England village that recognize architectural scale, rhythm and  
3882 proportion, avoid large monolithic building forms whose architectural  
3883 appearance is devoid of traditional scale, rhythm and proportion, the  
3884 design of which implements the use of traditional forms, shapes, and  
3885 material.

3886 2. Parking will be to the rear of the building, away from the street  
3887 line. Placement of buildings shall not interfere with vehicular or pedestrian  
3888 site lines. [Added effective December 21, 2015]

3889 3. Loading and Unloading areas shall be located at the rear or side  
3890 of the building and screened from view from the adjacent properties, street  
3891 and parking areas.

3892 4. Dumpsters and Storage areas shall be located at the rear or side  
3893 of the building and screened from view from the adjacent properties, street  
3894 and parking areas.

3895 5. Utility Equipment shall be located at the rear or side of the  
3896 building and screened from view from the adjacent properties, street and  
3897 parking areas. If the equipment creates noise or odor it is to be housed  
3898 within a building that eliminates the sound or odor.

3899

3900 B. Maintenance of Public Views. No building shall be so designed or  
3901 constructed, nor shall it be of such placement, height or mass as to obstruct the  
3902 following public views:

- 3903 1. view from Main Street looking east down Church Hill Road  
3904 2. view of or from the Flagpole  
3905 3. view from Castle Hill  
3906 4. view of the Meeting House  
3907 5. view of Trinity Church  
3908 [Added effective December 21, 2015]  
3909

3910 C. Design, Paving Materials and Placement of Public Roadways.

- 3911 1. Road Edge Definition and Curb Cuts will be designed  
3912 a. to control vehicular traffic congestion on streets and to  
3913 improve the pedestrian environment. Vehicular traffic will be  
3914 improved by the management of the number of driveways  
3915 accessing the streets and crossing the sidewalks. Pedestrian traffic  
3916 will be improved by constructing pedestrian circulation patterns of  
3917 uninterrupted walkways safe and separate from vehicular traffic.  
3918 b. to improve identification of pedestrian crosswalks the  
3919 pavement is to be distinctive in color and of a material both raised  
3920 slightly above road level and textured. Acceptable materials are  
3921 compressed, colored and imprinted concrete, paver blocks,  
3922 Belgium block, cobblestone, brick or other similar materials.  
3923 2. Curbing of driveways and on the street shall be granite curbing,  
3924 which shall have a beveled edge along the outside edge facing the street  
3925 or drive.  
3926

3927 D. For all new construction and substantial reconstruction of buildings in  
3928 the Village District, sidewalks are to be installed along the street frontage and  
3929 through access ways. The Borough Sidewalk Ordinance is on file with the  
3930 Borough Clerk and with the Newtown Town Clerk and sidewalk lighting is to be  
3931 installed in accordance with the Village District Sidewalk Lighting Plan.  
3932 Sidewalks must continue across driveways clearly designating the pedestrian's  
3933 right of way. Sidewalk lighting is to be installed in accordance with the Village  
3934 District Sidewalk Lighting Plan."  
3935 [Amended effective April 22, 2019]

3936  
3937  
3938 **ARTICLE 13**  
3939 **BOROUGH LANDMARK BUILDINGS (BLB) Floating Zone**

[Added effective April 29, 2021]

3940 **13.01 Purpose**

3941 The purpose of the BLB Floating Zone is to preserve the cultural, historical and  
3942 architectural heritage of the Municipal Buildings (within the Borough of Newtown.)  
3943 In so doing, it is recognized that certain structures and land areas have value as  
3944 Borough Landmark Buildings, which value transcends the ordinary standards  
3945 incorporated in the Zoning Regulations and, therefore, requires that each  
3946 individual site be considered a special case. It is declared to be the policy of this  
3947 regulation that significant municipal landmark buildings within the Borough should  
3948 be preserved, insofar as doing is consistent with the sound development of the  
3949 Borough of Newtown, in accordance with the policies of the Newtown Plan of  
3950 Conservation and Development.

3951  
3952 **13.02 Definition**

3953 A Borough Landmark Building shall be any municipal building. The Town of  
3954 Newtown, by vote of the Board of Selectmen, must first request that a Municipal  
3955 Building be considered for designation as a Landmark Building. In order to  
3956 approve a Borough Landmark Building, the Commission shall determine on the  
3957 basis of factual data, and expert opinion, that the building possesses a degree of  
3958 historic significance, architectural uniqueness and cultural value which would  
3959 represent a severe cultural loss to the community, if destroyed or altered, and  
3960 that the preservation of the landmark building warrants special zoning regulations  
3961 for its protection and proper use. These regulations only apply to the uses of a  
3962 building, the property must comply with all other applicable Zoning, Historic and  
3963 Village District Regulations

3964  
3965 **13.03 General Uses in Landmark Buildings**

3966 1. Permitted Uses

3967 The Borough Zoning Commission may permit any use or combination of uses  
3968 currently allowed in the Borough. The specific list of permitted uses will be  
3969 generated for each Landmark Building as outlined below in the Formal  
3970 Application Requirements.

3971  
3972 **13.04 Application Requirements for Landmark Building Designation**

3973 Formal Application Requirements

3974 Any application for approval of a Borough Landmark Building and Zone Change  
3975 shall be submitted to the Borough Zoning Commission, by the Board of  
3976 Selectmen, and shall be accompanied by the following:

- 3977 a. Statement. A written statement specifying in detail the proposed  
3978 Zoning Regulations to be applied to the specific Landmark Building,  
3979 setting forth any proposed regulations concerning the permitted  
3980 uses, building, and other structures.

- 3981 b. Required Documentation. Sufficient document that establishes  
3982 the historic significance, architectural uniqueness and cultural value  
3983 of proposed Borough Landmark Building. Documentation that  
3984 details the historical registration as an historic property. Any  
3985 additional documentation that would assist the Borough Zoning  
3986 Commission in determining a BLB designation.
- 3987 c. Procedure. The Borough Zoning Commission shall forward the  
3988 application to the Planning Commission to determine that the  
3989 proposed Borough Landmark Building is consistent with the Plan of  
3990 Conservation and Development for the area encompassing the  
3991 proposed building.
- 3992 d. At such time as the application is approved by the Borough  
3993 Zoning Commission, the Borough Landmark Building shall be  
3994 considered established and these regulations and the Zoning Map  
3995 shall be modified to permit establishment of the BLB Zone as  
3996 approved.
- 3997 e. Conditions. The Borough Zoning Commission may attach any  
3998 condition or conditions to its approval as it considers necessary in  
3999 order to protect the public health, safety, convenience and property  
4000 values in order to assume continuing conformance to the approved  
4001 application.
- 4002 f. Amendments. Application for changes in approved plans shall be  
4003 made and acted upon in the same manner and procedure as  
4004 required for the initial application.

4005 **13.05 Enforcement Procedures**

4006 The Zoning Enforcement Officer shall be charged with the enforcement of  
4007 the zoning regulations for permitted uses established for each designated  
4008 Landmark Building. The Zoning Enforcement Officer may consult with the  
4009 Borough Zoning Commission when determining questions of enforcement arising  
4010 out of interpretations of the guidelines set forth in Section 4.08.2d of these  
4011 regulations.

4012 **13.06 List of Approved Individual Landmark Buildings and Uses**

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4014

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