

*Borough of Newtown
Zoning Commission
Newtown, Connecticut 06470*

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that at its meeting of August 10, 2016, the Borough of Newtown Zoning Commission took action on the following application:

Application by the Borough of Newtown Zoning Commission for proposed revisions/additions to the zoning regulations regarding the professional zone by adding limited business uses to the zone thereby resulting in a professional-limited business zone – **APPROVED EFFECTIVE DATE AUGUST 22, 2016.**

Dated this 15th day of August, 2016.

Borough of Newtown Zoning Commission

Douglas Nelson, Chairman

For publication one (1) time only in the **AUGUST 19, 2016** issue of the Newtown Bee.

When billing, please supply certificate of publication.

ARTICLE 4 - USES

4.08 USES PERMITTED IN THE PROFESSIONAL-LIMITED BUSINESS ZONE

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

- A. One-family dwelling one per lot.
- B. A Professional Building containing less than 4,500 square feet of gross floor area.
- C. A one-family dwelling plus the office of a professional person. (The limitations contained in 4.07A hereof do not apply to the professional office within such one-family dwelling.)
- D. Residential units are permitted within a professional building provided that the residential area does not exceed fifty (50) percent of the allowed gross floor area of each professional building. The residential dwellings shall be located above any permitted professional use and:
 - 1. Shall be a minimum of eight hundred (800) square feet.
 - 2. Shall allow two (2) parking spaces for each residential unit.
- E. Personal Service Establishments are permitted with a professional building provided that the total square feet of such establishments do not exceed fifty (50) percent of the allowed gross floor area of each professional building.
- F. Light Office uses are permitted in a professional building provided that the total light office space does not exceed fifty (50) percent of the allowed gross floor area of each professional building.

4.08.1 PROFESSIONAL USES PERMITTED BY SPECIAL EXCEPTION

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

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

ARTICLE 2 – DEFINITIONS – ADDITION TO 2.12

2.12

A. "LIGHT OFFICE" means those office spaces that are used to support not-for-profit and charitable organizations or off-site professional uses. **[added effective August 22, 2016]**

B. "LOCAL RESIDENTIAL STREET" -see "Street, local residential".

C. "LOT" shall mean a parcel of land, of any size or shape, occupied by one principal building or devoted to one principal use and containing the permitted accessory buildings and uses customarily incidental to such principal building or use, and including such open spaces as are required under the provisions of these Regulations. Where land is undeveloped "lot" shall mean all contiguous land owned by the same owner or owners except subdivision lots owned by a person not required to obtain reapproval of the subdivision pursuant to 2.17 of the Newtown Land Subdivision Regulations effective October 1967. The mere recording or filing of a map in the Town Clerk's Office shall not constitute the creation of a lot.

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

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

ARTICLE 2 – DEFINITIONS – REVISIONS/ADDITIONS TO §2.16

2.16

A. “PARKING SPACE” means any area used or designated for use for the parking of motor vehicles.

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

C. “PLANTED BUFFER” means a strip of land dividing buildings, parking lots and uses on one lot from the boundary with an adjacent lot in which is planted two or more parallel rows of evergreen trees or evergreen shrubs of not less than 10 feet in height above ground with their lowest branches not more than 3 feet above ground. Said rows shall be at least 10 and not more than 20 feet apart and substantially parallel with the lot line, with the row closest to the lot line to be within 15 feet, but not closer than 10 feet to the lot line. Said trees shall be spaced 12 feet apart in said rows, alternating so that each tree is placed on a point in its row which is midway between the trees on either side of it in the adjacent row. Said trees must be maintained or replaced if necessary to provide continuous screening.

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

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

F. “PROFESSIONAL BUILDING” is a structure that is used by Professional Persons and may include residential units, Personal Service Establishments and Light Office spaces. **[Added effective August 22, 2016]**

G. “PROFESSIONAL PERSON” shall mean a person who is engaged in a business such as medical, dental, legal, engineering, consulting, clerical, administrative, educational, financial, real estate and similar professions.

H. “PROFESSIONAL PERSON” shall mean an accountant, architect, dentist, lawyer, professional engineer, registered land surveyor or medical doctor, including without limitation, a physician, surgeon, optometrist, psychologist, psychiatrist, podiatrist, chiropractor or osteopath. **[Revised effective August 22, 2016]**

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

J. “PRINCIPAL PUBLIC UTILITY INSTALLATION” is a major utility infrastructure facility that constitutes a principal use on a parcel. **[Added effective April 20, 2015]**

K. “INCIDENTAL PUBLIC UTILITY INSTALLATION” includes facilities and structures that aid in the delivery of public utility services to the public, but does not include Public Utility Equipment. Such installations are considered incidental only

insofar as they are minor in relation to the principal use on the lot and are limited in height to the average peak roof height of buildings any part of which are within 500 feet of the installation. **[Added effective April 20, 2015]**

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