

**PROPOSED REVISIONS TO STONINGTON ZONING REGULATIONS TO  
ACCOMMODATE A NEW ZONING DISTRICT TO BE KNOWN AS THE  
HIGHWAY TRANSITION DESIGN DISTRICT**

**ADD SECTION 7.22 HIGHWAY TRANSITION DESIGN DISTRICT ("HTDD")**

**7.22.1 PURPOSE**

This District is structured to encourage mixed use development which will be harmonious, in context, and which will occur in a manner which will be consistent with preserving the inherent character of the neighborhood in which it is located. This District is intended for areas which are adjacent to an interstate highway and in close proximity to, or which bear some residential characteristics, but which have infrastructure and neighborhood characteristics which will allow for commercial development to occur in a manner compatible with surrounding properties. In the context of the overall development of the Town of Stonington, the HTDD has been formulated to achieve the following purposes:

- 7.22.1.1 To encourage a more efficient use of land and public services by promoting compact development in appropriate locations based upon existing infrastructure and development patterns.
- 7.22.1.2 To minimize travel demand and traffic impacts through the use of smart growth principles and promote citizen security and social interaction by providing pedestrian-oriented residential development in close proximity to shops, services, offices and open space.
- 7.22.1.3 To provide a mix of uses, including residential, commercial and open space in a pedestrian scale overall development pattern.
- 7.22.1.4 To provide a system of village scale interconnected streets with sidewalks that offer multiple options for motorists and pedestrians consistent with the Town of Stonington's infrastructure.
- 7.22.1.5 To promote developments where the physical, visual and spatial characteristics are established and reinforced through the consistent use of compatible design incorporating landscape and architectural design elements. Such elements shall relate the design characteristics of each individual structure to a central theme in a harmonious manner, resulting in a coherent overall development pattern.

- 7.22.1.6 To promote development which will preserve the rural, historic and open space attributes of the Town of Stonington by directing mixed use development to appropriate locations complimented and buffered by a system of greenbelt or conserved lands.

## **7.22.2 GENERAL**

- 7.22.2.1 The Planning and Zoning Commission recognizes that undeveloped areas exist in the Town of Stonington which are in close proximity to infrastructure required to support commercial development and which lie in close proximity to developed and commercial areas and residential neighborhoods. The Planning and Zoning Commission further recognizes the need to encourage commercial development in the Town of Stonington in a manner which will be sensitive to the peace, enjoyment and property values of abutting residential neighborhoods. The Commission desires to encourage development in these areas by providing a design district which will accommodate harmonious mixed use development which can supplement the Town's tax base while incorporating design parameters which will ensure that transitional development will occur in a manner which will be consistent with preserving the inherent character of the neighborhood in which it is located. The development of these sites is a sensitive matter to the Town of Stonington and the neighborhoods being impacted, as such, decisions and determinations made with respect to these properties will require assurances for the Town and its residents that its existence and future plans will enhance, and not disrupt, the surrounding residential neighborhood. To accommodate development of this nature, the Commission does hereby create a Highway Transition Design District ("HTDD") which will provide a legislative framework for development opportunities to occur on undeveloped properties located in transitional areas between existing commercial development and established residential neighborhoods abutting an interstate highway.

- 7.22.2.2 The HTDD will be a floating zone governed by a master plan, prepared in accordance with Section 8.4.3 of these Regulations. The master plan will be subject to review and approval by the Commission as a zone change, subject to a public hearing and all other applicable terms and conditions of these Regulations. It is recognized that the master plan may require certain fluidity in order to accommodate market changes during the complete development of any HTDD zone (a "Project"). Notwithstanding the foregoing, any substantial and material change to the master plan will be subject to the same procedural requirements for a zone

change as required by the original zone change application adopting the HTDD. Once enacted, the HTDD will supersede all pre-existing zoning, and any development on the zoned property will be subject to the specific HTDD requirements set forth herein and the requirements of the master plan.

- 7.22.2.3 The approval of an HTDD constitutes a change of zone. In acting upon a zone change application, the Commission is required to act in its legislative capacity and to exercise legislative discretion. By filing an application for an HTDD, the applicant acknowledges that the Commission has broad discretion to adopt and change zoning regulations within the parameters established by Section 8.2 of the Connecticut General Statutes.

### **7.22.3 ESTABLISHMENT OF DISTRICT**

The Commission shall establish the HTDD by approving a master plan prepared in accordance with Section 8.4.3 of these Regulations; which, while not intended to contain the degree of detail required for a site plan approval pursuant to these Regulations, shall provide the information required by Section 8.4.3 in sufficient detail for the Commission to determine whether the proposed uses are in conformance with Section 7.22.1 of these Regulations. Such adoption shall constitute a zoning map amendment in accordance with the provisions of Section 9.4 of these Regulations.

#### **7.22.3.1 DISTRICT ELIGIBILITY**

The following characteristics are required for a site to be eligible for the HTDD designation:

- 7.22.3.1.1 Located in one (1) of the following underlying zoning districts: RA-40 or RM-20.
- 7.22.3.1.2 The parcel of land, or combination of parcels, must contain 1,742,400 square feet of lot area.
- 7.22.3.1.3 The parcel(s) must have a minimum of 2,000 feet of frontage on a state or municipal street other than a limited access highway.
- 7.22.3.1.4 The parcel(s) must have a minimum of 2,500 feet of frontage on a limited access highway.

7.22.3.1.5 The parcel(s) must have the ability to interconnect to a public water supply and municipal sanitary sewer.

7.22.3.1.6 The HTDD must be located within 500 feet of a TC-80 or GC-60 Zoning District.

#### **7.22.3.2 ADDITIONS AND ALTERATIONS**

Any additions or alterations to the master plan must comply with the criteria established in Section 7.22.1 and 8.4.3, and any such change shall be made in a manner which will accomplish the purposes stated in Section 7.22.1 hereof.

#### **7.22.3.3 DISTRICT EXPIRATION**

Approval of the zone change shall become null and void unless a special use permit application for the HTDD is submitted within thirty-six (36) months of the date of zone change approval. The Commission may grant one (1) or more extensions of this period upon written request of the applicant, but in no event will the extensions, in the aggregate, exceed thirty-six (36) additional months

### **7.22.4 MASTER PLAN**

The purpose of the master plan submission is to determine whether the proposed uses and layout for the HTDD conform to the requirements of Section 7.22.1 of these Regulations. The master plan, once adopted, shall establish the dimensional characteristics of the HTDD and its uses. All graphic elements of the master plan and all information submitted therewith, shall be professionally prepared and shall include, as a minimum, the information and submissions required pursuant to the provisions of Section 8.4.3 of these Regulations; provided, however, that the applicant may, in lieu of the three (3) dimensional scale model required pursuant to the provisions of Section 8.4.3.15 of these Regulations provide a computer generated three (3) dimensional visual model of the proposed development sufficient to allow the Commission to evaluate the visual impacts of the HTDD from adjoining streets and existing residential uses.

### **7.22.5 SPECIAL USE PERMIT**

After master plan approval and establishment of the HTDD by the Commission, an application for special use permit pursuant to the provisions of Section 6.1 of these Regulations must be submitted for approval, which special permit

application shall include a site plan containing all of the information required pursuant to the provisions of Article VIII of these Regulations.

7.22.5.1 The Commission shall schedule a public hearing for the special permit application.

7.22.5.2 The site plan submitted with each special permit application shall include all information required by Sections 8.4.1 and 8.4.2 of these Regulations. The Commission may waive any site plan requirement which it finds to be inapplicable to the HTDD by a two-thirds (2/3) vote of the full Commission.

## **7.22.6 SPECIFIC DESIGN STANDARDS**

The following design standards shall apply to the HTDD:

7.22.6.1 Area and bulk requirements. Any existing structure which is validly non-conforming to any setback requirement contained in these Regulations, or which is validly non-conforming to any maximum height, maximum impervious coverage or maximum floor area ratio required shall be deemed to be conforming upon adoption of the master plan.

7.22.6.1.1 Minimum District Size: 1,742,400 square feet (exclusive of wetland proration (see Section 7.5))<sup>1</sup>.

7.22.6.1.2 Minimum Required Frontage on a Town or State Highway other than a limited access highway: 2,000 feet.

7.22.6.1.3 Minimum Frontage on a Limited Access Highway: 2,500 feet.

7.22.6.1.4 Minimum Front Yard Setback: 150 feet.

7.22.6.1.5 Minimum Rear Yard Setback: 150 feet, except that a rear yard set back to a limited access highway shall be 40 feet.

7.22.6.1.6 Minimum Side Yard Setback: 150 feet, except that minimum side yard setback to a limited access highway shall be 40 feet.

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<sup>1</sup> Inclusive of all open space designated within the HTDD whether owned by an owners association established by the applicant or deeded to the Stonington Land Trust, Inc. or any other entity designated in Section 7.22.7.7.2 of these Regulations.

- 7.22.6.1.7 Maximum Height: 40 feet<sup>2</sup>.
- 7.22.6.1.8 Maximum Floor Area Ratio: .25.
- 7.22.6.1.9 Maximum Impervious Coverage: Thirty-Five (35%) percent.
- 7.22.6.1.10 Maximum Effective Impervious Coverage: Thirty (30%) percent.
- 7.22.6.1.11 Maximum HTDD Commercial Square Footage: 195,000 square feet<sup>3</sup>.
- 7.22.6.1.12 Maximum Single Building Footprint: 35,000 square feet<sup>4</sup>.
- 7.22.6.1.13 Maximum Number of Residential Units: 100<sup>5</sup>.

#### **7.22.7 OPEN SPACE REQUIREMENTS.**

In order to comply with the intent of this District, the development of any property in the HTDD shall have a permanently dedicated open space component which shall not be less than fifty (50%) percent of the gross parcel area. The open space component of the development of any parcel in this District shall be identified and permanently dedicated to open space preservation in conjunction with the first site plan/special permit application submitted to the Commission for the development of the parcel. In identifying the areas to be dedicated to permanent open space preservation, the following parameters shall be utilized; and the following methods shall be employed to insure their preservation to promote the purpose(s) for which they are established.

- 7.22.7.1 Open space shall, where feasible, be located adjacent to existing open space parcels.
- 7.22.7.2 Open space shall, where feasible, be contiguous. For purposes hereof, the development of a road internal to the HTDD shall not be considered to render otherwise contiguous open space non-contiguous.

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<sup>2</sup> The maximum building height for motels and/or hotels shall be the greater of (a) fifty-eight (58') feet or (b) four (4) stories.

<sup>3</sup> Exclusive of motels and hotels and second floor office space above first floor retail space.

<sup>4</sup> Exclusive of motels and hotels.

<sup>5</sup> Including townhouse units developed pursuant to the provisions of Section 6.6.23 of these Regulations.

- 7.22.7.3 To preserve and protect natural resources including, but not limited to, inland and tidal wetlands and watercourses, coastal resources, groundwater resources, flood plains, ledge outcroppings, steep slopes, wildlife habitats and scenic vistas.
- 7.22.7.4 To allow for unblocked or uninterrupted scenic views and vistas, particularly as seen from public thoroughfares.
- 7.22.7.5 Preservation of stone walls.
- 7.22.7.6 To provide buffering and screening from adjacent residential uses.
- 7.22.7.7 Proposed open space areas shall be conveyed to one (1) of the following authorized recipients in the order of priority established herein.
  - 7.22.7.7.1 The Stonington Land Trust, Inc.
  - 7.22.7.7.2 Any qualified, non-profit organization, the principal purpose of which is the conservation of open space, but only in the event that the Stonington Land Trust, Inc. declines to accept the dedication of the open space.
  - 7.22.7.7.3 A property owners association, but only in the event that the Stonington Land Trust, Inc. and all other qualified non-profit organizations holding title to conservation or open space land in the Town of Stonington decline to accept the dedication of said open space. In the event of a conveyance to a property owners association, maintenance of such open space and facilities shall be permanently guaranteed by such association which shall provide for mandatory assessments for maintenance expenses in a declaration of master covenants and restrictions which shall govern the use and preservation of the parcel. Documents creating such association and the master declaration of covenants and restrictions shall be submitted to the Commission for approval in conjunction with the first site plan/special permit application for the development of the parcel; and, shall, subsequent to approval, be recorded in the Stonington Land Records. Transfer of the open space parcels, and the filing of the same with the Stonington Town

Clerk shall occur prior to the Commission's endorsement of the first site plan/special permit granted for the development of the HTDD.

7.22.7.8 The following uses shall be permitted in the open space/preservation area of the HTDD:

7.22.7.8.1 Passive recreational uses, including, but not limited to walking trails and horseback riding trails; and educational uses.

7.22.7.8.2 Grading, landscaping and planting of non-invasive species in order to comply with the screening requirements contained in Sections 7.22.12.1.3 and 7.22.12.2 of these Regulations.

7.22.7.8.3 Stormwater management measures provided that no hardscape shall be allowed other than for purposes of outlet protection.

7.22.7.8.4 Groundwater recharge from subsurface stormwater and wastewater management systems.

7.22.7.8.5 Grading and landscaping to accommodate otherwise permitted uses in the open space areas.

7.22.7.9 Maintenance of stormwater management and groundwater recharge improvements within open space areas:

7.22.7.9.1 The property owners association of the HTDD shall, contemporaneously with the conveyance of all open space areas to the open space recipient authorized pursuant to the provisions of Section 7.22.7.7 hereof, reserve an easement for purposes of installing, utilizing, maintaining, repairing and replacing all stormwater management measures authorized pursuant to the provisions of Section 7.22.7.8.3 hereof and all groundwater recharge management systems authorized pursuant to the provisions of Section 7.22.7.8.4 hereof. Such property owners association shall be exclusively responsible to maintain all such systems in proper functioning condition and in compliance with the terms and provisions of all licenses, permits,



approvals and authorizations granted for their installation and maintenance.

7.22.7.10 The applicant shall file with the Commission and the Town attorney the document of conveyance of the open space area which shall be approved for consistency with the requirements of these Regulations, and which document of conveyance must be executed, delivered and filed for record with the Stonington Town Clerk before any zoning permits are issued by the Zoning Enforcement Officer of the Town for any development within the HTDD.

7.22.7.11 All open space areas incorporated into the master plan for an HTDD may be utilized by the applicant to satisfy the buffer requirements contained in Section 7.22.12 of these Regulations.

## **7.22.8 SIGNAGE**

A sign plan evidencing a unified signage program for the HTDD, including the general position, content and appearance of signs visible from each public right of way shall be included in the special permit application required pursuant to the provisions of Section 7.22.5 hereof; and shall be approved by the Commission. All signage shall comply with the provisions of Section 7.12 of these Regulations.

## **7.22.9 PARKING**

Minimum off-street parking shall comply with the requirements of Section 7.10 of these Regulations. In conjunction with the issuance of a special permit for development in a Highway Transition Design District, the Commission may reduce minimum parking requirements by not more than thirty (30%) percent of the required parking based upon a plan prepared by a traffic engineer for the utilization of shared parking submitted with the special permit application. In evaluating any request for a reduction of the minimum parking requirements, the Commission shall take into consideration the balance between vehicular trips and pedestrian consumer traffic which will be generated by the proposed uses.

## **7.22.10 ARCHITECTURAL AND LANDSCAPE ELEMENT DESIGN REVIEW**

The Highway Transition Design District is a design district within which the Commission shall exercise design review and approval of all buildings, structures and landscape architectural elements. In exercising its design review, the Commission shall apply the following standards in order to provide variety, compatibility of design, scale with the surrounding neighborhood and pedestrian access.

7.22.10.1 Articulation.

7.22.10.1.1 Wall plane projections or recesses should be utilized to limit uniform façades to less than one hundred (100) continuous linear feet. The aggregate length of a projection or recess shall be at least twenty (20%) percent of the façade length.

7.22.10.1.2 Architectural elements such as arcades, display windows, entry areas, awnings, or other such features should account for at least sixty (60%) percent of the horizontal length of the ground floor façade.

7.22.10.1.3 At least three (3) of the following should be repeated along the façade at intervals of thirty (30') feet and at least one (1) should repeat horizontally.

7.22.10.1.3.1 Color change.

7.22.10.1.3.2 Texture change.

7.22.10.1.3.3 Material change.

7.22.10.1.3.4 Expression of architectural or structural bay through a change in plane no less than twelve (12") inches in width, such as an off-set, reveal, projecting rib or pilaster.

7.22.10.2 Human Scale Elements.

The following human scale elements should be incorporated into the design of buildings to reduce the visual impact and create a pedestrian friendly experience:

7.22.10.2.1 Banding of exterior materials and/or architectural details should be incorporated at eye-level to break up large façades and create human scale elements.

7.22.10.2.2 The bottom eight (8') feet of all façade walls should be of the highest quality material being used on the building. To avoid damage from shopping carts, vehicles or vandalism, the use of exterior insulation

finish systems or other easily damaged building materials should not be used within this area.

- 7.22.10.2.3 Arcades are strongly suggested as a means of providing human scale. If provided, arcades should conform to the following requirements:

7.22.10.2.3.1 An arcade should be inviting to pedestrians, incorporating benches, wide walkways, display windows or similar features.

7.22.10.2.3.2 When there are multiple tenants in a building, signs should be incorporated into the design to allow pedestrians to easily recognize establishments from beneath the arcade.

7.22.10.3 Rooflines.

The following guidelines are intended to reduce the massive scale of large buildings, and compliment the character of the surrounding neighborhood. Roofs should include at least two (2) of the following elements:

7.22.10.3.1 Parapets concealing flat roofs and rooftop equipment. The average height of such parapets should not exceed fifteen (15%) percent of the height of the supporting wall and at no point should a parapet exceed thirty (30%) percent of the height of the supporting well. Parapets should feature three dimensional cornice treatment.

7.22.10.3.2 Overhanging eaves, extending no less than three (3') feet past the supporting walls.

7.22.10.3.3 Sloping roofs that do not exceed the average height of the supporting walls, with an average slope greater than or equal to one (1') foot of vertical rise for every three (3') feet of horizontal run and less than or equal to one (1') foot of vertical rise for every one (1') foot of horizontal run.

7.22.10.3.4 Three (3) or more roof slope planes.

7.22.10.4 Materials and Colors.

Exterior building materials and colors should be compatible with materials and colors used in adjoining neighborhoods. Building materials should comply with the following guidelines whenever practicable:

7.22.10.4.1 Predominant exterior building materials should be of high quality including brick, stone or wood. Concrete block may only be used on elevations that are not visible from a public vantage point. Exterior insulation finish systems, smooth-face concrete blocks, tilt-up concrete panels and pre-fabricated steel panels shall not be used as the predominant exterior building material.

7.22.10.4.2 Predominant exterior building materials should be non-glossy and have subtle, neutral or earth tone colors. The use of high intensity, metallic or florescent colors or black is discouraged.

7.22.10.4.3 Building trim and accent areas may feature brighter colors, including primary colors, but shall not include neon-tubing features.

7.22.10.5 Entrances.

7.22.10.5.1 To orient customers to the entrance(s), each principal building should have no less than three (3) of the following elements:

7.22.10.5.1.1 Canopies or porticos.

7.22.10.5.1.2 Overhangs.

7.22.10.5.1.3 Recesses/projections.

7.22.10.5.1.4 Arcades.

7.22.10.5.1.5 Raised corniced parapets over the door.

7.22.10.5.1.6 Peaked roof forms.

7.22.10.5.1.7 Arches.

7.22.10.5.1.8 Outdoor patios.

7.22.10.5.1.9 Display windows.

7.22.10.5.1.10 Architectural details such as tile work and moldings integrated into the building.

7.22.10.5.1.11 Integrated planters or wing walls that incorporate landscaped areas and/or places for sitting.

7.22.10.5.2 Where additional stores will be located in the principal building, each such store should have at least one (1) exterior custom entrance, which shall conform to these requirements:

7.22.10.5.2.1 Larger retail buildings should incorporate multiple entrances. Multiple building entrances reduce walking distances from cars, facilitate pedestrian and bicycle access from public sidewalks and provide convenience where certain entrances offer access to individual stores, or identified departments of a store.

7.22.10.5.2.2 At least one (1) entrance should be located on all façades of the building that directly face an abutting street.

#### 7.22.10.6 Landscape Architectural Elements.

7.22.10.6.1 Landscaping elements shall be designed to accomplish the screening goals required pursuant to the provisions of Sections 7.22.12.1.2 and 7.22.12.1.3 hereof and to enhance the aesthetic appearance of the HTDD. In order to ensure that the landscaping elements contemplated for a Highway Transition Design District are accomplished, the applicant shall be required to engage the services of a licensed landscape architect

to prepare a comprehensive landscaping and preservation plan for the HTDD.

7.22.10.7 Submission Requirements.

7.22.10.7.1 In order to provide the information required for the Commission to approve the design elements of a Highway Transition Design District, the applicant shall submit, with its special permit application, in addition to all plans and supporting documentation required by other sections of these Regulations, architectural elevations of each structure proposed in the Highway Transition Design District prepared by a licensed professional architect and a comprehensive landscaping plan prepared by a licensed landscape architect. The plans required by this subsection shall be sufficient to accurately portray those features of the proposed development which will influence the physical appearance thereof as viewed by the public, exterior to the site, and as viewed by residents and patrons internal to the Highway Transition Design District.

7.22.10.7.1.1 Additional features to be presented on the architectural plans are the following: building mounted lighting, (including photometric and fixture style, characteristics and placement), use of lighting to enhance building façades; the aesthetics and scale, form, massing/style of proposed buildings and other structures, including architectural elevations of all sides of each structure; exterior building materials and colors and aesthetics, dimensions, style, height, color, location, lighting function and material characteristics of all proposed signage.

7.22.10.7.1.2 Features to be presented on the landscaping plan shall portray the interrelationship between the landscape architectural elements of

the site and parking lots, entrance drives and other impervious areas, including pavement selections utilized to enhance and compliment the site's aesthetic and functional characteristics, and the location of proposed pedestrian sidewalks, walkways and bicycle paths. Details to be included in the landscaping plan shall include, but are not limited to, all landscaping elements which will influence the physical appearance of the site; measures utilized to screen ground-mounted mechanical equipment, materials utilized to screen dumpster and other refuse/recycling container areas; all plant materials, both in plan view and tabular form, including minimum sizes required at planting; outdoor site lighting (including photometric and fixture and pole style, characteristics and placement); all fencing, walls, berms and other landscape architectural elements.

#### **7.22.11 ACCESS MANAGEMENT.**

Primary roadways providing access to parcels within a Highway Transition Design District shall be located to intersect with existing arterial or major connector roads (as designated in the Stonington POCD), preferable at existing points of intersection.

#### **7.22.12 BUFFERS AND SCREENING.**

7.22.12.1 Buffers from residential uses in residential zones. A buffer shall be required between all buildings and parking areas within the HTDD and any lot used for residential purposes in a residential district located adjacent to or directly across the street (other than a limited access highway) from the proposed HTDD.

7.22.12.1.1 The minimum front yard depth of each buffer area shall be one hundred fifty (150') feet.

- 7.22.12.1.2 The minimum width of the buffer area in any side or rear yard area shall be one hundred (100') feet; provided, however, that no buffer shall be required from an interstate highway.
- 7.22.12.1.3 Screening shall be required in all buffer areas in order to soften the visual impact of the development within the Highway Transition Design District. Where possible, existing native vegetation shall be utilized in order to satisfy the screening requirements of these Regulations. In the event that natural vegetation is not sufficient to satisfy these goals, the following minimum elements shall be incorporated into the landscape architectural plan required pursuant to the provisions of Section 7.22.10.7.1 of these Regulations and deemed necessary by the Commission to adequately buffer adjacent residential uses:
- 7.22.12.1.3.1 Evergreen plantings not less than six (6') feet in height, planted at intervals of fifteen (15') feet on center.
- 7.22.12.1.3.2 Deciduous canopy shade trees three (3") inches in caliper, with a mature height specification of at least thirty-five (35') feet.
- 7.22.12.1.3.3 Understory deciduous shade or fruit trees, two (2") inches in caliper at planting, with a mature height specification of at least twelve (12') feet.
- 7.22.12.1.3.4 Shrubs which shall either be deciduous species two and one-half (2.5') feet in height at planting, with a mature height specification of at least six (6') feet, or coniferous species two and one-half (2.5') feet in spread at planting.
- 7.22.12.1.4 The Commission shall have the right to require the construction of a landscaped earthen berm if deemed necessary to adequately buffer adjoining



residential property. The location, height, design and material of the berm shall be subject to Commission approval in conjunction with the special permit application filed pursuant to the provisions of Section 7.22.5 hereof and shall be stabilized with appropriate ground-cover and plantings.

7.22.12.2 Buffers From Adjacent Non-Residential Uses.

Buffers for uses in the Highway Transition Design District which abut adjacent non-residential uses shall be twenty-five (25') feet in width in all yards with a minimum screening requirement of ten (10') feet.

**7.22.13 USES ALLOWED IN THE HTDD.**

7.22.13.1 Uses in the Highway Transition Design District shall be permitted only by special permit and site plan approval granted by the Commission. Uses allowed in the HTDD shall include:

7.22.13.1.1 Office buildings.

7.22.13.1.2 Financial institutions.

7.22.13.1.3 Public utilities.

7.22.13.1.4 Municipal facilities.

7.22.13.1.5 Congregate living faculties.

7.22.13.1.6 Convalescent homes.

7.22.13.1.7 Housing for the elderly.

7.22.13.1.8 Retail establishments containing not greater than 35,000 square feet of footprint area, which area shall not include any second story residential or office component.

7.22.13.1.9 Health clubs not exceeding 25,000 square feet in gross floor area.

7.22.13.1.10 Restaurants, excluding drive-thru facilities.

- 7.22.13.1.11 Motels and/or hotels not exceeding one hundred fifty (150) rooms and 40,000 square feet in footprint.
- 7.22.13.1.12 Wellness centers.
- 7.22.13.1.13 Liquor sales establishment, on premises.
- 7.22.13.1.14 Liquor sales establishment, off premises.
- 7.22.13.1.15 Personal service establishments.
- 7.22.13.1.16 Medical clinic.
- 7.22.13.1.17 Townhouse units in accordance with Section 6.6.23 of these Regulations.
- 7.22.13.1.18 Second story residential units and/or office space located above and in the same building as permitted retail establishments.
- 7.22.13.1.19 Multiple uses, provided that the uses contemplated are enumerated in Section 7.22.13 of these Regulations.

**7.22.13.2 Accessory Uses.**

- 7.22.13.2.1 Home occupations, in accordance with Section 1.2.2.
- 7.22.13.2.2 Off-street parking.
- 7.22.13.2.3 Recreational uses and structures, such as, but not limited to, swimming pools, tennis courts, gazebos, picnic tables, benches; provided, however, that such accessory use receives special permit approval from the Commission.
- 7.22.13.2.4 Solar and energy conservation equipment.

**Add a new Section 6.6.23 – Multi-Family Townhouse Units.**

The Commission may, by special permit, in accordance with the standards contained in Section 6.4 of these Regulations allow multi-family townhouse units in the HTDD Zoning District provided that the following standards are met.

6.6.23.1 – All dwelling units shall have at least one (1) balcony or patio, which shall afford relative privacy by architectural articulation or in the case of patios by fencing and planting. The minimum size of these areas shall be 30 square feet.

6.6.23.2 – The design of the townhouse units complies with the architectural design requirements contained in Section 7.22.10 of these Regulations.

6.6.23.3 – The minimum distance between residential buildings shall be thirty (30') feet.

6.6.23.4 – Utilities shall be placed underground.

6.6.23.5 – The maximum number of multi-family townhouse units in a Highway Transition Design District, exclusive of any residential units located in second story space above first floor retail area, shall be one hundred (100) units.