

1/1/34

AN ORDINANCE DIVIDING THE CITY OF MIDDLETOWN, CONNECTICUT, INTO DISTRICTS OR ZONES AND REGULATING AND RESTRICTING THE LOCATION, ERECTION, ALTERATION AND REPAIR OF BUILDINGS DESIGNED FOR SPECIFIC USES AND PRESCRIBING PENALTIES FOR THE VIOLATION OF SUCH ORDINANCE.

Pursuant to the authority of an act entitled, "An Act Concerning Zoning", being CHAPTER 262 of the Public Act of 1925, enacted by the Legislature of the State of Connecticut and also to promote the public health, safety and welfare of the citizens of Middletown, Connecticut, Be it hereby ordained by the Common Council of the City of Middletown:

G E N E R A L

Except as hereinafter specified, it shall be unlawful to use any land, structure or building, or to construct, erect, structurally alter, enlarge, or rebuild any building or structure or part thereof unless in conformity with the provisions of this Ordinance. No use or occupancy of building, structure, land or premises, and no trade or industry, shall hereafter be permitted within the City of Middletown, which, when conducted under proper and adequate conditions and safeguards, will produce a corrosive, toxic or noisome fumes, gas, vapor, smoke, cinders or eddies, or obnoxious dust or waste, or undue noise or vibration, so as to be detrimental to the public health, safety or general welfare. The provisions of this Ordinance shall not require modifying or changing the height, location or size of any building now existing, or any change in the construction or arrangement of any such building, or any change in the present use of any building, structure or premises.

SECTION 1. ESTABLISHMENT OF ZONES.

(a) The City of Middletown, Connecticut is hereby divided into five districts or zones to be known respectively as PARK ZONES, RESTRICTED RESIDENCE ZONES, GENERAL RESIDENCE ZONES, COMMERCIAL ZONES AND INDUSTRIAL ZONES.

(b) The limits or boundaries of such district or zones are shown on the building zone maps which accompany this Ordinance and are hereby further designated as follows:

(See Planning and Redevelopment Office  
or Department of Public Works for  
Zoning Maps and Boundary descriptions.)

VARIATION IN BOUNDARIES:

In case the description of any of the above zones or the boundaries thereof shall be deemed to be at variance with the boundaries of zones as shown on the maps accompanying this ordinance, the Common Council of the City of Middletown shall decide which of the two varying designations shall be taken as correct.

No building or structure shall hereafter be erected or used nor shall any premises be devoted to any purpose except in conformity with the regulations prescribed by this ordinance for the district or zone in which such building, structure or premises are located.

P A R K   Z O N E

As Amended

SECTION 2. PARK ZONES - USES OF PROPERTY.

- (a) All lands within the city of Middletown which are now or may in future be used, dedicated, or appropriated by said City for purposes of a public park, square memorial, boulevard, playground, camp or other recreational area are hereby declared to be park zones.
- (b) In all park zones no building or structure shall be erected or used except for purposes of a public memorial, museum or library, or for recreational use, or for purposes customarily accessory to these uses. The question whether or not a proposed building or structure is or is not suitable to be erected in a Park Zone shall be decided in each instance by the Common Council of the City of Middletown.

SECTION 3. PARK ZONES - HEIGHT AND AREA PROVISIONS.

- (a) No building or structure erected in any Park Zone shall exceed in height its distance from the building line of the street on which it faces except that towers or other projections occupying less than 25 per cent. of the area of the building may be erected to any reasonable height.
- (b) No building or structure erected in a Park Zone shall either singly or taken together, occupy more than 2 per cent. of the park, square or other Park Zone on which it is located.

SECTION 4. THE RULES OF THE PARK Commission of Middletown are hereby declared to be a part of this Ordinance.

RESTRICTED RESIDENCE ZONE

As Amended

SECTION 5. RESTRICTED RESIDENCE ZONES - USES OF PROPERTY

- (a) In all restricted Residence Zones shown on the building zone map accompanying this Ordinance and as described in Section (B) foregoing it shall be lawful to erect any building or structure permitted in Park Zone or which is designed or intended to be used for any of the following specific purposes; Detached dwellings, containing not more than two families, schools, churches, and philanthropic institutions nor correctional in character; telephone exchange without a service yard or outside storage of supplies; transformer substation without a service yard or outside storage of supplies; the building of which is to conform to the general style of architecture in the neighborhood and is to be subject to the approval of the Board of Zoning appeals, greenhouses and other necessary structures, incidental to the operator of a truck of a truck garden, nursery or farm, steam, electric or bus line waiting rooms; aviation or landing field.
- (b) In the case of dwellings occupied by professional physicians and surgeons these may include the office of such physicians or surgeon.
- (c) Uses customarily incident or accessory to the foregoing uses are permitted in Restricted Residential Zones, provided that such accessories use is located on the same lot with the building to which it is accessory. A garage accommodating not more than three passenger motor vehicles shall be considered an accessory use; commercial trucks shall not be permitted in garages located in Restricted Residential Zones, except as accessory to uses permitted in Restricted Residential Zones.
- (d) Billboards, signboards, and advertising signs except "For Sale" or "For Rent" signs, not exceeding five square feet in size, shall not be permitted in Restricted Residence Zones.

SECTION 6. RESTRICTED RESIDENCE ZONES - HEIGHT OF BUILDINGS.

In all restricted residence zones no building shall hereafter be erected to a height greater than two thirds the width of the street on which it faces, or 40 feet, whichever is the lesser figure, except that projections of buildings occupying less than 25% of the area of the last constructed story may be erected to any reasonable height.

- (b) In the case of buildings erected on land not as yet subdivided in lots the provisions of Section 3 relative to the height of buildings in Park Zones shall apply.

SECTION 7. RESTRICTED RESIDENCE ZONES - PROPORTIONAL LOT AREAS AND  
REQUIRED OPEN SPACES.

- (a) In all Restricted Residence Zones no building, including its accessory buildings, shall occupy more than one-half of the area of the lot on which it stands.
- (b) A front yard at least 20 feet in depth shall be required in the case of all buildings hereafter erected in Restricted Residence Zones except that where a majority of the existing buildings in any block within such a zone are set back a greater distance than 20 feet from the inner side walk line, new buildings shall conform in this respect to the set back line of the majority of such existing buildings.
- (c) In the case of all buildings hereafter erected in Restricted Residence Zones there shall be required two side yards not less than four feet in width and a rear yard at least 25 feet in depth.

ZONING AMENDMENT

SECTION 5. RESTRICTED RESIDENCE ZONES - USES OF PROPERTY

(e) Uses customarily incident or accessory to the foregoing uses are permitted in Restricted Residential Zones, provided that such accessories use is located on the same lot with the building to which it is accessory. A garage accomodating not more than four passenger motor vehicles shall be considered an accessory use; commercial trucks shall not be permitted in garages located in Restricted Residential Zones.

DATE: November 4, 1929.

ZONING AMENDMENT

SECTION 5. RESTRICTED RESIDENCE ZONES - USES OF PROPERTY

Be It Ordained that Section 5 -- Restricted Residence Zones -- Uses of Property -- of an Ordinance Dividing the City of Middletown, Connecticut, into districts or zones and Regulating and Restricting the Location, Erection, Alteration, and Repair of Buildings Designed For Specific Uses and Prescribing Penalties for Violation of Such Ordinance be amended by inserting in line 20 after the word "appeals" and before the word "greenhouses" the words "Gasoline or Oil Stations on trunk line Highways and Sections approved by the Commission on the City Plan on State Aid Highways, the building of which is to conform to the general style of architecture in the neighborhood and is to be subject to the approval of the Board of Zoning Appeals"

DATE: January 1, 1934

ZONING AMENDMENT

SECTION 5A. RESTRICTED RESIDENCE ZONES - USES OF PROPERTY.

In all restricted residence zones the zoning board of appeals may in a specific case, after public notice and hearing, and subject to appropriate conditions and safeguards, permit the alteration or conversion of a dwelling house into an apartment or tenement house for not more than three families

DATE: May 1, 1939.

ZONING AMENDMENT

SECTION 5A. RESTRICTED RESIDENCE ZONES - USES OR PROPERTY.

In all restricted zones the zoning board of appeals may in a specific case, after public notice and hearing, and subject to appropriate conditions and safeguards permit the alteration or conversion of a dwelling house into an apartment or tenement house for not more than four families.

DATE: November 2, 1942.

ZONING AMENDMENT

SECTION 7. -- RESTRICTED RESIDENCE ZONES -- PROPORTIONAL LOT AREAS AND REQUIRED OPEN SPACES.

(d) No dwelling shall be erected on any lot having a frontage of less than seventy-five (75) feet.

Any lot having a frontage of less than seventy-five (75) feet at the time of the passage of this amendment shall be exempted from the provisions hereof.

DATE: February 1, 1954.

ZONING AMENDMENT

SECTION 7. RESTRICTED RESIDENCE ZONES - PROPORTIONAL LOT AREAS AND REQUIRED OPEN SPACES

In paragraph (a), by striking out the words "one-half" and by adding in their place the words "twenty-five percent".

By striking out paragraph (d), and by adding the following paragraphs:

- (d) Any structure to be altered or erected for use in whole or in part for dwelling purposes shall be located on a lot having a width of not less than 75 feet at the building line; and an area as follows:

not less than 10,000 square feet if served by both a public sanitary sewer system and public water system;

not less than 15,000 square feet if served by either a public sanitary sewer system or a public water system;

not less than 20,000 square feet if served by neither a public sanitary sewer system nor a public water system.

Any lot recorded and appearing in the Middletown Land Records prior to the passage of this amendment shall be exempted from the provisions of this paragraph.

- (e) Any structure to be used in whole or in part for dwelling purposes shall provide within the structure above ground level not less than 750 square feet of living space per family, exclusive of open porches, open or enclosed breezeways, entrance platforms not enclosed, or garages; of which a minimum of 750 square feet shall be on the first floor.

Approved and adopted by the Commission on the City Plan, on April 6, 1955, in accordance with the provision of Special Act No. 465 and Chapter 43 of the General Statutes of Connecticut, effective April 8, 1955.

GENERAL RESIDENCE ZONE

As Amended

SECTION 8. GENERAL RESIDENCE ZONES - USES OF PROPERTY

- (a) In all General Residence Zones as shown on the maps accompanying this ordinance and as described in Section (1B) foregoing it shall be lawful to erect any building or structure permitted in Park and Restricted Residence Zones, or which is designed or intended to be used for the following specific purposes: Group and multiple dwellings; lodging and boarding houses, apartments and tenements; social fraternal and club buildings; hotels, except when their facilities are intended primarily for the accomodation of transients.
- (b) A dwelling, apartment or tenement occupied by a professional architect, artists, engineer, lawyer, musician, dressmaker, dentist or teacher, may include the office or studio of the occupant of such dwelling, apartment, or tenement.
- (c) Uses customarily incident or accessory to the above uses are permitted in General Residence Zones, provided that they are located on the same lot with the building to which they are accessory.

A garage accomodating not more than five passenger cars or motor vehicles shall be considered an accessory use; gargges for commercial trucks or more than five motor vehicles shall not be permitted in General Residence Zones unless by special permit after a public hearing as provided for in Section 20 of this Ordinance.

- (d) Billboards, signboards and advertising signs, except "for Sale" or "for Rent" signs, and the personal signs of a professional architect, artist, engineer, lawyer, musician, physician, realstate agent and insurance agent, dressmaker, dentist or teacher shall not be permitted, in General Residence Districts or Zones.

SECTION 9. GENERAL RESIDENCE ZONES - HEIGHT OF BUILDING

- (a) In all General Residence Zones no building shall hereafter be erected to a height greater than the width of the street on which it faces, or 60 feet, whichever is the lesser figure, except that projections of buildings occupying less than 25 per cent of the area of the last constructed story may be erected to any reasonable height.

SECTION 10. GENERAL RESIDENCE ZONES - PROPORTIONAL LOT AREAS AND REQUIRED OPEN SPACES.

- (a) In all General Residence Zones no building, including its accessory buildings, shall occupy more than 75 per cent of the lot on which it stands, unless it be a corner lot, in which case it may occupy 90 per cent of the lot.
- (b) A front yard at least 10 feet deep shall be required in the case of all buildings hereafter erected in General Residence Zones except that where a majority of the existing buildings in any block within such a zone are set back a greater distance than 10 feet from the inner sidewalk line, all new buildings shall conform in this respect to the setback line of the majority of such existing buildings.

- (e) In the case of all buildings erected in General Residence Zones there shall be required two side yards not less than 4 ft. wide and a rear yard not less than 11 feet in depth.
- (d) The provisions of the State Tenement House Law (Chapters 133 and 134 Laws of 1918) are hereby declared to be a part of this ordinance and to govern the size and dimensions of all courts and other open spaces to be provided in all buildings erected in General Residence Zones.

ZONING AMENDMENT

SECTION 8. GENERAL RESIDENCE ZONES - USES OF PROPERTY.

Section 8. Paragraph (d) of Section 20 of the aforesaid Ordinance, passed and adopted by the Common Council, February 7, 1927 is amended to read as follows:

(d) VIOLATIONS: If any building, structure or premises be erected, extended, altered, or used in violation of the provisions of this ordinance and Amendments thereof, the Building Inspector of the City of Middletown may institute an action or proceeding to abate, restrain or correct such violation as provided in Section 17 of an "Act Concerning Zoning" already referred to. Or he may in writing order the owner or agent of such building structure or premises to remedy the condition which exists as a violation of this Ordinance as provided in Section 17 of said Act.

DATE: February 24, 1930.

ZONING AMENDMENT

SECTION 9: GENERAL RESIDENCE ZONES - HEIGHT OF BUILDINGS.

Any and all portions, areas, or sections of the City of Middletown such as have been, or are new, or that may be at any future time transferred to, changed into, or appropriated to any other zone or district, or into any new zone by any amendment or change of the said Ordinance, passed and adopted February 7, 1927, and of its amendments, shall not be subject to any of the rules, regulations, uses, restrictions, limitations and any qualifications of the zone or district from which such area or portion was changed or transferred, but shall be subject to everything concerning the zone or district, or new zone, into which it is incorporated, changed or appropriated.

DATE: February 24, 1930.

ZONING AMENDMENT

SECTION 8. GENERAL RESIDENCE ZONES - USES OF PROPERTY.

(e) A trailer, or trailers used for the purpose of a dwelling whether mounted on wheels, or other-wise and located less than 300 feet from any permanent structure or less than 100 feet from the traveled portion of any highway shall not be permitted in any General Zone.

DATE: March 1, 1943.

ZONING AMENDMENT

SECTION 10. GENERAL RESIDENCE ZONES, PROPORTIONAL LOT AREAS, AND REQUIRED OPEN SPACES"

(e) No dwelling shall be erected on any lot having a frontage of less than seventy-five feet.

Any lot having a frontage of less than seventy-five (75) feet at the time of the passage of this Amendment shall be exempted from the provisions hereof.

DATE: February 1, 1954.

ZONING AMENDMENT

SECTION 8. GENERAL RESIDENCE ZONES - USES OF PROPERTY.

1. Add to the list of occupations and professions listed under subsection (b) "physicians and surgeons";

2. Add the following subsection (f);

(f) Office buildings to be used only for such occupations and professions enumerated in subsection (b) above, upon the finding of the Zoning Board of Appeals that the following requirements will be met:

(1) Parking. Three parking spaces are required for each office unit, plus one parking space for each 250 sq. ft. of first floor area and for each 500 sq. ft. of floor area above the first, with a net area for each space of not less than 136 sq. ft. per space.

Each parking area shall have a stabilized dustless surface, and shall be graded and drained so as to dispose of surface water accumulation within the lot area or into a public storm sewerage system where such system is available.

No parking space shall be closer than 20 feet from abutting property lines or streets, nor shall any exterior parking space be closer than 10 feet from buildings located on the premises.

(2) The passage of vehicles to and from such premises shall create no traffic hazard.

(3) The outward appearance of such building substantially shall be in conformity to the general characteristics of the surrounding neighborhood.

Approved and adopted by the Commission on the City Plaza as the Zoning Commission for the City of Middletown, November 9, 1955, in accordance with the provisions of Special Act 465, 1953, and Chapter 43 of the General Statutes said amendments effective as of November 12, 1955.

## ZONING AMENDMENT

### SECTION 10. GENERAL RESIDENCE ZONES - PROPORTIONAL LOT AREAS AND REQUIRED OPEN SPACES.

By striking out paragraph (a) and by adding the following paragraphs:

- (a) In all General Residence Zones no building, including its accessory buildings, shall occupy more than twenty-five percent of the lot on which it stands.

By striking out paragraph (e) and by adding the following paragraphs:

- (e) Any structure to be altered or erected for use in whole or in part for dwelling purposes shall be located on a lot having a width of not less than 75 feet at the building line; and an area as follows:
- not less than 10,000 square feet if served by both a public sanitary sewer system and public water system;
  - not less than 15,000 square feet if served by either a public sanitary sewer system or a public water system;
  - not less than 20,000 square feet if served by neither a public sanitary sewer system nor a public water system.
- Any lot recorded and appearing in the Middletown Land Records prior to the passage of this amendment shall be exempted from the provisions of this paragraph.
- (f) Any structure to be used in whole or in part for dwelling purposes shall provide within the structure above ground level not less than 750 square feet of living space per family, exclusive of open porches, open or enclosed breezeways, entrance platforms not enclosed, or garages; of which a minimum of 750 square feet shall be on the first floor.

Approved and adopted by The Commission on the City Plan, on April 6, 1955, in accordance with the provision of Special Act No. 465 and Chapter 43 of the General Statutes of Connecticut. **end** effective April 8, 1955.

TRANSITIONAL BUSINESS ZONE

As Amended

ZONING AMENDMENT

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN:

1. That Section 1 (a) of an Ordinance entitled "An Ordinance Dividing the City of Middletown into Districts or Zones and Regulating and Restricting the Location, Erection, Alteration and Repair of Buildings Designed for Specific Uses and Prescribing Penalties for the Violation of such Ordinances" adopted February 7, 1927, and as amended, be and is hereby repealed and the following substituted in lieu thereof:

Sec. 1. (a) The City of Middletown, Connecticut is hereby divided into seven (7) districts or zones to be known respectively as Park Zones, Restricted Residence Zones, Restricted Hotel Zones, General Residence Zones, Transitional Business Zones, Commercial Zones and Industrial Zones.

2. In all Transitional Business Zones, the following uses shall be permitted:

(a) All uses permitted in Park Zones, Restricted Residence Zones and General Residence Zones, and in addition thereto, the following uses:

Agencies: Real Estate; Insurance, Employment and Communications.

Offices: Business and Professional.

Banks and Other Financial Institutions: Art and Antique Shops, Books or Stationery Stores, Restaurants excluding Entertainment and Sale of Liquors; Clubs and Lodges, and extensions of existing uses on adjacent land.

3. Heights of Buildings and Proportional Lot Area and Required Open Spaces in Transitional Business Zones shall be the same as provided in Commercial Zones.

4. In recognition of the fact that at the time of passage of this Amendment there exist many buildings and premises, the uses and heights and proportions of which conform to regulations of other classes of zones, it is hereby provided as follows:

(a) Any building or premises conforming to the regulation of other classes of zones existing at the time of passage of this amendment shall be exempted from the provisions of this amendment.

5. All that portion of land of the City of Middletown which is included within the following streets or boundaries is hereby designated as Transitional Business Zone: Commencing at a point which marks the intersection of the Southeasterly property line of Washington Street and Broad Street, thence Southerly along the Easterly line of Broad Street to Church Street; thence Easterly one hundred fifty (150) feet along the Northerly line of Church Street; thence Northarly on a line parallel to and at all points one hundred fifty (150) feet distant from the Easterly line of Broad Street to Washington Street; thence Westerly one hundred fifty (150) feet along the Southerly line of Washington Street to the point and place of beginning.

DATE: June 1, 1953.

COMMERCIAL ZONE

As Amended

SECTION 11. COMMERCIAL ZONES - USES OF PROPERTY

- (a) In All Commercial Zones as shown on the maps accompanying this ordinance and as described in Section (1B) forgoing, it shall be lawful to erect any building which is designed or intended to be used for a purpose permitted in Park Zones, Restricted and General Residence Zones or for commercial purposes.
- (b) All kinds of manufacturing or industry, other than an incidental to the conduct of a retail business, are excluded from Commercial Zones.
- (c) The following uses shall, for purposes of this ordinance, be considered as industrial uses and therefore excluded from Commercial Zones:

Bottling works: cleaning establishments of all description; coal, coke, lumber, wood or stone yards; ice plants and storage buildings; laundries; milk distributing or pasteurizing plants; monument works; storage yards of all description, including building material, contractors' supplies and equipment, scrap paper, iron or junk, etc.

SECTION 12. COMMERCIAL ZONES - HEIGHT OF BUILDINGS

- (a) In all Commercial Zones no building shall be erected to a height exceeding 100 feet or one and one half times the width of the street on which it faces, whichever is the lesser figure, except that a projection occupying not less than 25 per cent. of the area of the last constructed story may extend to any reasonable height.
- (b) In all Commercial Zones no build- with or adjacent to zones which are primarily residential in character no building shall exceed in height the allowable height prescribed for the zone to which it is adjacent or within which it is located.

SECTION 13. COMMERCIAL ZONES - PROPORTIONAL LOT AREA AND REQUIRED OPEN SPACES

- (a) In all Commercial Zones no building shall on its ground floor occupy more than 90 per cent of the lot on which it stands unless it be a corner lot in which case the entire lot area may be occupied.
- (b) The proportion of lot area above the ground floor which may be built upon shall be provided in accordance with the requirements of the State Tenement House Law as prescribed for Tenement buildings.

ZONING AMENIMENT

SECTION 13. COMMERCIAL ZONES - PROPORTIONAL LOT AREA AND REQUIRED OPEN SPACES.

(a) In all Commercial Zones no building shall above its ground floor occupy more than 90 per cent of the lot on which it stands unless it be a corner in which case the entire lot area may be occupied.

DATE: May 4, 1942.

INDUSTRIAL ZONE

As Amended

SECTION 14. INDUSTRIAL ZONES - USES OF PROPERTY (Purple)

- (a) In all industrial Zones it shall be lawful to erect any building designed or intended to be used for a purpose permitted in Park Zones Restricted and General Residence Zones and Commercial Zones, or for Industrial purposes.
- (b) No uses which have been declared a nuisance in any court of record or which are noxious or offensive by reason of odor, dust, smoke, gas or noise shall be permitted in any portion of the industrial zone except by special permit after a public hearing by the Board of Zoning Appeals.
- (c) The manufacture of fertilizer, soap, tallow, grease and lard, glue, sizing or gelatine, and the distillation, incineration, reduction, storage or dumping of animal or vegetable waste, except by the municipality under conditions prescribed by the local health authority is prohibited in Industrial zones, unless specially permitted by the Board of Zoning appeals after Public Hearing.

SECTION 15. INDUSTRIAL ZONES - HEIGHT OF BUILDINGS.

- (a) In all industrial zones no buildings shall hereafter be erected to a height exceeding the width of the street on which it faces, or 100 feet, whichever is the lesser figure, except that projections occupying less than 25 per cent of the floor area of the last constructed story may extend to any reasonable height.

SECTION 16. INDUSTRIAL ZONES - PROPORTION OF LOT AREA AND REQUIRED OPEN SPACES.

- (a) In all industrial zones no building shall on its ground floor occupy more than 90 per cent of the lot on which it stands unless it be a corner lot in which case the entire lot area may be occupied.
- (b) The proportion of lot area above the ground floor may be built upon shall be provided in accordance with the requirements of the State tenement house law as prescribed for tenement buildings.

INDUSTRIAL I ZONE

*As Amended*

ZONING AMENDMENT

SECTION 16 A. INDUSTRIAL I ZONES.

*(Light Industry - Lanewood)*

- (a) In all Industrial I Zones, land buildings and other structures may be constructed, used, or altered for manufacturing, industrial, research laboratory, or warehousing uses, purposes, or processes, or for uses as may be incidental and necessary thereto, subject to the following provisions:
- (1) Any such manufacturing, industrial, research laboratory or warehousing uses, purposes, or processes, or such accessory uses shall:
    - a) Transmit beyond the property lines of the lot from where it originated;
      - 1) no dust, dirt, smoke or fly ash;
      - 2) no objectionable, offensive, noxious, toxic or corrosive fumes or gases;
      - 3) no objectionable or offensive odors;
      - 4) no noise which is objectionable or offensive due to volume, intermittance, beat frequency or shrillness;
    - b) Maintain open storage of materials, products, fuel, machinery, and equipment incidental to the operation of any industrial, manufacturing, research laboratory, or warehousing use not less than 50 feet from any property line, except that no junk yard or storage of used cars shall be maintained in any Industrial I Zone; nor shall the storage of any explosive materials be maintained in any Industrial I Zone except such combustible materials as may be incidental and necessary to the operation of any manufacturing, industrial warehousing use.
- (b) No land, buildings, or structures meeting the requirements of Section 16 A, sub-section (a) of this Ordinance shall be used or occupied, in whole or in part, until the issuance of a certificate by the Commission on the City Plan, or by such person as may be authorized and designated by said Commission, that such land, buildings, or structures conform in all respects to the following requirements:
- 1) Each property shall contain a minimum of two acres;
  - 2) Each property shall have a clear and unobstructed easement, right of way, or access not less than 20 feet in width to a public street;
  - 3) The aggregate floor area, as measured by the exterior dimensions, of all buildings or structures shall not exceed 35% of the total lot area;
  - 4) A front yard of a minimum depth of 75 feet and side yards of a minimum depth of 25 feet each shall be maintained free of any building or structure except as hereinafter provided, and except that a structure solely for purposes of entrance or exit checking or of entrance or exit guarding may be permitted not less than 25 feet from the nearest street property line of a public street, and a rear yard of a minimum of 25 feet shall be maintained; where a railroad line adjoins a rear or side yard the

setback requirements for each rear or side yard may be waived in order to make available access to such railroad line;

- 5) Where a side yard adjoins a Restricted Residence Zone for a General Residence Zone the minimum depth shall be 50 feet;
- 6) A further setback from front and side property lines shall be maintained of 1/2 foot for each 1 foot in height that any structure shall exceed 50 feet in height; except that this requirement may be waived in regard to enclosures for elevators or mechanical appurtenances providing that such enclosures shall not exceed in coverage 20% of the roof area;
- 7) Side yards may be used for access drive purposes provided that adequate planted screening material is maintained between such drive and any adjoining Restricted Residence Zone or General Residence Zone;
- 8) Parking for passenger cars shall be provided within the property subject to the following requirements:
  - a) A minimum of one space, with a net area of not less than 136 square feet per space, to each two employees on the maximum working shift;
  - b) Each parking area shall have a stabilized dustless surface, and shall be graded and drained so as to dispose of surface water accumulation within the lot area or into a public storm sewerage system where such system is available;
  - c) Any parking space or area shall not be closer than 20 feet to the nearest property line abutting a street or to any Restricted Residence or General Residence Zone, nor shall any exterior parking space or area be closer to any building on the property than 10 feet;
- 9) Loading and unloading space for motor vehicles shall be provided entirely within the property area.
- 10) Signs may be permitted subject to the following requirements:
  - a) No sign shall be permitted within 10 feet of any street line;
  - b) No sign shall exceed one square foot for each one foot distance from the nearest street line.

Approved and adopted by the Commission on the City Plan as the Zoning Commission for the City of Middletown, August 5, 1954, in accordance with the provisions of Special Act 465, 1953, and Chapter 43 of the General Statutes, said amendments effective as of August 19, 1954.

NEIGHBORHOOD BUSINESS ZONE

As Amended

**SECTION 16 B: NEIGHBORHOOD BUSINESS DISTRICT ZONES.**

(3) In all Neighborhood Business District Zones and buildings and other structures may be used, constructed or altered for the following purposes and subject to the following conditions:

(1) The following retail uses only shall be permitted in any Neighborhood Business District Zone:

- (a) Barber or beauty shop;
- (b) Drugstore, dry goods, or notion store;
- (c) Food shops, retail bakery, delicatessen, grocery, meat and fish;
- (d) Offices, business and professional;
- (e) Shoe repair shop;
- (f) General store.

(2) Any such retail store use shall:

(a) Transmit beyond the property limits of the property from which it originates:

- 1) No dust, dirt, smoke, or fly ash;
- 2) No objectionable or offensive odors;
- 3) No objectionable offensive, noxious, smoke or gaseous fumes or gases;
- 4) No noise which is objectionable or offensive due to volume, interference, time frequency or condition.

(b) Be conducted and maintained wholly within a completely enclosed structure built upon a permanent foundation;

(c) Not be located within one-half mile of any other Neighborhood Business District Zone, except that the Zoning Board of Appeals may permit a closer location if it is demonstrated that such distance requirement is impeded by reason of irregular or geographical features or transportation facilities;

(d) Keep rubbish, empty boxes and cans, and similar materials screened from public view;

(e) Maintain or operate no outdoor electric or neon signs;

(f) Sell goods consisting primarily of new merchandise.

(B) No land, building, or structure of Section 16 B meeting the requirements of subsection (a) of this Ordinance shall be used or occupied, in whole or in part, until the issuance of a certificate by the Commission on the City Plan, or by such person or persons as designated by said Commission,

certifying that such land, buildings, or structures conform in all respects to the following requirements:

- (1) Each property shall contain a minimum of one acre;
- (2) Each property shall have a clear and unobstructed easement, right-of-way, or access not less than 20 feet in width to a public street;
- (3) Front, side and rear yards of minimum depths of 20 feet each shall be maintained free of any building or structure; nor shall such yard space be used for parking purposes or for access drives to the rear portion of the property;
- (4) Parking for passenger cars shall be provided within the property subject to the following requirements:
  - a) A minimum of three parking spaces per retail store use, plus one parking space for each 250 square feet of floor area of each retail store use, with a net area in each case of not less than 136 square feet per space;
  - b) Each parking area shall have a stabilized dustless surface, and shall be graded and drained so as to dispose of surface water accumulation within the lot area or into a public storm sewerage system where such system is available;
  - c) Any parking space or area shall not be closer than 20 feet to the nearest property line abutting a street or to any residential zone; nor shall any exterior parking space or area be closer to any building on the property than 10 feet.
- (5) Loading and unloading space for motor vehicles shall be provided entirely within the property area.

- (6) Signs may be permitted subject to the following requirements:
- a) No sign shall be permitted within 10 feet of any street line;
  - b) No sign shall exceed one square foot for each one foot distance from the nearest street line.
- (7) No building or structure shall exceed one story or 15 feet in height.

Approved and adopted by the Commission on the City Plan, Thursday, August 25, 1955, in accordance with the provision of Special Act No. 465, 1953, and Chapter 43 of the General Statutes of Connecticut, effective Saturday, August 27, 1955.

NON-CONFORMING BUILDINGS AND USES

As Amended

SECTION 17. NON-CONFORMING BUILDINGS AND USES.

(a) In recognition of the fact that to the time of passage of this ordinance there exist many buildings and premises the use, height, and proportions of which do not conform to the regulations of the several classes of zones as noted in this ordinance, it is hereby provided as follows:

1. Any non-conforming building or premises existing at the time of passage of this ordinance shall be exempted from the provisions of this ordinance unless and until the cost of the structural additions or extensions made in the same shall exceed 50 per cent. of its present assessed valuation.
2. If such non-conforming building or premises is enlarged or extended to an extent exceeding 50 per cent. of its present assessed valuation then its use must be changed from a non-conforming to a conforming use.
3. In no case shall a building or premises devoted to a non-conforming use be enlarged or extended at the expense of a use conforming to the provisions of this ordinance.
4. In any district or zone no building or premises devoted to a use conforming to the regulations of a less restricted district or zone shall be devoted to a purpose which is excluded from said less restricted zone or district.

BUILDINGS IN REAR

As Amended

SECTION 16. BUILDINGS IN REAR.

It shall be unlawful to erect a dwelling house, apartment or tenement house in the rear of a building, which is situated on the same lot; nor shall any building be constructed in front of or moved to the front of a dwelling house, apartment or tenement situated on the same lot unless said buildings conform to Section 7, paragraph "a" "b" "c" or Section 10, Paragraphs "A" "B" "C" and "D".

UNBUILT AREAS

As Amended

SECTION 19. UNBUILT AREAS.

IN THE CASE OF AREAS INCLUDED IN THE CITY OF MIDDLETOWN but which have not as yet been laid out or otherwise prepared for occupation or building purposes, all plots, plans or schemes for the laying out, subdividing or development of same shall be filed with the official charged with the enforcement of this Ordinance and he shall make such proposed layouts or developments as will in his judgment best enable this area or subdivision in question to conform to the provisions of this ordinance.

PUBLIC HEARINGS, AMENDMENTS, VARIATIONS,  
AND APPEALS, VIOLATIONS AND PENALTIES

As Amended

SECTION 20. PUBLIC HEARINGS, AMENDMENTS, VARIATIONS, AND APPEALS,  
VIOLATIONS AND PENALTIES.

(a) AMENDMENTS: The regulations or boundaries established by this Ordinance may from time to time be amended or changed or repealed by the Common Council of the City of Middletown, either on its own motion or on petition. Whenever the owners of 50 per cent or more of the street frontage in any zone or in any portion thereof shall present a petition duly signed to the Common Council requesting the amendment, change, or repeal of the regulations or boundaries prescribed by this Ordinance it shall be the duty of the Common Council to vote upon said petition within sixty (60) days after the filing of the same with the Town Clerk. A vote of two-thirds of the members of the Common Council shall be sufficient to amend, modify or repeal any provision of this Ordinance.

(b) PROTESTS: If a protest be filed in opposition to such petition or proposed amendment change or repeal of any of the provisions of this Ordinance by 20 per cent or more of the owners of the street frontage in any zone or portion thereof affected by the proposed change then a public hearing shall be held at which all parties at interest shall be heard. After such public hearing it shall require the vote of three fourths of the Common Council to effect the proposed amendment, modification or repeal.

(c) BOARD OF APPEALS: The Mayor shall appoint a Board of Zoning Appeals, consisting of five members, whose duties term of office and powers shall be as provided by the General Statutes.

(d) VIOLATIONS: If any building, structure or premises be erected, extended, altered or used in violation of the provisions of this Ordinance, the Building Inspector of the City of Middletown may institute an action or proceeding to abate, restrain or correct such violation as provided in SECTION 17 of "An Act Concerning Zoning" already referred to. Or he may in writing order the owner or agent of such building, structure or premises to remedy the condition which exists as a violation of this ordinance as provided in Section 17 of said Act.

(e) PENALTIES: If the owner or agent of any building structure or premises where a violation of this ordinance exists shall after being served with an order to discontinue such violation failed to comply with such order within 10 days after service of same he shall be subject to such fines and penalties as are provided by Section 17 and 18 of AN ACT CONCERNING ZONING already referred to.

## ZONING AMENDMENT

### SECTION 20. PUBLIC HEARINGS, AMENDMENTS, VARIATION, AND APPEALS, VIOLATIONS AND PENALTIES.

(d) VIOLATIONS: If any building, structure or premises be erected, extended, altered or used in violation of the provisions of this Ordinance, the Superintendent of Public Works, as the Building Inspector of the City of Middletown, acting by himself or through his assistants may institute an action or proceeding to abate, restrain, or correct such violation as provided in Section 17 of "An Act Concerning Zoning" already referred to, and as amended. Or he may in writing order the owner or agent of such building, structure or premises to remedy the condition which exists as a violation of this ordinance as provided in Section 17 of said Act, as amended.

Approved and adopted by the Commission on the City Plan, October 7, 1954, in accordance with the provisions of Special Act No. 465 and Chapter 43 of the General Statutes of Connecticut, and effective as of October 9, 1954.

EFFECT OF PRIVATE RESTRICTIONS  
ON THE USE OF PROPERTY

As Amended

SECTION 21. EFFECT OF PRIVATE RESTRICTIONS ON THE USE OF PROPERTY.

Nothing in this ordinance shall be constructed so as to interfere with the application of private restrictions upon the use of property within any zone or district established by this ordinance unless the restrictions so imposed shall require a smaller width or size of yards, courts or other open spaces or a higher height of buildings or a smaller percentage of lot area to be left unoccupied than is required by this ordinance, in which case the provisions of this Ordinance shall govern.

DEFINITIONS

As Amended

SECTION 22. DEFINITIONS.

Certain words used in this ordinance are for the purpose thereof defined as follows:

- (a) Words used in the present tense include the future, the singular number includes the plural and the plural the singular; the word "lot" includes the word "plot"; the word "building" includes the word "Structure."
- (b) A building shall be regarded for the purpose of this ordinance as each of the independent units into which it is divided by party walls.
- (c) A "non-conforming" building use, is one that does not conform to use regulations of the zone in which it is situated.
- (d) A "lot" is a parcel of land occupied by one building and the accessory buildings or uses customarily incident to it, including such open spaces as are required by this ordinance, and such open spaces as are arranged and designed to be used in connection with such building.
- (e) A "corner lot" is a parcel of land not over 50 feet in width at the junction of and facing on two intersecting streets.
- (f) An "interior lot" is a lot other than a corner lot.
- (g) The "street line" is the dividing line between the street and the lot.
- (h) A "front yard" is an open unoccupied space on the same lot with a building situated between the front or street wall of the building and the street line of the street lot.
- (i) A "side yard" is an open, unoccupied space on the same lot with a building, situated between the building and the side line of the lot and extending through from the street to the rear yard or, where no rear yard is required to the rear line of the lot.
- (j) A "rear Yard" is an open unoccupied space on the same lot with a building and the rear line of the lot.
- (k) The "height of a building" is the vertical distance measured in the case of flat roofs from the curb level to the highest point of the roof beam adjacent to the street wall and in the case of pitched roofs from the curb level to the average height of the gable. In either case the measurement shall be made at the center of the street facade. Where the walls of a building do not adjoin the street, the average level of the ground along the front wall may be taken in measuring the height instead of the curb level.
- (l) The "curb level" is the permanently established grade of the street in front of the lot. Where a lot faces upon two or more streets of different levels the curb level of the higher street may be taken as the base for measuring the height of a building.

ZONING AMENDMENT

SECTION 22 - DEFINITIONS

by adding paragraph (m) A Gasoline Station is a location at which only gasoline, oils, lubricants and other automobile accessories are sold.

DATE: January 1, 1934

SECTION 23.

This Ordinance shall go into effect in the manner prescribed in Chapter 242 Public Acts of 1925.

Passed and adopted by the Common Council; February 7th, 1927; eight members voting in favor thereof.

Approved:

FREDERICK J. BIELEFIELD, Mayor

Attest:

ALBERT A. HURD, Town Clerk