MORTGAGE ORDINANCE OF THE CITY OF

MIDDLETOWN, CONNECTICUT

AS PASSED

FEBRUARY 7, 1927

AND AMENDED TO

JULY 26, 1927
AN ORDNANCE DIVIDING THE CITY OF MIDDLETOWN, CONNECTICUT INTO DISTRICTS OR ZONES AND REGULATING AND RESTRUCTURING 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 242 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:
GENERAL

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 buildings, 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 corrosive, toxic or noxious fumes, gas, vapor, smoke, fumes, odors, 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 use 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 52. ESTABLISHMENT OF ZONES

(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 (c), General Residence Zones, Transitional Business Zones, Commercial Zones, and Industrial Zones.

as amended CPC
June 1, 1953

(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:

(c) Should read "Neighborhood Business District Zones." (Aug. 25, 1955)
Restricted Hotel Zones dropped by court, 1950-2.
(c) 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.

(d)

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.
SECTION 92 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 those 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 ZONE — 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.
SECTION 25  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: single family dwelling which is hereby defined as a building designed for or occupied exclusively by one family, schools, churches, and philanthropic institutions not 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, 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; greenhouses and other necessary structure, incidental to the operator of a truck of a truck garden, nursery or farm, steam, electric or bus line waiting room; aviation or landing field.

(b) In the case of dwellings occupied by professional physicians and surgeons these may include the office of such physician or surgeon.
SECTION 73 (cont.)

(c) Uses customarily incident or accessory to the foregoing uses are permitted in Restricted Residential Zones, provided that such accessory use is located on the same lot with the building to which it is accessory. A garage accommodating 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.

(d) "For Sale" or "For Rent" signs, not exceeding five square feet in size, shall not be permitted in Restricted Residential Zones.

as amended
Nov. 4, 1929
Common Council Minutes P. 544
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 four families.
SECTION #6  RESTRICTED RESIDENCE ZONES — HEIGHT OF BUILDINGS

(a) In all restricted residence zones no building shall
hereafter be erected to a height greater than two thirds of
the width of the street on which it faces, or 40 feet, whichever
shall be 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 sub-
divided in lots the provisions of Section #5 relative to the
height of buildings in Park Zones shall apply.
SECTION 47  RESTRICTED RESIDENCE ZONES — PROPORTIONAL LOT AREAS AND REQUIRED OPEN SPACES

(a) In all Restricted Residence Zones no building, including any accessory buildings, shall occupy more than twenty-five percent 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 sidewalk line, a new building 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.

(d) Any structure to be altered or erected for the use in whole or in part for dwelling purposes shall be located on a lot having a width of not less than 100 feet at the lot line and an area as follows:

- Not less than 15,000 square feet if served by both a public sanitary sewer system and a public water system;
- Not less than 17,500 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 effective date hereof shall be exempted.

as amended

March 21, 1957

CGC

effective

March 27, 1957
(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 for family, exclusive of open porches, open or closed breezeways, entrance platforms not enclosed, or garages; of which a minimum of 750 square feet shall be on the first floor.
RESIDENCE MEDIUM DENSITY ZONES

(3) That the minimum lot size shall be a width of 100 feet at the lot line and an area of 20,000 square feet;

(4) That any lot recorded and appearing in the Middletown Land Records prior to the effective date of this amendment and, if within a subdivision or resubdivision as those words are defined in Special Act 135 of the 1931 General Assembly, or as they may hereafter be amended, within an approved subdivision or resubdivision, as so defined, shall be exempt from the minimum lot size herein required;

(5) That all other provisions of Restricted Residence Zones shall be applicable to the Residence Medium Density Zones.

Approved CFO Jan. 3, 1957

Effective Jan. 7, 1957
SECTION #3 GENERAL RESIDENCE ZONES -- USES OF PROPERTY

(a) In all General Residence Zones as shown on the map accompanying the ordinance and as described in Section (10) 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 fraternals and club buildings; hotels, except when their facilities are intended primarily for the accommodation of transients.

(b) A dwelling apartment or tenement occupied by a professional architect, artist, engineer, lawyer, musician, dressmaker, dentist or teacher, physicians and surgeons, may include the office or studio of the occupant of such dwelling apartment or tenement.

(e) 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 accommodating not more than five passenger cars or motor vehicles shall be considered an accessory use; garages 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

A professional pharmacy located in an office building containing not less than five doctors' offices shall be considered
SECTION 56 (cont.)

an accessory use, provided that there shall be no advertising
signs on the exterior of said office building promoting the
business of such pharmacy and that no merchandise be sold
therein other than drugs and pharmaceuticals for the treat-
ment of bodily ills.

(a) 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, real estate agent and insurance agent, dressmaker,
dentist or teacher shall not be permitted in General Residence
Districts or Zones.

(b) A trailer, or trailers, used for the purpose of a dwelling
whether mounted on wheels or otherwise 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 Residence Zone.

(c) 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. There parking spaces are required for
each office unit, plus one parking space for each 250
square feet of first floor area and for each 500 square
foot of floor area above the first, with a not area for
each space of not less than 150 square feet for space
as amended CN

Sept. 20, 1956

effective

Sept. 24, 1956

as amended

March 1, 1948

Common Council Minutes
PR 694

as amended CN

Nov. 9, 1955
Each parking space 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.
SECTION 47  GENERAL RESIDENCE ZONES — HEIGHT OF BUILDINGS

(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 the buildings occupying less than 25% of the area of the last constructed story may be erected to any reasonable height.
SECTION 530  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 twenty-five percent of the lot on which it stands.

(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.

(c) In the case of all buildings erected in General Residence Zones there shall be required two side yards not less than 4 feet 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 1915) are hereby declared to be a part of the Ordinance and to govern the size dimensions of all courts and other open spaces to be provided in all buildings created in General Residence Zones.

(e) Any structure to be altered or erected for the 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;
SECTION 1710 (cont.)

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.

(2) 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 closed breezeways, entrance platforms not enclosed, or garages; of which a minimum of 750 square feet shall be on the first floor.
SECTION 111. COMMERCIAL ZONES - USES OF PROPERTY

(a) In all Commercial zones as shown on the maps accompanying this Ordinance and as described in Section 119 foregoing, 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 as 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;
- Coke, coal, 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.
(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% of the area of the last constructed story may extend to any reasonable height.

(b) In all commercial zones no building within 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 125  COMERCIAL ZONES — PROPORTIONAL LOT AREA AND REQUIRED OPEN SPACES

(a) In all Commercial Zones no building shall above its ground floor occupy more than 90 percent 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 proscribed for tenement buildings.
(a) In all Industrial Zones it shall be lawful to erect a 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, grasso and land, 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% of the floor area of the last constructed story may extend to any reasonable height.
SECTION 16 A. INDUSTRIAL I ZONES.

(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, building, or structures meeting the requirements of Section 16 A, 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 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 or 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.
SECTION 163 NEIGHBORHOOD BUSINESS DISTRICT ZONE

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

1) The following retail store uses only shall be permitted in any Neighborhood Business District Zone:
   a) Barber or beauty shop;
   b) Drugstore, dry goods, or motion 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 use shall:
   a) Not extend beyond the property lines of the property from which it originates:
      1) No dust, dirt, smoke, or fly ashes;
      2) No objectional or offensive odors;
      3) No objectional, offensive, noxious, toxic, or corrosive fumes or gases;
      4) No noise which is objectionable or offensive due to volume, intermittence, boast frequency or shrillness;
   b) Be conducted and maintain wholly within a completely enclosed structure built upon a permanent foundation;
   c) Not to 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 requirements in impractical by reason of topography or geographical features or transportation difficulties.
SECTION 163 (cont.)

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

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

2) Sell goods consisting primarily of new merchandise.

3) No land, buildings, or structures of Section 163 meeting the requirements of subsection (a) of this Ordinance shall be used or occupied, in the 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, 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 150 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;
a) 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 re-
quirements:
   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.

Passed Aug. 25, 1955
TRANITIONAL BUSINESS ZONES

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,
Book or stationary stores, Restaurants excluding entertainment and sale of liquor; Clubs and Lodges, and extensions of existing uses on adjacent land.

HEIGHTS OF BUILDINGS AND PROPORTIONAL LOT AREA AND REQUIRED OPEN SPACES
In Transitional Business Zones shall be the same as provided in Commercial Zones.

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 the regulations of other classes of zones, it is hereby provided as follows:

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

Passed by Common Council June 1, 1953
(a) In recognition of the fact that to the time of passage of this Ordinance there exists 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 structural additions or extensions made in the same shall exceed 50% of its present assessed evaluation.

2) If such non-conforming buildings or premises is enlarged or extended to an extent exceeding 50% of its present assessed evaluation 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.
SECTION 10 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, paragraphs "a", "b", "c", or Section 10, Paragraphs "a", "b", "c", and "d".
SECTION 19 URBAN 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.
(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 20% or
more of the street frontage in any zone or in any portion thereof
shall present a petition duly signed to the Common Council re-
questing 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 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 suf-
ficient to amend, modify or repeal any provision of this Ordin-
ance.
(b) 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% 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.
(e) 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 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.
(e) **PENALTIES:**

If the owner or agent of any building structure or

removes 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 ten days after service

of same he shall be subject to such fines and penalties as

are provided by Section §17 and §38 of AN ACT CONCERNING

ZONING already referred to.
SECTION 21  EFFECT OF PRIVATE RESTRICTIONS ON THE USE OF PROPERTY

Nothing in this Ordinance shall be construed 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 restriction 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 kept unoccupied than is required by this Ordinance, in which case the provisions of this Ordinance shall govern.
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 or use, is one that does not conform to the 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.
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 beams 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 cen-

er 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 highest street may be taken as the base for measuring the height of the building.

m) A Gasoline Station is a location at which only gasoline, oils, lubricants and other automobile accessories are sold.
ZONING AMENDMENT

Any and all portions, areas, or sections of the City of Middletown such as have been, or are now, 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
SECTION 25

This Ordinance shall go into effect in the manner prescribed

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

Approved: FREDERICK J. BIELEFIELD, Mayor

Attests: ALBERT A. HURD, City Clerk