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CITY OF MIDDLETOWN

STATE OF CONNECTICUT

ZONING ORDINANCE

AS PASSED: February 7, 1927
AND AMENDED TO: March 12, 1964

INDEX

	Page
ZONING LEGISLATION	1
GENERAL	2
ESTABLISHMENT OF ZONES	3
PARK ZONES	7
HIGHER DENSITY RESIDENCE ZONES	8
RESTRICTED RESIDENCE ZONES	4
GENERAL RESIDENCE ZONES	5
NEIGHBORHOOD BUSINESS DISTRICT ZONES	6
TRANSITIONAL BUSINESS ZONE	10
COMMERCIAL ZONES	10
INDUSTRIAL ZONES	11
INDUSTRIAL I ZONES	12
INDUSTRIAL II ZONES	14
TOP SOIL, PEAT MOSS, SAND AND GRAVEL	16
NON-CONFORMING BUILDINGS AND USES	17
BUILDINGS IN REAR	18
FLOOD AREAS	18
PUBLIC HEARINGS, AMENDMENTS, VARIATIONS AND APPEALS, VIOLATIONS AND PENALTIES	18
EFFECT OF PRIVATE RESTRICTIONS ON THE USE OF PROPERTY	19
DEFINITIONS	19
ZONING AMENDMENT	20
ADOPTION DATE	23

ZONING LEGISLATION

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 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 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 corrosive, toxic or noisesome fumes, gas vapor, smoke, cinders, or 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 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.

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

As amended C P C 6/1/1953

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

(*) Should read "Neighborhood Business District Zones". (August 25, 1955) Restricted Hotel Zones dropped by Court, 1930.

VARIATION IN BOUNDARIES

(c) 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.

PARK ZONES - USES OF PROPERTY

(a) All lands within the City of Middletown which are now or may in the future be uses, 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 buildings 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.

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% 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% of the park, square or other Park Zone on which it is located.

THE RULES OF THE PARK COMMISSION OF MIDDLETOWN are hereby declared to be part of this Ordinance.

MEDIUM DENSITY RESIDENCE ZONES

(a) Medium Density Residence Zones shall provide that uses of this Medium Density Residence Zone be the same as in a Restricted Residence Zone except that it shall be limited to one family detached dwellings: as approved Z C 6/3/1957 effective 1/7/58

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

(c) That the aggregate side yard width must be at least twenty-five percent of the lot width and no side yard shall be less than ten (10) feet in width.

(d) 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.

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

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 a 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 garden, nursery or farm, steam, electric or bus line waiting rooms; aviation or landing field.

as amended Z C 3/21/57 effective 3/27/57

(b) In the case of dwellings occupied by professional physicians and surgeons, these may include the Office of such physican 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 four passenger motor vehicles shall be considered an accessory use; commercial trucks shall not be permitted in garages located in Restricted Residence Zones.

as amended 11/4/29 Common Council Min. page 54

(d) Billboards, Signboards and advertising signs except "For Sale" or "For Rent" signs exceeding five square feet in size, shall not be permitted in Restricted Residence Zones.

In all Restricted Residence Zones the Zoning Board of Appeals may in a specific case, after Public Hearing and notice 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.

as amended 11/2/42 Common Council Min. page 831

AMBULANCE SERVICES

1. As used in these regulations, the term "ambulance service" shall have the meaning commonly and usually given to the term and shall also include uses necessarily incident or accessory thereto. as amended Z C 7/9/59 effective 7/15/59

2. The Zoning Board of Appeals, may after Public Hearing, grant an exception for an ambulance service in all residence zone, subject to the following conditions: a) No advertising or signs containing more than two square feet in size shall be maintained on the premises where such ambulance service is being conducted or be attached to or painted on the building in which such service is conducted. b) The outward appearance of such building shall be substantially in conformity to the general characteristics of the surrounding neighborhood. c) In considering any application for an exception for an ambulance service, the Zoning Board of Appeals shall take into account the nature and development of surrounding property: the proximity of churches, schools, hospitals, public buildings, or other places of public gatherings; the sufficiency in number of other such services in the City of Middletown; the health, safety and general welfare of the people and the suitability of the applicant to establish, maintain or operate such ambulance service.

3. Ambulance services are hereby made permitted uses when conducted in business and industrial zones.

RESTRICTED RESIDENCE ZONES - HEIGHT OF BUILDINGS

a.) In all Restricted Residence Zones no buildings shall hereinafter be erected to a height greater than two thirds of 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 Park Zones, relative to the height of buildings in Park Zones, shall apply.

RESTRICTED RESIDENCE ZONES - PROPORTIONAL LOT AREAS AND REQUIRED OPEN SPACES

a) In all Restricted Residence Zones no buildings including its accessory building shall occupy more than twenty-five percent of the lot on which it stands. as amended Z C 4/6/55

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, new buildings shall conform in this respect to the set back line of the majority of such existing buildings. Provided, however, that in any case where a building line is established by the Common Council of the City of Middletown, all

buildings shall conform thereto.

as amended Z C 7/30/59

RESTRICTED RESIDENCE ZONES - PROPORTIONAL LOT AREAS AND REQUIRED OPEN SPACES CONTINUED:

c) In the case of all buildings hereafter erected in Restricted Residence Zones there shall be required two side yards not less than four (4) feet in width and a rear yard at least twenty-five (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.

as amended Z C 3/21/57 effective 3/27/57

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

e) Any structure to be used in whole or in part for dwelling purposes shall provide within the structures above ground level, exclusive of open porches, open or closed breezeways, entrance platforms not enclosed or garages the following square footage of living space per family:

1. 750 square feet in one (1) story structure

Approved Z C 12/3/59
Effective 12/15/59

2. 1300 square feet in two (2) story structure of which not less than 650 square feet shall be on the first floor.

GENERAL RESIDENCE ZONES - USES OF PROPERTY

a) In all General Residence Zones as shown on the maps accompanying the Ordinance and as described on page 1, paragraph B, Establishment of Zones, 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 accommodation of transients.

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

as amended Z C 11/9/55

c) Uses customarily incident or accessory to the above uses are permitted in General Residence Zones, provided that they are located

GENERAL RESIDENCE ZONES - USES OF PROPERTY CONTINUED:

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 paragraph a of Public Hearings, Amendments, Variations and Appeals, Violations and Penalties of this Ordinance.

A professional pharmacy and located in an office building containing not less than five doctor's offices shall be considered an accessory use, provided that there shall be no advertising signs on the exterior of the office building promoting the business of such pharmacy and that no merchandise be sold therein other than drugs and pharmaceuticals for the treatment of bodily ills. — as amended Z C 9/20/56 effective 9/24/56

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

(e) 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 structures or less than 100 feet from the traveled portion of any highway shall not be permitted in any General Residence Zone. — as amended 3/1/43 Common Council Min. page 894

(f) Office buildings to be used only for such occupations and professions enumerated in subsection (b) upon the findings of the Zoning Board of Appeals that the following requirements will be met: — as amended Z C 11/9/55

1. Parking: Three 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 feet of floor above the first with a net area for each space of not less than 136 square feet per space.

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.

GENERAL RESIDENCE ZONES - HEIGHT OF BUILDINGS

a) In all General Residence Zones no buildings shall hereafter be erected to a height greater than the width of the street on which it faces, or 80 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.

GENERAL RESIDENCE ZONES - PROPORTIONAL LOT AREAS AND REQUIRED OPEN SPACES

a) In all General Residence Zones no buildings including its accessory buildings shall occupy more than twenty-five percent (25%) of the lot on which it stands. as amended Z C 4/6/55 effective 4/8/55

b) A front yard at least 10 feet in depth shall be required in 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 1918) 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 erected 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: as amended Z C 4/6/55 effective 4/8/55

Not less than 10,000 square feet if served by both a public sanitary sewer and a 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 or 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, exclusive of open porches, terraces, open or closed breezeways, entrance platforms not enclosed, or garages, common hallways, elevators, air shafts, common and general storage areas, the following minimum square footage of living

space per family:

1. Single family structures, the requirements of page 5, Restricted Residence Zones, paragraph (e) shall be applicable.

2. Two family structures - 750 square feet minimum

3. Multiple family (three or more families) or apartment structures within each apartment - one room apartment.....400 sq. feet minimum
one bedroom apartment...450 sq. feet minimum
two bedroom apartment...700 sq. feet minimum
three bedroom apartment.900 sq. feet minimum
four bedroom apartment.1100 sq. feet minimum
five bedroom apartment.1300 sq. feet minimum
and for each additional bedroom, 150 square feet.

as amended Z C 3/21/63 effective 4/3/63

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 stores uses only shall be permitted in any Neighborhood Business District Zone:

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

2. Any such retail use shall:

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

1. No dust, dirt, smoke or fly ash
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, intermittance, beat frequency or shrillness

as amended Z C 8/25/55

b) Be conducted and maintained 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 determined that such distance requirements is impractical by reason of topography or geographical features or transportation difficulties.

d) Keep rubbish, empty boxes and cartons 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 Neighborhood Business District Zones 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 136 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.

TRANSITIONAL 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.
Books or Stationery stores.
Restaurants: excluding entertainment and sale of liquors.
Clubs and Lodges, and extensions of existing uses on adjacent land.

HEIGHT OF BUILDINGS AND PROPORTIONAL LOT AREA AND REQUIRED OPEN SPACES

In all Transitional Business Zones, the same shall be 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. Common Council June 1, 1953

COMMERCIAL ZONES - USES OF PROPERTY

a) In all Commercial Zones as shown on the maps accompanying this Ordinance and as described in paragraph (B) on page 1, of Establishment of Zones, 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 Residence 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 the purposes of this Ordinance, be considered as Industrial Uses and therefore excluded from Commercial Zones: Bottling works, cleaning establishments of all descriptions, coke, coal, lumber, wood or stone yards, ice plants and storage buildings, laundries, milk distributing or pasturizing plants, ornament works, storage yards of all descriptions, including materials of building contractors and their supplies and equipment, scrap paper, iron or junk, etc.

COMMERCIAL ZONES - HEIGHT OF BUILDINGS

a) In all Commercial Zones no buildings 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 buildings within or adjacent to zones which are primarily residential in character no buildings shall exceed in height the allowable height prescribed for the zone to which it is adjacent or within which is located.

COMMERCIAL ZONES - PROPORTIONAL LOT AREA AND REQUIRED OPEN SPACES

a) In all Commercial Zones no buildings 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.

as amended 5/4/42 Common Council min. Page 857

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.

INDUSTRIAL ZONES - USES OF PROPERTY

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 Zoning Board of Appeals.

c) The manufacture of fertilizer, soap, tallow, grease and lard, glue sizing or gelating and the distillation, incineration, reduction, storage or dumping of animal or begetable 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 a public hearing.

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.

INDUSTRIAL ZONES - PROPORTIONAL LOT AREA AND REQUIRED OPEN SPACES

a) In all Industrial Zones no buildings shall on its ground floor occupy more than 90% 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 the 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 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, purpose or processes or for uses as may be incidential and necessary thereto subject to the following provisions:

1) Any such manufacturing, industrial, research laboratory or warehousing uses, purposes or process 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

as amended Z C 8/6/54 effective 8/19/54

b) Maintain open storage of materials, products, fuls, 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.

c) No land, building or structure meeting the requirements of Industrial I Zones, 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 designed by said Commission that such land, buildings or structure 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 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 of distance

from the nearest street line.

INDUSTRIAL ZONE II

1. PERMITTED PRINCIPAL USES: Industrial buildings or structures ONLY regulated by the following provisions:

as amended Z C 7/28/50 effective 7/30/50

All uses of land, buildings, structures or industrial processes that by reason of the production may be noxious or injurious or emission of dust, fumes, gas, noise, odor, refuse matter, smoke, vibration or other similar substances or conditions are prohibited provided however any use may be permitted if approved by the Middletown City Plan and Zoning Commission and the Middletown Public Health Department and subject to conditions, restrictions, and safeguards as may be deemed necessary by said Boards for the purpose of protecting the health, safety, morals and general welfare of the community.

2. PROHIBITED USES: Crematories and Glue, Cellulose and Fertilizer manufactures.

3. SPECIAL PERMITTED USES: Churches, places of worship, parsonage or rectory parks and recreational facilities, golf courses and helicopter landing fields.

4. REQUIRED LOT AREA: The minimum lot area per industry unit shall be 10 acres and the minimum frontage shall be 400 lineal feet.

5. BUILDING HEIGHT LIMIT: The building height is unlimited, but all buildings and structures shall be constructed in accordance with the City of Middletown Building Code.

6. MANDATORY OPEN SPACES: Each corner lot shall consist of two front yards, two side yards and one rear yard, each corner through lot shall consist of three front yards and one side yard each interior lot shall consist of one front yard, two side yards and one rear yard, each interior through lot shall consist of two front yards and two side yards and the following widths and depths shall regulate:

a. Each front yard depth - 150 lineal feet minimum
b. Each side yard width - 100 lineal feet minimum
c. Rear yard depth - 100 lineal feet minimum
d. The minimum front, side or rear yard widths and depths for lots bordering any other zone or a town line shall be 300 lineal feet.
e. The distance between buildings or parts thereof, such as wings, inner and outer courts, the minimum shall be 40 feet for buildings of 4 stories or less and an additional 10 feet between buildings shall be added for each story over 4 until the distance totals 80 feet for 8 stories.

7. PERCENTAGE OF LOT COVERAGE: All principal or accessory buildings or structures shall not exceed the following maximum percent of lot coverage:

a. Corner lot - maximum 20%
b. Interior lot - maximum 20%
c. For industrial expansion an additional 10% of lot coverage is allowed.

8. MANDATORY OFF-STREET PARKING: Each industrial unit operating on two or more shifts shall have a minimum of 2 parking spaces per every 3 employees on the major shift, however, if operating on just one shift, the minimum shall be 1 parking space per every 3 employees.

a. Each parking space shall have a minimum gross area of 300 square feet.
b. Each parking lot shall have a stabilized dustless surface, graded and drained as part of storm sewerage plan for lot.
c. No exit or entrance to a parking lot shall be nearer than 50 feet to a street intersection.
d. No exit or entrance to a parking lot shall be nearer than 20 feet to a lot line.
e. No parking space shall be nearer than 10 feet to a lot line.
f. No parking space shall be nearer than 20 feet to any building or structure.
g. Each parking lot bordering any other zone, street or town line shall be aesthetically landscaped and screened by fences, walls, etc.

9. MANDATORY OFF-STREET LOADING AND UNLOADING FACILITIES: Each industrial unit shall provide its own loading and unloading docks and bays entirely within its property area.

10. PERMITTED USES FOR SIGNS: No sign or part thereof shall be nearer than 10 lineal feet to a street line nor nearer than 20 lineal feet to any lot line, and no sign shall be larger than 50 square feet in size nor closer to the ground than 3 lineal feet.

11. NON-CONFORMING USES: The lawful use of any building, structure or land area existing at the time of the passage of Industrial II Zones may be continued although such use does not conform with the provisions set forth in said Industrial II Zones.

a. Unsafe structures: Any building or structure or portion thereof declared unsafe by a proper authority may be restored to a safe condition.

b. Alterations: A non-conforming use of any building or structure may not be reconstructed or structually altered during its life to an extent exceeding in aggregate cost 50% of the present assessed value of the building or structure unless said building is changed to a conforming use.

c. Construction approved prior enactment of Industrial II Zone: Nothing contained within Industrial II Zones shall require any change in plans, construction or designated use of a building or structure for which a building permit has been heretofore issued however, the entire building or structures shall be completed according to such plans filed within 18 months from the date of enactment of said Industrial II Zone.

d. Abandonment: Whenever a non-conforming use has been discontinued for a period of one year or more, such use shall not thereafter be re-established and any future use shall be in conformity with the provisions of said Industrial II Zone.

TOP SOIL, PEAT MOSS, SAND AND GRAVEL

The Middletown Zoning Commission may, after legal notice and Public Hearing as provided by Statute, permit the removal of Top Soil, Peat Moss, Sand and Gravel in any zone subject to the approval of the Zoning Commission. The following regulations shall govern the removal of Top Soil, Peat Moss, Sand and Gravel:

a. Any such operation shall not affect the health, safety, and general welfare of the citizens of the City of Middletown. as amended Z C 3/5/64 effect 3/12/64

b. The petitioner shall submit to the Zoning Commission a plan showing existing grades in area prior to the removal of top soil, peat moss, sand and gravel. The plan shall provide for adequate front, side and rear yards to control noise, dust, heavy trucking and/or other factors detrimental to the neighborhood and the operator under the permit must do everything possible to keep the dust from contaminating the air near the pit or the access highway from the pit to the public highway. At no time shall the actual removal of top soil, peat moss, sand and gravel take place nearer than 30 linear feet to a property line or street line, except where the existing grade is above the existing grade of the abutting property or street. Proper drainage shall be maintained throughout the entire operation and no temporary damage shall be inflicted upon adjacent property owners.

c. The petitioner shall also submit a final plan showing finished grades after completion of such operation, as well as the present drainage and final drainage system for the entire area. Said area shall be restored to a condition as designed by the Zoning Commission at the time of approval. A minimum of 4 inches of top soil, seeded, shall cover that portion of area where the actual removal has taken place. Any excavation extending below the grade of an adjacent public street or highway shall not be nearer than 100 linear feet to such street or highway, except when provisions have been made for the reconstruction of such street or highway at a different level. An embankment of a finished grade shall not exceed 30 degrees, except under extraordinary circumstances when it may be necessary to construct a retaining wall or if the reuse

of the property is proposed for a pond or lake in connection with recreational purposes. Whenever an excavation extends below the existing grade of an abutting property owner, public street or highway, cross-sections at intervals of 25 linear feet shall be submitted to the Zoning Commission. The reuse of the property shall be governed by the Zoning Regulations and such reuse shall establish the extent of such excavation.

d. Except in an industrial zone, no stone crusher or other machinery not required for actual removal of material shall be used.

e. The Zoning Commission may prescribe other additional conditions and safeguards to minimize adverse effects on the character of the neighboring area, such as vehicular exits and entrances, landscaping, guard fences and other provisions as may be required by the Zoning Commission.

f. Prior to the approval of permits for the removal of top soil, peat moss, sand and gravel, the petitioner shall submit two copies of a performance bond to the Zoning Commission in an amount estimated at 100% of the total cost of the improvements and approved by the Department of Public Works, of which, one copy of such bond shall be filed with the Office of the Comptroller. No bond shall be released prior to the completion of the entire project.

g. Permits for the removal of top soil, peat moss, sand and gravel may be granted for any length of time not exceeding two years. A maximum two year extension of a previously approved permit may be granted by the Zoning Commission, but is not automatic. For additional extensions, the petitioner must reapply for a new permit.

h. A legally established top soil, peat moss, sand and gravel pit in existence at the time of passage of these regulations may continue such operation, provided however, that the operator of such top soil, peat moss, sand and gravel pit submits plans and received approval by the Zoning Commission in conformance with these regulations within 6 months after notice by the Commission of the approval of these regulations.

i. Any surplus top soil, peat moss, sand and gravel resulting from genuine agricultural, constructural or landscaping operations need not comply with the provisions set forth under this section.

NON-CONFORMING BUILDINGS AND USES

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 use 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

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 Restricted Residence Zones pages 4 and 5, paragraphs a, b, c or General Residence Zones pages 5 and 6, paragraphs a, b, c and d.

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 the occupation or buildings 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 on developments as will 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

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% 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 sixty (60) days after the filing of the same with the Town Clerk. A vote of two-thirds of the members of the members of the Common Council shall be sufficient to amend, modify or repeal any provisions of this Ordinance. as amended Z C 10/7/54 effective 10/9/54

b. PROTESTS: If a protest is 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 hearing it shall be required the vote of three-fourths of the Common Council to effect the proposed amendment, modifications or repeal.

c) BOARD OF APPEALS: The Mayor shall appoint a Board of 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 violations as provided in Section 17 of "An Act Concerning Zoning" already referred to as amended. Or he may in writing order the conditions 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 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 ten days after service of same he shall be subject to fines and penalties as are provided by Section 17 and 18 of an "ACT CONCERNING ZONING" already referred to.

EFFECT OF PRIVATE RESTRICTIONS ON THE USE OF PROPERTY

Nothing in this Ordinance shall be constructed as to so 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 left unoccupied than is required by this Ordinance, in which case the provisions of this Ordinance shall govern.

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 are arranged and designed to be used in connection with such buildings.

e) A "corner lot" is a parcel of land not over 50 feet in width at the junction of and facing 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.

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, use, 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

SCHEDULE OF ZONING AREA, YARD AND HEIGHT REQUIREMENTS

SCHEDULE OF ZONING AREA, YARD AND HEIGHT REQUIREMENTS

ZONE	MINIMUM LOT SIZE		MAXIMUM BUILDING	MAXIMUM LOT	MINIMUM SIZE MANDATORY OPEN SPACES			MINIMUM LIVING SPACE	
	AREA	FRONTAGE	HEIGHT	COVERAGE	FRONT YARD	SIDE YARD	REAR YARD	1-STORY	2-STORY
PARK	None	None	Dist. btwn bldg & st line or unl	2%	None	None	None	None	None
MEDIUM DENSITY RESIDENCE	20,000 sq. ft.	100 ft	40ft or 2/3 st width or unlim.	25%	20 ft.	25% lot width 10 ft. min one side	[illegible] 25 ft	750 sq ft	1300 sq ft 450 sq ft 1st floor
RESTRICTED RESIDENCE	15,000 sq ft S & W 17,500 sq ft S or W 20,000sq ft S nor W	100 ft	40ft or 2/3 st width or unlim.	25%	20 ft.	4 ft	25 ft	750 sq ft	1300 sq ft 650 sq ft 1st floor
GENERAL RESIDENCE #	10,000 sq ft S & W 15,000 sq ft S or W 20,000sq ft S nor W	75 ft	80 ft or st width or unlimited	25%	10 ft	4 ft	11 ft	(Gen. Res.) Single fam. same as Restricted Residence	
NEIGHBORHOOD BUSINESS	1 acre	20ft*	15 ft or 1 story	None	20 ft	20 ft	20 ft	2 fam. - 750 sq ft per multi-fam. - Apts 1 room = 400 sq ft 1 bed" = 450 sq ft 2 bed" = 700 sq ft 3 bed" = 900 sq ft 4 bed" =1100 sq ft 5 bed"- 1300 sq ft each add. room 150 sq ft.	
TRANSITIONAL BUSINESS #	None	None	100 ft or 1½ stories or unlim.	90-100%	None	None	None		
COMMERCIAL #	None	None	100 ft or 1½ stories or unlim.	90-100%	None	None	None		
INDUSTRIAL	None	None	100 ft or st width or unl.	90-100%	None	None	None		
INDUSTRIAL I	2 acres	20 ft	50 ft or unlim.	35%	75 ft or more	25 ft or 50 ft or more	25 ft		
INDUSTRIAL II	10 acres	600 ft	unlim **	20% plus 10% expan.	150 ft or 300 ft	100 ft or 300 ft	100 ft or 300 ft		

* = Minimum easement to public street
** = Must conform with Mtwn. Building Code
\# = Must conform with State Tenement House Law
‖ = Sanitary Sewers
= Water Mains

PARKING

GEN.RES.- 3 parking spaces per office unit
NEIGH.BUS.- 3 parking spaces per retail store area plus 1 parking space per 250 sq ft of floor area
INDUST. I = 1 parking space per 2 employees
INDUST.II = 2 parking space per 3 employees for 2 or more shifts, 1 shift 1 parking space per 3 employee

ADOPTION DATE

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

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

Approved: FREDERICK J. BIELEFIELD, Mayor

Attest: ALBERT A. HURD, City Clerk