

CITY OF MIDDLETOWN  
STATE OF CONNECTICUT

1966

ZONING  
ORDINANCE  
WITH MAP

SUBDIVISION PROCEDURES  
AND  
SUBDIVISION REGULATIONS

Adopted:  
Effective:

I N D E X

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1. GENERAL PROVISIONS

1.1 Pursuant to the authority vested in the Commission on the City Plan of the City of Middletown and for said Commission to act as the Zoning Commission for said City by House Bill No. 3514, Special Act No. 231 of the 1965 General Assembly of the State of Connecticut to divide said City into Zones and TO regulate the location, the construction, the reconstruction, the addition and the alteration of all structures hereafter erected; TO regulate and limit the height and size of structures; TO regulate and determine the area of yards, courts, open spaces and the size of lots; TO regulate and determine the construction in flood areas; FOR the purpose of lessening congestion in the streets; FOR the purpose of securing safety from fire, landslides, floods, panic and other dangers; FOR the purpose of providing adequate light and air, transportation, water, sewerage, schools, parks, recreational facilities and other public requirements; FOR the purpose of preventing the overcrowding of land and avoiding undue concentration of population; FOR the purpose of conserving the value of land and buildings and encouraging the most appropriate use of land; FOR the purpose of promoting health, safety, comfort of living and working conditions, moral and general welfare of the citizens of the City of Middletown; all in accordance with a comprehensive Plan of Development; and to prescribe penalties for the violation of its provisions; Now, Therefore, BE IT ORDAINED BY THE COMMISSION ON THE CITY PLAN OF THE CITY OF MIDDLETOWN, CONNECTICUT.

2. LAND AREAS NOT GOVERNED BY THIS ORDINANCE

2.1 The following land areas or uses shall not be governed by this ordinance, unless otherwise specifically stated in rules and regulations of City, State or Federal Agencies or in sections of this Ordinance.

City Properties

State Properties

U. S. Federal Government Properties

Delete

MM

1. GENERAL PROVISIONS

1.1 Pursuant to the authority vested in the <sup>(Commission on the City Plan)</sup> ~~Common Council~~ of the City of Middletown <sup>and for said Commission to act as the Zoning Commission</sup> ~~by special acts of the General Assembly of the State of Connecticut~~ <sup>for said city by House Bill No. 3514, Special Act No. 231 of the 1965 General Assembly</sup> ~~of the State of Connecticut~~ <sup>of said city</sup> to divide the City of Middletown into Zones and TO regulate the location, the construction, the reconstruction, the addition and the alteration of all structures hereafter erected; TO regulate and limit the height and size of structures; TO regulate and determine the area of yards, courts, open spaces and the size of lots; TO regulate and determine the construction in flood areas; FOR the purpose of lessening congestion in the streets; FOR the purpose of securing safety from fire, landslides, floods, panic and other dangers; FOR the purpose of providing adequate light and air, transportation, water, sewerage, schools, parks, recreational facilities and other public requirements; FOR the purpose of preventing the overcrowding of land and avoiding undue concentration of population; FOR the purpose of conserving the value of <sup>(land and)</sup> buildings and encouraging the most appropriate use of land; FOR the purpose of promoting health, safety, comfort of living and working conditions, moral and general welfare of the citizens of the City of Middletown; all in accordance with a comprehensive <sup>(Plan of Development)</sup> ~~plan~~; and to prescribe penalties for the violation of its provisions; Now, Therefore, <sup>(COMMISSION ON THE CITY PLAN)</sup> BE IT ORDAINED BY THE ~~COMMON COUNCIL~~ OF THE CITY OF MIDDLETOWN, CONNECTICUT.

2. LAND AREAS NOT GOVERNED BY THIS ORDINANCE

2.1 The following land areas or uses shall not be governed by this ordinance, unless otherwise specifically stated in rules and regulations of City, State or Federal Agencies or in sections of this Ordinance.

- City Properties
- State Properties
- U. S. Federal Government Properties

3. PROHIBITED USES

3.1 Any of the following uses are prohibited in City of Middletown:  
Animal Crematoriums, Human Crematoriums, ~~and Off-Street Parking.~~

4. DEFINITIONS

4.1 For the purpose of this Ordinance certain terms or words used herein shall be interpreted or defined as follows:

Words used in the present tense include the future tense.

Words in the singular include the plural.

The word "lot" includes the word "plot", "piece", or "parcel".

The word "used" or "occupied" shall include the words

"arranged, designed, or intended to be used or occupied".

The word "shall" is always mandatory, and not directory.

The word "person" includes a corporation as well as an individual.

4.2 Accessory Building or Use: A subordinate building or use to the principal building or use on the same lot.

Addition: Any alteration which increases the size of a structure.

Alteration: A change or rearrangement of a structure without increasing its size.

Apartment: The square footage of a single family living space unit within an apartment house.

Apartment House: A structure used for residential purposes only of 6 or more single family living space units.

Basement or Cellar: Any floor area below ground level.

Block: Any land area surrounded by public thoroughfares.

Building: Any structure other than a boundary wall, bridge, radio tower, sign or fence.

Building Height: A vertical distance between the ground floor level and the highest ceiling height of a building.

Building Line: Any horizontal distance between a structure and a front lot line.

Corner Lot: Any parcel of land fronting two or more intersecting streets.

Court: Any unoccupied open space surrounded by 2 or more walls.

Dwelling: Any building or structure used for residential purposes only consisting of 1 to 3 single family living space units.

Dwelling Unit: A single-family living space unit used exclusively for residential purposes.

Family: One or more persons living as one housekeeping unit.

Finished Grade: The completed surfaces of landscaping on a lot.

Front Lot Line: The dividing line between a street or sidewalk and the lot.

Front Yard: An open unoccupied area on same lot with a building between the Front Lot or Sidewalk Line and the Building Line and extending the full width of the Lot.

Garage: A building or part of one used for the storage of non-commercial vehicles.

Gasoline Station: Any area of land, including structures thereon used for the sale of gasolines and other lubricants and for the servicing of motor vehicles.

Home Occupation: A part time profession or hobby and carried on as a secondary use to the dwelling or building, but shall otherwise conform with regulations set forth in this Ordinance.

Interior Lot: Any lot other than corner lot.

Junk Yard: A lot on which 200 or more square feet inside or outside of a building is used for the storage of scrap materials sold in parts or by bulk.

Living Space: The square footage of any floor area within a building used solely for residential purposes, exclusive of such areas as attics, stairways, open or closed porches, balconies, garages, terraces, breezeways, basements or cellars, elevator shafts, stairwells, storagerooms, closets, interior balconies, mezzaninas, or other accessory uses.

Living Space Unit: The floor area within a structure used and occupied exclusively for residential purposes by a single family.

Lot: A lot is any piece or parcel of land whether structurally unoccupied, or constructed upon, or to be constructed upon and occupied by ONE building and the accessory buildings or uses customarily or necessarily incident to such building, including such open spaces as are required by this ordinance and owned by one or as a corporation.

Lot Line: Any line dividing one lot from another.

Nonconforming Use: The lawful use of land or a structure thereon although use does not conform with the regulations of this ordinance.

Principal Building: A building in which is conducted the major use of the lot on which said building is located.

Plat: A map, plan, layout or design of proposed or intended construction or improvement of any kind.

Rear Lot Line: The lot line most distant from the front lot line.

Rear Yard: An open unoccupied area on the same lot with a building between the rear building line and the rear lot line and extending the full width of the lot.

Row or Group Houses or Garden Apartments: A row or group house, or garden apartment is a building of not more than 2 1/2 stories in height, consisting of a series of noncommunicating single-family living space units, having or not having a common wall between each two adjacent units, and consisting of not more than six single-family living space units per row or group unit. Said row or group unit shall be considered as one building of a lot.

Side Lot Line: Any lot line other than the front or rear lot line.

Sidewalk Line: The dividing line between the sidewalk and the lot.

Side Yard: An open unoccupied area on the same lot with a building situated between the side building line and the side lot line and extending from the front yard to the rear yard.

Sign: Any structure used for the purpose of displaying or advertising.

Single Family Dwelling: A structure used exclusively for residential purposes and consisting of one single family living space unit.

Story: That part of a building which measures between finished floor to finished floor or finished floor to finished ceiling.

Street: Travelled portion of a public or private thoroughfare.

Street Line: The dividing line between the street and the sidewalk.

Structure: A combination of materials forming a safe and stable construction.

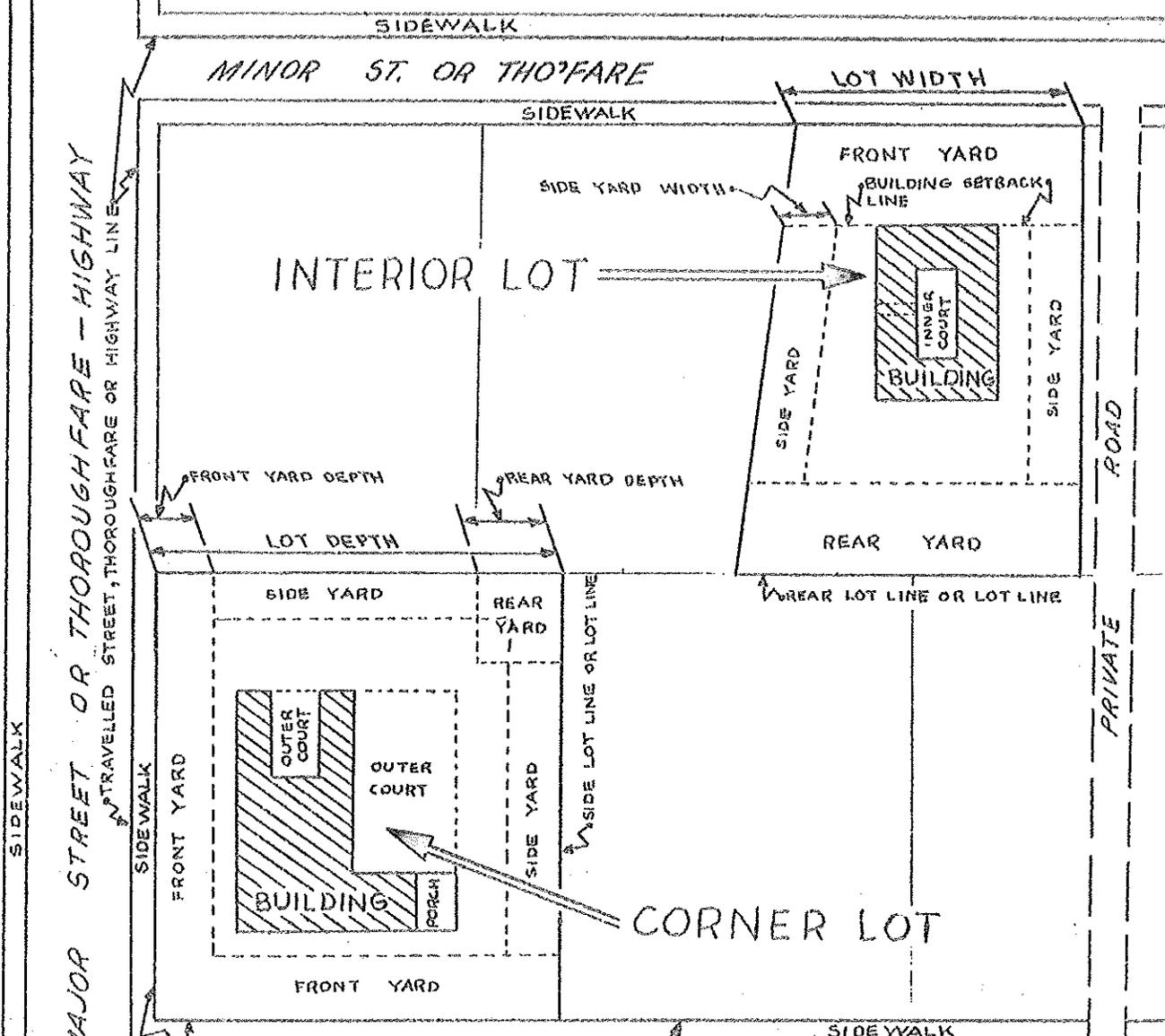
Through Lot: A lot having frontage to two parallel or approximately parallel streets.

Trailer: A vehicle used for living or sleeping purposes.

Use: The specific purpose for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained.

Yard: An unoccupied area on the same lot with a building or structure.

4.3



MAJOR STREET OR THOROUGHFARE - HIGHWAY

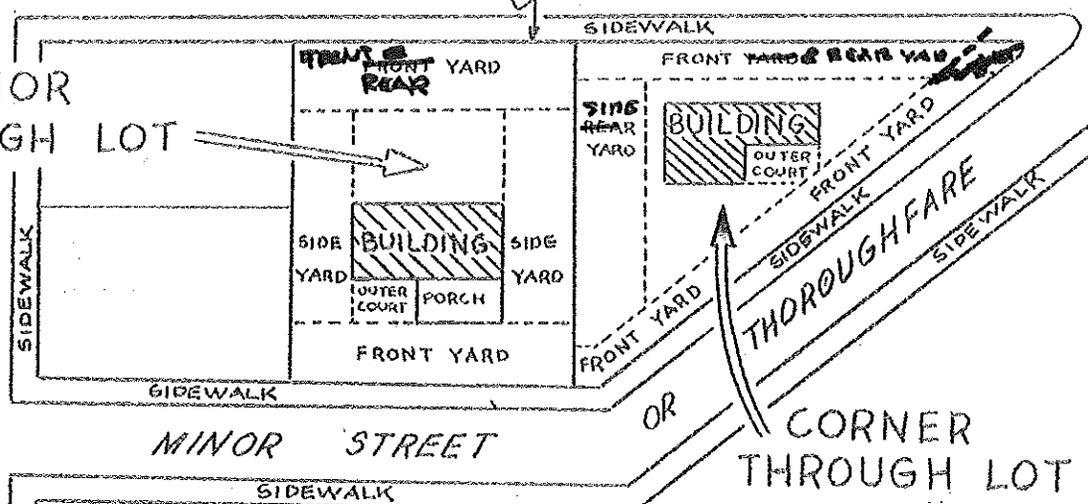
UNTRAVELLED STREET, THOROUGHFARE OR HIGHWAY LINE

SIDEWALK

PRIVATE ROAD

CORNER LOT

INTERIOR THROUGH LOT



THOROUGHFARE

CORNER THROUGH LOT

OR

5. THE ZONES

5.1 For the purpose of promoting the public health, safety, morals, and general welfare of the community, the City of Middletown, Connecticut, is hereby divided into the following eighteen zones:

- 1. Park-Recreational Zone 1 PR-1 Parks, Recreation & Light Commercial
- 2. Residential Zone 1 R-1 One-family Dwellings ONLY
- 3. Residential Zone 2 R-2 One-family Dwellings ONLY
- 4. Residential Zone 3 R-3 One-family Dwellings ONLY
- 5. Residential Zone 4 R-4 One & Two-family Dwellings ONLY
- 6. Residential Zone 5 R-5 One, Two & Three-Family Dwellings ONLY
- 7. Apartment Zone 1 A-1 Apartments, Row & Group Houses ONLY
- 8. Apartment-Commercial Zone 1 AC-1 Apartments and Medium Commercial ONLY
- 9. Commercial Zone 1 C-1 Neighborhood Commercial ONLY
- 10. Commercial Zone 2 C-2 Light Commercial ONLY
- 11. Commercial Zone 3 C-3 Medium Commercial ONLY
- 12. Commercial Zone 4 C-4 Downtown Commercial ONLY
- 13. Commercial Zone 5 C-5 Commercial ONLY
- 14. Commercial-Industrial Zone 1 CI-1 Research Laboratories ONLY
- 15. Commercial-Industrial Zone 2 CI-2 Commercial and Light Industrial ONLY
- 16. Industrial Zone 1 I-1 Industrial ONLY
- 17. Industrial Zone 2 I-2 Industrial ONLY
- 18. Natural Resource Zone 1 NR-1 Natural Resource Preservation

5.2 The specific boundaries of the above designated zones shall be established by street or sidewalk lines, railroad track taking lines, right of ways, brooks, streams, rivers, lakes, and lot lines as illustrated on the ZONING AND GENERAL PLAN MAP of the City of Middletown, Connecticut, dated ....., 1961, which map is hereby declared to be part of this Ordinance.

6. SCHEDULE OF ZONING

ZONE	PERMITTED PRINCIPAL USES	MINIMUM LOT SIZE	FRONTAGE Ln.Ft.	MAXIMUM BUILDING HEIGHT	SIZE OF MANDATORY OPEN	
		AREA Sq. Ft.			MINIMUM FRONT YARD Lin. Ft.	MINIMUM SIDE YARD Lin. Ft.
Park-Recreational R-1	Parks, Recreation & Lt. Commercial				NO RESTRICTIONS	
Residential 1 R-1	Single-Family Dwellings ONLY	60,000 (200-300)	200	2 1/2-St.	40	40
Residential 2 R-2	Single-Family Dwellings ONLY	28,600 (130-220)	130	2 1/2-St.	30	30
Residential 3 R-3	Single-Family Dwellings ONLY	19,200 (100-180)	100	2 1/2-St.	25	20
Residential 4 R-4	Single-Family Dwellings ONLY	12,600 (90-140) a)	90	2 1/2-St.	20	15
Residential 5 R-5	1 & 2 Family Dwellings ONLY	9,000 (75-120) a)b)d)	75	2 1/2-St.	15	10
Residential 6 R-6	1, 2 & 3 Family Dwellings ONLY	6,000 (60-100) a)b)d)	60 c)	3-St.	10	10
Apartment A-1	Apartment, Row & Group Houses ONLY	40,000 (150-267) e)	150	10-St. (acc. to Bldg. Code)	30 h)	25 h)
Apartment-Commercial C-1	Apt. & Med. CML ONLY (NBD CML)	60,000 (200-300)	200	APT: 10-St. (Acc.BgCode CML: 2-St.)	APT: 40 CML: none h)	40 h)
Commercial 1 C-1	Neighborhood CML ONLY (Hwy CML)	40,000 (150-267)	150	3-St.	Ft. Yrd. Bord.Zone 1)	25 (40 if Bord Res. Zone 1)
Commercial 2 C-2	Light Commercial ONLY	40,000 (150-267)	150	1 1/2-St.	Ft. Yrd. 1) BordZone	30 (40 Bord Res. 1)
Commercial 3 C-3	Medium Commercial ONLY (ShopCent)	80,000 (200-400)	200	3-St.	40 i)	40 i)
Commercial 4 C-4	Downtown CML ONLY (U Rul)	60,000 (200-300)	200	Unlimited acc.Bg. Code	None h)	30 one side ONLY h)
Commercial 5 C-5	Commercial ONLY Gen. CML.	15,000 (100-150)	100	Unlimited Acc.Bg.Code	20 h)	30 one side plus 10 h)
Commercial-Industrial CI-1	Research Laboratories ONLY	80,000 (200-400)	200	3-St.	50 i)	50 i)
Commercial-Ind. CI-2	Commercial & Light Industrial ONLY	60,000 (150-400)	200	3-St.	30 i)	20 (40 if bord. res 1)
Industrial 1 I-1 (91)	Industrial ONLY	4 Acres (300-582)	300	Unlimited Acc.Bg.Code	50 h)j)	40 h)j)
Industrial 2 I-2	Industrial ONLY	30,000 (100-200)	100	Unlimited Acc.Bg.Code	30 h)	20 h)
Natural Resource R-1	Natural Resource Conservation ONLY					NO RESTRICTIONS

Residence 2  
-84-

Single Family Dwellings 28,600 (150-267) / 130 | 2 1/2 St. | 30 | 30

6. SCHEDULE OF ZONING

ZONE	PERMITTED PRINCIPAL USES	MINIMUM LOT SIZE		MAXIMUM BUILDING HEIGHT	SIZE OF MANDATORY OPEN	
		AREA Sq. Ft.	FRONTAGE Ln. Ft.		MINIMUM FRONT YARD Lin. Ft.	MINIMUM SIDE YARD Lin. Ft.
Park-Recreational PR-1	Parks, Recreation & Lt. Commercial	NO RESTRICTIONS				
Residential 1 R-1	Single-Family Dwellings ONLY	60,000 (200-300)	200	2 1/2-St.	40	40
Residential 3 R-3	Single-Family Dwellings ONLY	18,000 (100-180)	<del>100</del> 700	2 1/2-St.	<del>20</del> 25	<del>25</del> 20
Residential A R-A	Single-Family Dwellings ONLY	12,600 (90-140)	90	2 1/2-St.	20	15
Residential 5 R-5	1 & 2 Family Dwellings ONLY	9,000 (75-120) a) b) d)	75	2 1/2-St.	15	10
Residential 6 R-6	1, 2 & 3 Family Dwellings ONLY	6,000 (60-100) a) b) d)	60 e)	3-St.	10	10
Apartment A-1	Apartments, Row & Group Houses ONLY	<del>40,000</del> (150-267) e)	<del>150</del> 150	10-St. (Acc. to Bldg. Code)	<del>30</del> h) 30	<del>30</del> h) 25
Apartment-Commercial AC-1	APR 4 MED & NBD NEIGH-BOUR-HOOD CML Medium Commercial ONLY	<del>60,000</del> (200-300) CML	<del>200</del> 200	APT: 10-St. (Acc Bg Code) CML: 2-St.	APT: <del>40</del> CML: None h)	<del>40</del> h)
Commercial 1 C-1	Neighborhood Commercial ONLY HIGHWAY CML	40,000 (150-267)	150	3-St.	Ft. Yrd. Bord. Zone i)	20 (40 if Bord Res Zone i)
Commercial 2 C-2	Light Commercial ONLY	40,000 (150-267)	150	1 1/2-St.	Ft. Yrd. i) Bd. Zone	30 (40 BR Res) i)
Commercial 3 C-3	Medium Commercial ONLY SHOPPING CENTERS	80,000 (200-400)	200	3-St.	40 i)	40 i)
Commercial 4 C-4	Downtown Commercial ONLY REDU. AREA RVL	60,000 (200-300)	200	Unlimited (Acc Bg Code)	None h)	30 one side ONLY h)
Commercial 5 C-5	Commercial ONLY GEN. CML	15,000 (100-150)	100	Unlimited (Acc Bg Code)	20 h)	30 one side <del>plus</del> h)
Commercial-Industrial CI-1	Research Laboratories ONLY	80,000 (200-400)	200	3-St.	50 i)	50 i)
Commercial-Industrial CI-2	Commercial & Light Industrial ONLY	60,000 (150-400)	200	3-St.	30 i)	20 (40 if BR Res) i)
Industrial 1 I-1 (91)	Industrial ONLY	4 Acres (200-500)	<del>300</del> 300	Unlimited (Acc Bg Code)	<del>50</del> h) j)	<del>40</del> h) j)
Industrial 2 I-2	Industrial ONLY	30,000 (100-200)	100	Unlimited (Acc Bg Code)	30 h)	20 h)
Natural Resource NR-1	Natural Resource Conservation ONLY	NO RESTRICTIONS				



6. SCHEDULE OF ZONING RESTRICTIONS & REGULATIONS (CONTINUED):

- a) Must meet requirements of State and local Regulations on Private Water Supply and Sewer Disposal Systems.
- b) An additional 3000 square feet of land shall be added for each family over one.
- c) An additional 10 linear feet of frontage shall be added for each family over one.
- d) If served by either water or sewer, an additional 2500 square feet of land shall be added to the lot; if served by neither water nor sewer, an additional 5000 square feet of land shall be added to the lot.
- e) All structures used for residential purposes shall be served by both water and sewer.
- f) An additional 5% of lot coverage shall be permitted for buildings of 3 stories or less.
- g) Unutilized land areas within a development are prohibited to all other uses, except parks, landscaped playgrounds or other recreational facilities.
- h) The distance between buildings or parts thereof, such as wings, inner and outer courts, the minimum shall be 40 linear feet for buildings of 4 stories or less, and an additional 10 linear feet shall be added for each story over 4, until the distance totals 80 linear feet (8-story building).
- i) The distance between buildings or parts thereof, such as wings, inner and outer courts, shall be 40 linear feet.
- j) The minimum front, side or rear yard widths and depths for lots bordering any other zone or a town line shall be ~~50~~<sup>100</sup> linear feet.
- k) For commercial-industrial expansion an additional 5% of lot coverage is allowed.

6. SCHEDULE OF ZONING RESTRICTIONS & REGULATIONS (CONTINUED):

- l) For open-air storage an additional 10% of lot coverage is allowed.
- m) For industrial expansion an additional 10% of lot coverage is allowed.
- o) *Unless additional coverage is approved by the Commission on the City Plan.*

Commercial Parking:

- a) 1 parking space/40 square feet of building space: Refreshment Stands.
- b) 1 parking space/150 square feet of building space: Heavy Retail Establishments.
- c) 1 parking space/300 square feet of building space: Personal Service Establishments; Service Establishments, but not Ambulance Services; Automobile Driving Schools, Automobile Rental Establishments, Commercial Parking Garages or Lots, Hospitals, Institutions for Children or Aged, Philanthropic Institutions and Sanitariums; and Light Retail Establishments.
- d) 1 parking space/1 room or suite: Motels, Roadside Inns and Tourist Cabins.
- e) 1 parking space/3 of rated capacity: Eating, Drinking or Entertainment Establishments, but not Refreshment Stands.
- f) 1 parking space/500 square feet of building space: Professional Offices; Offices; Art Galleries, Auction Rooms, Libraries and Museums.
- g) 1 parking space/4 beds or 500 square feet of building space, whichever will require a larger number of parking spaces: Hospitals, Institutions for Children or Aged, Philanthropic Institutions and Sanitariums; and Dormitories.
- h) 1 parking space/2 boat berths: Marinas

6. SCHEDULE OF ZONING RESTRICTIONS & REGULATIONS (CONTINUED):

Commercial Parking (Continued):

- i) 1 parking space/5 rated capacity: Places of Assembly, but not Art Galleries, Auction Rooms, Dormitories, Libraries, Marinas, Hotels, Museums, Roadside Inns and Tourist Cabins.
- j) 1 parking space/3 employees: Ambulance Services, Automobile Driving Schools, Automobile Rental Establishments, Commercial Parking Garages or Lots; Sales and Service Establishments; Wholesale or Warehousing Establishments; Commercial-Industrial Establishments; and Research Laboratories.

Industrial Parking:

- a) 2 parking spaces/3 employees on major shift; if on one shift, 1 parking space/3 employees.

7. PARK-RECREATIONAL ZONE 1 (PR-1)

7.1 All land areas within the City of Middletown which are presently or may in the future be used, appropriated or operated by said city for the purposes of Public Parks, Squares, Greens, Esplanads, Boulevards, Playgrounds, Camps, or other recreational uses are hereby included in the Park-Recreational Zone.

7.2 No building or structure in a Park and Recreation Zone shall be used or constructed for other purposes than Public Memorials, Libraries, Museums, Buildings for Recreational uses, Restaurant and Refreshment Stand facilities and Gasoline Stations (Light Repair Only). All structures in said zone are subject to approval of the Middletown City Plan & Zoning Commission.

7.3 All rules and regulations of the Middletown Park Commission shall apply in a Park and Recreation Zone.

8. RESIDENTIAL ZONE 1(R-1)

8.1 Permitted Principal Uses: Single-Family Dwellings ONLY.

8.2 Special Permitted Uses: Places of Worship, Parsonage, or Rectory, also Park or Recreation facilities according to subdivision regulations. All regulations and restrictions of Commercial Zone 3 shall apply for Places of Worship.

8.3 Required Lot Area: The minimum lot area per single-family dwellings shall be 60,000 square feet and the minimum frontage shall be 200 linear feet.

8.4 Building Height Limit: No building or structure shall exceed 2 1/2 stories in height.

8.5 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 minimum widths and depths shall regulate:

- a. Each front yard depth - 40 linear feet minimum.
- b. Each side yard width - 40 linear feet minimum.
- c. Rear yard depth - 40 linear feet minimum.

8.6 Percentage of Lot Coverage: All principal and accessory buildings or structures shall not exceed the following maximum percent of lot coverage:

- a. Corner Lot - 10% maximum.
- b. Interior Lot - 10% maximum.

8.7 Required Living Space: Each single family dwelling shall have the following minimum square feet of living space:

- a. 1-story dwellings - 1600 sq.ft. minimum per living space unit.
- b. 2-story dwellings - 2000 sq.ft. minimum per living space unit.

8.8 Mandatory Off-Street Parking: Each single family dwelling shall provide a minimum of 1 parking space per living space unit. Parking space and/or driveway shall have a dustless surface, graded and drained as part of storm sewerage system for lot, nor shall the parking space and/or driveway be closer than 20 linear feet from any lot or street line and the entrance to and from said premises shall create no traffic hazard.

8.9 Permitted Uses for Signs: None.

9. Residential  
RESTRICTED ZONE 2 (R-2)

9.1 Permitted Principal Uses: Single - Family Dwellings ONLY.

2. Special Permitted Uses: Places of Worship, Parsonages, or Rectories, also Park or Recreation facilities according to subdivision regulations, as well as Golf Courses or Golf Driving Ranges.

All regulations and restrictions of Commercial Zone 3 shall apply for Places of Worship. For Golf Courses, or Golf Driving ranges see section 30, Paragraph 11.

9.3 Required Lot Area: The minimum lot area per single-family dwelling shall be 28,600 square feet and the minimum frontage shall be 130 linear feet.

9.4 Building Height Limit: No building or structure shall exceed 2½ stories in height.

9.5 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 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 minimum widths and depths shall regulate:

- a. Each front yard depth - 30 linear feet minimum.
- b. Each side yard width - 30 linear feet minimum.
- c. Rear yard depth - 30 linear feet minimum.

8.6 Percentage of Lot Coverage: All principal and accessory buildings or structure shall not exceed the following maximum percent of lot coverage:

- a. Corner Lot - 15% maximum
- b. Interior Lot - 15% maximum

8.7 Required Living Space: Each single family dwelling shall have the following minimum square feet of living space:

- a. 1-story dwellings - 1400 sq. feet minimum per living space unit.
- b. 2-story dwellings - 1800 sq. feet minimum per living space unit.

8.8 Mandatory Off-Street Parking: Each single family dwelling shall provide a minimum of 1 parking space per living space unit. Parking space and/or a driveway shall have a dustless surface, graded and drained as part of storm sewerage system for lot, nor shall the parking space and/or driveway be closer than 20 linear feet from any lot or street line and the entrance to and from said premises shall create no traffic hazard.

8.9 Permitted Uses for Signs: None.

9. RESIDENTIAL ZONE 2 (R-2)

9.1 Permitted Principal Uses: Single-Family Dwellings ONLY.

9.2 Special Permitted Uses: Places of Worship, Parsonages or Rectories, also Park or Recreation facilities according to subdivision regulations, as well as Golf Courses, or Golf Driving Ranges. All regulations and restrictions of Commercial Zone 3 shall apply for Places of Worship. For Golf Courses, or Driving Ranges see Section 29, Paragraph 11.

9.3 Required Lot Area: The minimum lot area per single-family dwellings shall be 19,200 square feet and the minimum frontage shall be 110 linear feet.

9.4 Building Height Limit: No building or structure shall exceed 2 1/2 stories in height.

9.5 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 -  $\frac{25}{30}$  linear feet minimum.
- b. Each side yard width -  $\frac{20}{25}$  linear feet minimum.
- c. Rear yard depth -  $\frac{25}{30}$  linear feet minimum or the side yard width for corner lots only.

9.6 Percentage of Lot Coverage: All principal and accessory buildings or structures shall not exceed the following maximum percent of lot coverage:

- a. Corner lot - 15% maximum.
- b. Interior lot - 15% maximum.

9.7 Required Living Space: Each single-family dwelling shall have the following minimum square feet of living space:

- a. 1-story dwelling - 1300 square feet minimum per living space unit.
- b. 2-story dwelling - 1650 square feet minimum per living space unit.

9.8 Mandatory Off-Street Parking: Each single-family dwelling shall provide a minimum of 1 parking space per living space unit. Parking space and/or driveway shall have a dustless surface, graded and drained as part of storm sewerage system for lot; and no parking space or driveway shall be closer than 10 linear feet from any lot or street line; and the entrance to and from said premises shall create no traffic hazard.

9.9 Permitted Uses for Signs: None

10. RESIDENTIAL ZONE 4 (R-4)

10.1 Permitted Principal Uses: Single-Family Dwellings ONLY.

10.2 Special Permitted Uses: Places of Worship, Parsonages or Rectories, also Park or Recreation Facilities according to subdivision regulations, as well as Golf Courses or Golf Driving Ranges and Home Occupations, provided that there shall be no external evidence of said occupations except a small non-illuminated sign not exceeding 1 square foot in size. All regulations and restrictions of Commercial Zone 3 shall apply for Places of Worship. For Golf Courses or Golf Driving Ranges see Section 29, Paragraph 11.

10.3 Required Lot Area: The minimum lot area per single-family dwelling shall be 12,600 square feet and the minimum frontage shall be 90 linear feet; however, the lot must meet requirements of State and local regulations on Private Water Supply and Sewer Disposal Systems, thus possibly increasing the lot area.

10.4 Building Height Limit: No building or structure shall exceed 2 1/2 stories in height.

10.5 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 - 20 linear feet minimum.
- b. Each side yard width - 15 linear feet minimum.
- c. Each rear yard depth - 20 linear feet minimum or  
the side yard width for  
corner lots only.

10.6 Percentage of Lot Coverage: All principal and accessory buildings or structures shall not exceed the following maximum percent of lot coverage:

- a. Corner Lot - 20% maximum.
- b. Interior Lot - 20% maximum.

10.7 Required Living Space: Each single-family dwelling shall have the following minimum square feet of living space:

- a. 1-story dwelling - 1000 sq.ft. minimum per living space unit.
- b. 2-story dwelling - 1440 sq.ft. minimum per living space unit.

10.8 Mandatory Off-Street Parking: Each single-family dwelling shall provide a minimum of 1 parking space per living space unit. Parking space and/or driveway shall have a dustless surface, graded and drained as part of storm sewerage system for lot; the parking space and/or driveway shall not be closer than 6 linear feet from any lot or street line and the entrance to and from said premises shall create no traffic hazard.

10.9 Permitted Uses for Signs: None.

11. RESIDENTIAL ZONE 5 (R-5)

11.1 Permitted Principal Uses: Single and Two-Family Dwellings ONLY.

11.2 Special Permitted Uses: Places of Worship, Parsonages or Rectories, also Park or Recreation facilities according to subdivision regulations, as well as Home Occupations, provided that there shall be no external evidence of said occupations except a small non-illuminated sign not exceeding 1 square foot in size. All regulations and restrictions of Commercial Zone 3 shall apply for Places of Worship.

11.3 Required Lot Area: The minimum lot area per single-family dwelling shall be 9000 square feet and the minimum frontage shall be 75 linear feet and for each family over one an additional 3000 square feet shall be added to the lot. If served only by either water or sewer an additional 2500 square feet shall be added to the lot and if served by neither water nor sewer an additional 5000 square feet shall be added to the lot; however, the lot must meet requirements of State and local regulations on Private Water Supply and Sewer Disposal Systems, thus possibly increasing the lot area even more.

11.4 Building Height Limit: No building or structure shall exceed 2 1/2 stories in height.

11.5 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 - 15 linear feet minimum.

b. Each side yard width - 10 linear feet minimum.

c. Rear Yard depth - 15 linear feet minimum or 13 linear feet for corner lots only.

11.6 Percentage of Lot Coverage: All principal and accessory buildings or structures shall not exceed the following maximum percent of lot coverage:

- a. Corner Lot - 22% maximum.
- b. Interior Lot - 22% maximum.

11.7 Required Living Space: Each dwelling shall have the following minimum square feet of living space:

- a. 1-story single-family dwelling - 800 square feet minimum  
per living space unit.
- b. 1-story, 2-family dwelling - 1600 square feet minimum  
per 2 families or  
800 square feet per living  
space unit.
- c. 2-story, single-family dwelling - 1340 square feet minimum  
per living space unit.
- d. 2-story, 2-family dwelling - 1600 square feet minimum  
per 2 families or  
800 square feet per living  
space unit.

11.8 Mandatory Off-Street Parking: Each dwelling shall provide a minimum of 1 parking space per living space unit. Parking space and/or driveway shall have a dustless surface, graded and drained as part of storm sewer system for lot; the parking space and/or driveway shall not be closer than 2 linear feet from any lot or street line and the entrance to and from said premises shall create no traffic hazard.

11.9 Permitted Uses for Signs: None

12. RESIDENTIAL ZONE 6 (R-6)

12.1 Permitted Principal Uses: Single, 2 and 3-Family Dwellings ONLY.

12.2 Special Permitted Uses: Places of Worship, Parsonage or Rectory, also Park or Recreation facilities according to subdivision regulations, as well as Home Occupations, provided that there shall be no external evidence of said occupations, except a small non-illuminated sign not exceeding 1 square foot in size. All regulations and restrictions of Commercial Zone 3 shall apply for Places of Worship.

12.3 Required Lot Area: The minimum lot area per single-family dwellings shall be 6,000 square feet and the minimum frontage shall be 60 linear feet and for each family over one an additional 3,000 square feet shall be added to the lot and the additional frontage shall be 10 linear feet for each family over one. If served only by either water or sewer an additional 2,500 square feet shall be added to the lot and if served by neither water nor sewer an additional 5,000 square feet shall be added to the lot; however, the lot must meet requirements of State and local regulations on Private Water Supply and Sewer Disposal Systems, thus possibly increasing the lot area even more.

12.4 Building Height Limit: No building or structure shall exceed 3 stories in height.

12.5 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 - 10 linear feet minimum.
- b. Each side yard width - 10 linear feet minimum.
- c. Rear yard depth - 13 linear feet minimum.

12.6 Percentage of Lot Coverage: All principal and accessory buildings or structures shall not exceed the following maximum per-cent of lot coverage:

- a. Corner Lot - 25% maximum.
- b. Interior Lot - 25% maximum.

12.7 Required Living Space: Each dwelling shall have the following minimum square feet of living space:

- a. 1-story single-family dwelling - 700 square feet minimum per living space unit.
- b. 1 story 2-family dwelling - 1300 square feet minimum per 2 families or 650 square feet per living space unit.
- c. 2-story single-family dwelling - 1240 square feet minimum per living space unit.
- d. 2-story 2-family dwelling - 1300 square feet minimum per 2 families or 650 square feet per living space unit.
- e. 3-story 3-family dwelling - 2100 square feet minimum per 3 families or 700 square feet per living space unit.

12.8 Mandatory Off-Street Parking: Each dwelling shall provide a minimum of 1 parking space per living space unit. Parking space and/or driveway shall have a dustless surface, graded and drained as part of storm sewer system for lot; the parking space and/or driveway shall not be closer than 2 linear feet from any lot or street line and the entrance to and from said premises shall create no traffic hazard.

12.9 Permitted Uses for Signs: None.

13. APARTMENT ZONE (A-1)

13.1 Permitted Principal Uses: Apartments, Row or Group Houses, or Garden Apartments ONLY.

13.2 Special Permitted Uses: Places of Worship, Parsonages or Rectories and Dormitories. All regulations and restrictions of Commercial Zone 3 shall apply for Places of Worship and Dormitories.

13.3 Required Lot Area: The minimum lot area per apartment, row or group house or garden apartment developments shall be ~~120,000~~<sup>40,000</sup> square feet and the minimum frontage shall be ~~150~~<sup>150</sup> linear feet and all structures in an apartment zone used for residential purposes shall be served by both water and sewer.

13.4 Building Height Limit: No building or structure shall exceed 10 stories in height and all buildings and structures shall be constructed in accordance with the City of Middletown Building Code.

13.5 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 - ~~50~~<sup>30</sup> linear feet minimum.

b. Each side yard width - ~~25~~<sup>25</sup> linear feet minimum.

c. Rear yard depth - ~~50~~<sup>30</sup> linear feet minimum.

d. The distance between buildings or parts thereof, such as wings, inner and outer courts, the minimum shall be 40 linear feet for buildings of 4 stories or less and an additional 10 linear feet shall be added for each story over 4, until the distance totals 80 linear feet (8-story building).

13.6 Percentage of Lot Coverage: All principal and accessory buildings or structures shall not exceed the following maximum percent of lot coverage:

- a. Corner Lot - 20% maximum.
- b. Interior Lot - 20% maximum.
- c. An additional 5% of lot coverage shall be permitted for buildings of 3 stories or less.
- d. Unutilized land areas within a development are prohibited to all other uses, except parks, landscaped playgrounds or other recreational facilities.

13.7 Required Living Space: Each apartment within an apartment building shall have the following minimum square feet of living space:

- a. 1-bedroom apartments - 450 sq. ft. minimum per living space unit.
- b. 2-bedroom apartments - 700 sq. ft. minimum per living space unit.
- c. 3-bedroom apartments - 900 sq. ft. minimum per living space unit.
- d. 4-bedroom apartments - 1100 sq. ft. minimum per living space unit.
- e. 5-bedroom apartments - 1300 sq. ft. minimum per living space unit.

13.8 Mandatory Off-Street Parking: Each apartment building, row or group house shall provide a minimum of 4 parking spaces per every 5 living space units.

And the following restrictions shall regulate:

- a. Each parking space shall have a minimum gross area of 340 square feet for single lane parking or 250 square feet for two or more lanes of parking.
- b. Each parking lot shall have a stabilized dustless surface, graded and drained as part of storm sewerage plan for lot and each parking lot shall be aesthetically landscaped when bordering another zone, lot, street, or town line.
- c. No exit nor entrance to a parking lot shall be nearer than 50 linear feet to a street intersection.

- 13.8 d. No entrance or exit to a parking lot shall be nearer than 20 linear feet to a lot line.
- e. No parking space shall be nearer than 6 linear feet to a lot line.
- f. No parking space shall be nearer than 20 linear feet to a building or structure.

13.9 Permitted Uses for Signs: For each apartment building or development a sign identifying the building or development shall be permitted. Said sign shall not exceed 15 square feet in size and it shall not overhang any street or sidewalk.

14. COMMERCIAL USES

A. PERSONAL SERVICE ESTABLISHMENTS, such as:

Bakery Stores	Florist Shops
Barber Shops	Gasoline Stations (light repairs only)
Beauty Parlors	Hand Laundries
Confectionary Stores	Hat Repair Shops
Dairy Products Stores	Ice Cream Stores
Drug Stores	Laundromats
Dry Cleaning Establishments (without cleaning & dyeing facilities)	Shoe Repair Shops
	Telegraph Service Office
	Tobacco Stores

B. PROFESSIONAL OFFICES, such as:

Architects Offices	Medical Centers
Dentists Offices	Physicians Offices
Engineers Offices	Lawyers Offices

C. SERVICE ESTABLISHMENTS, such as:

Ambulance Services	Institutions for Children and Aged
Automobile Driving Schools	Masseurs
Automobile Rental Establishments	Pawn Shops
Boat Rentals	Philanthropic Institutions
Commercial Parking Garages	Photostating Establishments
Commercial Parking Lots	Radio-Television Repair Shops
Clothing Rental Establishments	Reducing Salons
Dressmaking Shops (custom)	Sanitariums
Fishing Equipment Rental	Steam Baths
Funeral Homes	Tailor Shops
Health Centers	Undertakers
Hospitals	

D. OFFICES, such as:

Banks	Drive-In Banks
Branch Offices of Banks	Loan Offices
Business Offices	

E. EATING, DRINKING OR ENTERTAINMENT ESTABLISHMENTS, such as:

Bars	Nightclubs
Cafes	Refreshment Stands
Cocktail Lounges	Restaurants
Coffeehouses	Sandwich Bars
Diners	Slow Bars
Grills	Sidewalk Cafes
Ice Cream Shops	Taverns
Inns	Tea Rooms

F. LIGHT RETAIL ESTABLISHMENTS, such as:

Antique Stores	Garden Supply Stores
Art Galleries (Commercial)	General Stores
Artist Supply Stores	Gift Shops
Art Metal Craft Stores	Grocery Stores
Awning Shops	Hat Shops
Automobile Supply Stores (no installation or repair)	Household Appliance Stores
Book Stores	Interior Decorating Shops
Business Machine Stores	Jewelry Shops
Clothing Stores	Leather Goods Stores
Coin Stores	Locksmith Shops
Delicatessen Stores	Meat Markets
Dry Goods Stores	Medical Appliance Stores
Fish Stores	Millinery Shops
Fishing Equipment Sales	Music Stores
Food Stores (1000 sq. ft. or less)	Optician Establishments
Furrier Shops (Custom)	Optometrist Establishments
	Package Stores
Pet Shops	Shoe Stores
Photographic Supply Stores	Sporting Goods Stores
Paint Supply Stores	Stamp Stores
Picture Framing Shops	Stationery Stores
Radio-Television Stores	Toy Stores
Record Stores	Travel Bureaus
Sewing Machine Stores	Variety Stores
	Watch Stores

G. HEAVY RETAIL ESTABLISHMENTS, such as:

Automobile Showrooms (New Cars)	Hardware Stores
Boat Showrooms	Paint Stores
Building Material Showrooms	Shopping Centers
Department Stores	Supermarkets
Floor Covering Stores	Truck & Tractor Showrooms (New)
Food Stores (1000 sq.ft. or more)	Wallpaper Stores
Furniture Stores	

H. SALES AND SERVICE ESTABLISHMENTS, such as:

Automotive Supply Stores (Installation & Repair)	Instrument Repair Shops
Blueprinting Establishments	Radio-Television Sales and Repair Shops
Boat Fuel Service	Sign Painting Shops
Business Machine Repair Shops	Taxidermist Shops
Catering Establishments	Upholstering Shops

I. PLACES OF ASSEMBLY, such as:

Art Galleries	Motion Picture Theaters
Auction Rooms	Museums
Banquet Halls	Penny Arcades
Billiard Parlors	Pool Halls
Bowling Alleys	Private Colleges
Clubs	Private Schools
Community Centers	Private Universities
Dance Halls	Radio-Television Studios
Dormitories	Recreation Centers
Gymnasiums	Roadside Inns
Hotels	Skating Rinks
Libraries	Studios
Marinas	Swimming Pools
Meeting Halls	Theaters
Miniature Golf Courses	Tourist Cabins
Motels	

J. WHOLESALE OR WAREHOUSING ESTABLISHMENTS, such as:

Animal Hospitals	Ice Sales
Automobile Dealers (New & Used)	Lumber Retail Dealers
Automobile Laundries	Monument Dealers
Boat Dealers	Motorcycle Dealers
Boat Storage	Moving Companies
Building Material Dealers	Nurseries
Coal Yards	Oil Dealers
Construction Companies	Plumbing & Heating Retail
Freight Yards	Trade Schools (Private)
Fuel Storage Yards	Trailer Dealers
Furniture Storage	Truck Dealers
Greenhouses	Truck Gardens
Heavy Machinery Dealers	Truck & Tractor Dealers (New & Used)

K. COMMERCIAL-INDUSTRIAL ESTABLISHMENTS, such as:

Automobile Body Repair Shops	Household Equipment Repairs
Building Material Repair Shops	Laundries
Boat Repair Shops	Newspaper Publishing Establishments
Carpet Cleaning Establishments	Office Machinery Repairs
Dry Cleaning Establishments (with cleaning & dying facilities)	Packing & Crating Establishments
Glass Cutting Shops	Printing Establishments
Heavy Machinery Repair Shops	Sales - Light Industrial Operations

L. RESEARCH LABORATORIES

15. APARTMENT-COMMERCIAL ZONE (AC-1)

15.1 Permitted Principal Uses: Apartments, Light and Medium Commercial uses, but commercial uses ONLY, such as (see Commercial Uses, Section 14):

- a. Personal Service Establishments
- b. Professional Offices
- c. Service Establishments
- d. Offices, but only Branch Offices of Banks
- e. Eating, Drinking or Entertainment Establishments, but not Diners, Nightclubs, Refreshment Stands or Taverns
- f. Light Retail Establishments
- g. Places of Assembly, but only Art Galleries, Clubs, Dramatories, Hotels, Libraries, Moving Picture Theatres and Museums.

15.2 Special Permitted Uses: Places of Worship, Parsonages or Rectories.

All regulations and restrictions of Commercial Zone 3 shall apply for Places of Worship.

15.3 Required Lot Area: The minimum lot area per apartment-commercial developments shall be ~~100,000~~<sup>60,000</sup> square feet and the minimum frontage shall be ~~300~~<sup>200</sup> linear feet and all structures in an apartment-commercial zone used for residential purposes shall be served by both water and sewer.

15.4 Building Height Limit: No building or structure used for residential purposes shall exceed 10 stories in height, a building or structure used for commercial purposes shall not exceed 2 stories in height and all buildings and structures shall be constructed in accordance with the City of Middletown Building Code.

15.5 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 - ~~30~~<sup>40</sup> linear feet minimum for a residential building or structure. None for commercial building or structure.
- b. Each side yard width - ~~30~~<sup>40</sup> linear feet minimum for both residential and commercial buildings or structures.
- c. Rear yard depth - ~~30~~<sup>40</sup> linear feet minimum for both residential and commercial buildings or structures.
- d. The distance between buildings or parts thereof, such as wings, inner and outer courts, the minimum shall be 40 linear feet for buildings of 4 stories or less, and an additional 10 linear feet shall be added for each story over 4, until the distance totals 80 linear feet (8-story building).

15.6 Percentage of Lot Coverage: All principal and accessory buildings or structures shall not exceed the following maximum percent of lot coverage:

- a. Corner lot - 20% maximum for commercial construction.  
- 15% maximum for residential construction.
- b. Interior lot - 15% maximum for commercial construction.  
- 15% maximum for residential construction.
- c. Unutilized land areas within a development are prohibited to all other uses, except parks, landscaped playgrounds or other recreational facilities.

15.7 Required Living Space: Each apartment within an apartment building shall have the following minimum square feet of living space:

- a. 1-bedroom apartments - 450 sq. ft. minimum per living space unit.
- b. 2-bedroom apartments - 700 sq. ft. minimum per living space unit.
- c. 3-bedroom apartments - 900 sq. ft. minimum per living space unit.
- d. 4-bedroom apartments - 1100 sq. ft. minimum per living space unit.
- e. 5-bedroom apartments - 1300 sq. ft. minimum per living space unit.

15.8 Mandatory Off-Street Parking:

Residential Uses - Each apartment building shall provide a minimum of 4 parking spaces per every 5 living space units.

Commercial Uses - Each commercial building shall provide the following minimum number of parking spaces:

- a. 1 Parking space per 300 square feet of building space - Personal Service Establishments; Service Establishments, but not Ambulance Services; Automobile Driving Schools; Automobile Rental Establishments; Commercial Parking Garages or Lots; Hospitals; Institutions for Children or Aged; Philanthropic Institutions; and Sanitariums and Light Retail Establishments.
- b. 1 parking space per 3 of rated capacity - Eating, Drinking or Entertainment Establishments.
- c. 1 parking space per 500 square feet of building space - Professional Offices, Offices, Art Galleries, Libraries and Museums.
- d. 1 parking space per 4 beds or 500 square feet of building space, whichever will require a larger number of parking spaces - Hospitals, Institutions for Children or Aged, Philanthropic Institutions, Sanitariums, Dormitories.

15.8

- e. 1 parking space per 5 of rated capacity - places of Assembly, but not Art Galleries, Dormitories, Libraries, and Museums.
- f. 1 parking space per 3 employees - Ambulance Services, Automobile Driving Schools, Automobile Rental Establishments, Commercial Parking Garages or Lots.

AND the following restrictions shall regulate:

- a. Each parking space shall have a minimum gross area of 340 square feet for single lane parking or 250 square feet for two or more lanes of parking.
- b. Each parking lot shall have a stabilized dustless surface, graded and drained as part of storm sewerage plan for lot and each parking lot shall be aesthetically landscaped when bordering another zone, lot, street, or town line.
- c. No entrance or exit to a parking lot shall be nearer than 50 linear feet to a street intersection.
- d. No entrance or exit to a parking lot shall be nearer than 20 linear feet to a lot line.
- e. No parking space shall be nearer than 6 linear feet to a lot line.
- f. No parking space shall be nearer than 20 linear feet to a building or structure.

15.9 Mandatory Off-Street Loading and Unloading Facilities: All commercial uses dependent of incoming and/or outgoing merchandise shall provide adequate loading and unloading berths entirely within its property area and the following restrictions shall regulate:

- a. Each berth shall have a minimum gross area of 400 square feet.
- b. No entrance or exit to a loading and unloading area shall be nearer than 50 linear feet to a street intersection.
- c. No entrance or exit to a loading and unloading area shall be nearer than 20 linear feet to a lot line.

15.10 Permitted Uses for Signs: Residential Uses - For each apartment building or development a sign identifying the building or development shall be permitted and the following restrictions shall regulate:

- a. No sign shall exceed 15 square feet in size.
- b. No sign shall overhang a street or highway.
- c. No sign shall be affixed on the roof of a building.

Commercial Uses - Signs identifying an individual business firm or the advertisement of its products shall be permitted and the following restrictions shall regulate:

- a. No sign nor the aggregate square footage of the total number of signs of an individual business unit shall exceed 10% of the total square footage of an individual business unit's facade on which such sign is painted or affixed.
- b. No canopy or marquee shall project more than 3 linear feet.

15.10 Commercial Uses:

- c. No canopy or marquee shall be nearer than 2 linear feet from a travelled street or highway.
- d. Each canopy or marquee shall have a minimum clearance of 10 linear feet.
- e. No sign shall overhang a street or highway.
- f. No sign shall be affixed on the roof of a building.

16. COMMERCIAL ZONE 1 (C-1)

16.1 Permitted Principal Uses: Neighborhood Commercial uses, but commercial uses ONLY, such as: (See Commercial Uses, Section 14)

- a. Personal Service Establishments.
- b. Professional Offices, but only Dentists and Physicians.
- c. Eating, Drinking or Entertainment Establishments, but only Coffee Houses and Tea Rooms.
- d. Light Retail Establishments, but only Antique Stores, Delicatessen Stores, Gift Shops, Jewelry Shops and Package Stores.

16.2 Special Permitted Uses: Places of Worship, Parsonage or Rectory. All regulations and restrictions of Commercial Zone 3 shall apply for Places of Worship.

16.3 Required Lot Area: The minimum lot area per commercial developments shall be <sup>40,000</sup>~~35,000~~ square feet and the minimum frontage shall be <sup>150</sup>~~140~~ linear feet.

16.4 Building Height Limit: No building or structure shall exceed <sup>3</sup> stories in height.

16.5 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 - Front yard of bordering zone.
- b. Each side yard width - <sup>25</sup>~~20~~ linear feet minimum or <sup>40</sup>~~30~~ linear feet minimum when bordering a residential zone.
- c. Rear yard depth - 30 linear feet minimum or <sup>40</sup>~~30~~ linear feet minimum when bordering a residential zone.
- d. The distance between buildings or parts thereof, such as wings, inner and outer courts, shall be 40 linear feet.

16.6 Percentage of Lot Coverage: All principal and accessory buildings or structures shall not exceed the following maximum percent of lot coverage:

- a. Corner lot - 20% maximum.
- b. Interior lot - 15% maximum.
- c. Unutilized land areas within a development are prohibited to all other uses, except parks, landscaped playgrounds or other recreational facilities.

16.7 Mandatory Off-Street Parking: Each commercial building shall provide the following minimum number of parking spaces:

- a. 1 parking space per 300 square feet of building space: Personal Service Establishments; and Light Retail Establishments.
- b. 1 parking space per 3 of rated capacity: Eating, Drinking or Entertainment Establishments.
- c. 1 parking space per 500 square feet of building space: Professional Offices.

And the following restrictions shall regulate:

- a. Each parking space shall have a minimum gross area of 340 square feet for single lane parking or 250 square feet for two or more lanes of parking.
- b. Each parking lot shall have a stabilized dustless surface, graded and drained as part of storm sewerage plan for lot and each parking lot shall be aesthetically landscaped when bordering another zone, a lot, street or town line.
- c. No entrance or exit to a parking lot shall be nearer than 50 linear feet to a street intersection.
- d. No entrance or exit to a parking lot shall be nearer than 20 linear feet to a lot line.
- e. No parking space shall be nearer than 6 linear feet to a lot line.
- f. No parking space shall be nearer than 20 linear feet to a building or structure.

16.8 Mandatory Off-Street Loading and Unloading Facilities: None

16.9 Permitted Uses for Signs: Signs identifying an individual business firm or the advertisement of its products shall be permitted and the following restrictions shall regulate:

- a. No sign shall exceed 30 square feet in size.
- b. No sign shall overhang a street or highway.
- c. No sign shall be affixed on the roof of a building.

17. COMMERCIAL ZONE 2 (C-2)

17.1 Permitted Principal Uses: Light Commercial uses, but commercial uses ONLY, such as: (See Commercial Uses - Section 14)

- a. Personal Service Establishments, but only Gasoline Stations (light repair only) and Telegraph Offices.
- b. Eating, Drinking and Entertainment Establishments, but only Cocktail Lounges, Night Clubs, Restaurants and Show Bars.
- c. Places of Assembly, but only Motels, Roadside Inns, and Tourist Cabins, and Miniature Golf Courses.

17.2 Special Permitted Uses: Golf Courses, Golf Driving Ranges. For Golf Courses or Golf Driving Ranges see Section 29, Paragraph 11.

17.3 Required Lot Area: The minimum lot area per commercial developments shall 40,000 square feet and the minimum frontage shall be 150 linear feet.

17.4 Building Height Limit: No building or structure shall exceed 1 1/2 stories in height.

17.5 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 - Front yard of bordering zone.
- b. Each side yard width - 30 linear feet minimum or 40 linear feet minimum when bordering a residential zone.
- c. Rear yard depth - 30 linear feet minimum or 40 linear feet <sup>minimum</sup> when bordering a residential zone.
- d. The distance between buildings or parts thereof, such as wings, inner and outer courts, shall be 40 linear feet.

17.6 Percentage of Lot Coverage: All principal and accessory buildings or structures shall not exceed the following maximum percent of lot coverage:

- a. Corner lot - 25% maximum.
- b. Interior lot - 20% maximum .
- c. Unutilized land areas with a development are prohibited to all other uses, except parks, landscaped playgrounds or other recreational facilities.

17.7 Mandatory Off-Street Parking: Each commercial building shall provide the following number of parking spaces:

- a. 1 parking space per 300 square feet of building space: Personal Service Establishments.

17.7 Mandatory Off-Street Parking (Continued):

- b. 1 parking space per 1 room or suite: Motels, Roadside Inns and Tourist Cabins.
- c. 1 parking space per 3 of rated capacity: Eating, Drinking or Entertainment Establishments.
- d. 1 parking space per 3 of rated capacity: Places of Assembly, but not Motels, Roadside Inns or Tourist Cabins.

And the following restrictions shall regulate:

- a. Each parking space shall have a minimum gross area of 340 square feet for single lane parking or 250 square feet for two or more lanes of parking.
- b. Each parking lot shall have a stabilized dustless surface, graded and drained as part of storm sewerage plan for lot and each parking lot shall be aesthetically landscaped when bordering another zone, a lot, street or town line.
- c. No entrance or exit to a parking lot shall be nearer than 50 linear feet to a street intersection.
- d. No entrance or exit to a parking lot shall be nearer than 20 linear feet to a lot line.
- e. No parking space shall be nearer than 6 linear feet to a lot line.
- f. No parking space shall be nearer than 20 linear feet to a building or structure.

17.8 Mandatory Off-Street Loading and Unloading Facilities: None

17.9 Permitted Uses for Signs: Signs identifying an individual business firm or the advertisement of its products shall be permitted and the following restrictions shall regulate:

- a. No sign nor the aggregate square footage of the total number of signs of an individual business unit shall exceed 10% of the total square footage of an individual business unit's facade, whether such sign is painted or affixed on its facade, a separate structure or mounted on a roof.
- b. No sign, including a canopy or marquee, shall project more than 8 linear feet.
- c. No sign, including a canopy or marquee, shall be nearer than 2 linear feet from a travelled street or highway.
- d. Each sign, including a canopy or marquee, shall have a minimum clearance of 10 linear feet.

18. COMMERCIAL ZONE 3 (C-3)

18.1 Permitted Principal Uses: Medium Commercial uses, but commercial uses ONLY, such as: (See Commercial Uses - Section 14.)

- a. Personal Service Establishments, but only Drug Stores, Gasoline Stations (light repair only) and Telegraph Offices.
- b. Offices, but only Branch Offices of Banks and Drive-in Banks.
- c. Eating, Drinking or Entertainment Establishments, but only Coffee Houses, Ice Cream Bars, Sandwich Bars and Tea Rooms.

18.1 Permitted Principal Uses (Continued):

- d. Heavy Retail Establishments, but only Shopping Centers and Supermarkets.
- e. Places of Assembly, but only Bowling Alleys.

18.2 Special Permitted Uses: Places of Worship, Parsonage or Rectory.

18.3 Required Lot Area: The minimum lot area per commercial developments shall be 80,000 square feet and the minimum frontage shall be 200 linear feet.

18.4 Building Height Limit: No building or structure shall exceed 3 stories in height.

18.5 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 - <sup>40</sup>~~50~~ linear feet minimum.

b. Each side yard width - <sup>40</sup>~~50~~ linear feet minimum.

c. Rear yard depth - 50 linear feet minimum.

d. The distance between buildings or parts thereof, such as wings, inner and outer courts, shall be 40 linear feet.

18.6 Percentage of Lot Coverage: All principal and accessory buildings or structures shall not exceed the following maximum percent of lot coverage:

a. Corner lot - 25% maximum.

b. Interior lot - 20% maximum.

18.6 Percentage of Lot Coverage (Continued):

- c. Unutilized land areas within a development are prohibited to all other uses, except parks, landscaped playgrounds or other recreational facilities.

18.7 Mandatory Off-Street Parking: Each commercial building shall provide the following minimum number of parking spaces:

- a. 1 parking space per 150 square feet of building space: Heavy Retail Establishments.
- b. 1 parking space per 300 square feet of building space: Personal Service Establishments.
- c. 1 parking space per 3 of rated capacity: Eating, Drinking or Entertainment Establishments.
- d. 1 parking space per 500 square feet of building space: Offices.
- e. 1 parking space per 5 of rated capacity: Places of Assembly.

And the following restrictions shall regulate:

- a. Each parking space shall have a minimum gross area of 340 square feet for single lane parking or 250 square feet for two or more lanes of parking.
- b. Each parking lot shall have a stabilized dustless surface, graded and drained as part of storm sewerage plan for lot and each parking lot shall be aesthetically landscaped when bordering another zone, a lot, street or town line.
- c. No entrances or exit to a parking lot shall be nearer than 50 linear feet to a street intersection.

18.7 Mandatory Off-Street Parking (Continued):

- d. No entrance or exit to a parking lot shall be nearer than 20 linear feet to a lot line.
- e. No parking space shall be nearer than 6 linear feet to a lot line.
- f. No parking space shall be nearer than 20 linear feet to a building or structure.

18.8 Mandatory Off-Street Loading and Unloading Facilities: All commercial uses dependent of incoming and/or outgoing merchandise shall provide adequate loading and unloading berths entirely within its property area and the following restrictions shall regulate:

- a. Each berth shall have a minimum gross area of 400 square feet.
- b. No entrance or exit to a loading and unloading area shall be nearer than 50 linear feet to a street intersection.
- c. No entrance or exit to a loading and unloading area shall be nearer than 20 linear feet to a lot line.

18.9 Permitted Uses for Signs: Signs identifying an individual business firm or the advertisement of its products shall be permitted and the following restrictions shall regulate:

- a. No sign nor the aggregate square footage of the total number of signs of an individual business unit shall exceed 10% of the total square footage of an individual business unit's facade or 200 square feet, whichever the lesser figure, whether such sign is painted or affixed on its facade, a separate structure or mounted on a roof.

18.9 Permitted Uses for Signs (Continued):

- b. No sign, including a canopy or marquee, shall project more than 8 linear feet.
- c. No sign, including a canopy or marquee, shall overhang a street or highway.
- d. Each sign, including a canopy or marquee, shall have a minimum clearance of 10 linear feet.

19. COMMERCIAL ZONE 4 (C-4)

19.1 Permitted Principal Uses: Downtown Commercial uses, but commercial uses ONLY, such as: (See Commercial Uses - Section 14)

- a. Personal Service Establishments.
- b. Professional Offices.
- c. Service Establishments.
- d. Offices.
- e. Eating, Drinking and Entertainment Establishments.
- f. Light Retail Establishments.
- g. Heavy Retail Establishments.
- h. Sales and Service Establishments, but only Automotive Supply Stores, Blueprinting Establishments, Business Machine Repair Shops, Instrument Repair Shops and Radio-Television Sales and Repair Shops.

19.1 Permitted Principal Uses (Continued):

1. Places of Assembly, but only Art Galleries, Auction Rooms, Auditoriums, Banquet Halls, Clubs, Community Centers, Dance Halls, Expositions, Gymnasiums, Hotels, Libraries, Meeting Halls, Motion Picture Theaters, Museums, Passenger Terminals, Radio-Television Studios, Studios and Theaters.

19.2 Special Permitted Uses: Places of Worship, Parsonage or Rectory. All regulations and restrictions of Commercial Zone 3 shall apply for Places of Worship.

19.3 Required Lot Area: The minimum lot area per commercial development shall be 60,000 square feet and the minimum frontage shall be 200 linear feet.

19.4 Building Height Limit: The building height shall be unlimited, except when otherwise restricted by either the City of Middletown Building Code or the City of Middletown ~~Planning Commission's Comprehensive Plan for~~ <sup>the City's Plan of Development.</sup> ~~Building height must be approved by the Commission on the Downtown Urban Renewal.~~ <sup>City Plan.</sup>

19.5 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 - None.
- b. Each side yard width - 30 linear feet minimum on one side ONLY.
- c. Rear yard depth - 50 linear feet minimum, or the side yard width for corner lots only.

19.5 Mandatory Open Spaces (Continued):

d. The distance between buildings or parts thereof, such as wings, inner and outer courts, the minimum shall be 40 linear feet for buildings of 4 stories or less, and an additional 10 linear feet shall be added for each story over 4, until the distance totals 80 linear feet (8-story building).

e. *Each yard requirement must be approved by the Commission on the City Plan*

19.6 Percentage of Lot Coverage: All principal and accessory buildings or structures shall not exceed the following maximum percent of lot coverage:

- a. Corner lot - 35% maximum, *unless additional coverage is approved by the Commission on the City Plan*
- b. Interior lot - 30% maximum, *unless additional coverage is approved by the Commission on the City Plan*
- c. Unutilized land areas within a development are prohibited to all other uses, except parks, landscaped playgrounds or other recreational facilities.

19.7 Mandatory Off-Street Parking: Each commercial building shall provide a minimum of 1 square foot of parking space for each 1 square foot of building space and the following restrictions shall regulate:

- a. Each parking space shall have a minimum gross area of 340 square feet for single lane parking or 250 square feet for two or more lanes of parking.
- b. Each parking lot shall have a stabilized dustless surface, graded and drained as part of storm sewerage plan for lot and each parking lot shall be aesthetically landscaped when bordering another zone, a lot, street or town line.
- c. No entrance or exit to a parking lot shall be nearer than 50 linear feet to a street intersection.

19.7 Mandatory Off-Street Parking (Continued):

- d. No entrance or exit to a parking lot shall be nearer than 20 linear feet to a lot line.
- e. No parking space shall be nearer than 6 linear feet to a lot line.
- f. No parking space shall be nearer than 20 linear feet to a building or structure.

19.8 Mandatory Off-Street Loading and Unloading Facilities: All commercial uses dependent of incoming and/or outgoing merchandise shall provide adequate loading and unloading berths entirely within its property area and the following restrictions shall regulate:

- a. Each berth shall have a minimum gross area of 400 square feet.
- b. No entrance or exit to a loading and unloading area shall be nearer than 50 linear feet to a street intersection.
- c. No entrance or exit to a loading and unloading area shall be nearer than 20 linear feet to a lot line.

19.9 Permitted Uses for Signs: Signs identifying an individual business firm or the advertisement of its products shall be permitted and the following restrictions shall regulate:

- a. No sign nor the aggregate square footage of the total number of signs of an individual business unit shall exceed 10% of the total square footage of an individual business unit's facade or 200 square feet, whichever the lesser figure, whether such sign is painted or affixed on its facade or mounted on a roof.

19.9 Permitted Uses for Signs (Continued):

- b. No sign, including a canopy or marquee, shall project more than 8 linear feet.
- c. No sign, including a canopy or marquee, shall be nearer than 2 linear feet from a travelled street or highway.
- d. Each sign, including a canopy or marquee, shall have a minimum clearance of 10 linear feet.

20. COMMERCIAL ZONE 5 (C-5)

20.1 Permitted Principal Uses: Commercial uses, but commercial uses ONLY, such as: (See Commercial Uses - Section 14)

- a. Personal Service Establishments.
- b. Professional Offices.
- c. Service Establishments.
- d. Offices, but only Drive-in Banks.
- e. Eating, Drinking or Entertainment Establishments, but not Night-clubs, Show Bars and Sidewalk Cafes.
- f. Light Retail Establishments.
- g. Sales and Service Establishments.
- h. Places of Assembly, but not Art Galleries, Hotels, Motels, Museums, Roadside Inns, Theaters or Tourist Cabins.

20.2 Special Permitted Uses: Places of Worship, Parsonage or Rectory. All regulations and restrictions of Commercial Zone 3 shall apply for Places of Worship.

20.3 Required Lot Area: The minimum lot area per commercial developments shall be 15,000 square feet and the minimum frontage shall be 100 linear feet.

20.4 Building Height Limit: The building height shall be unlimited, except when otherwise restricted by the City of Middletown Building Code.

20.5 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 - 20 linear feet minimum.

b. Each side yard width - 30 linear feet minimum on one side <sup>plus 10 linear</sup> ~~feet~~ <sup>feet minimum</sup> <sub>after side</sub>

c. Rear yard depth - 30 linear feet minimum.

d. The distance between buildings or parts thereof, such as wings, inner and outer courts, the minimum shall be 40 linear feet for buildings of 4 stories or less, and an additional 10 linear feet shall be added for each story over 4, until the distance totals 80 linear feet (8-story building).

20.6 Percentage of Lot Coverage: All principal and accessory buildings or structures shall not exceed the following maximum percent of lot coverage:

20.6 Percentage of Lot Coverage (Continued):

- a. Corner lot - 30% maximum.
- b. Interior lot - 25% maximum.
- c. Unutilized land areas within a development are prohibited to all other uses, except parks, landscaped playgrounds or other recreational facilities.

20.7 Mandatory Off-Street Parking: Each commercial building shall provide the following minimum number of parking spaces:

- a. 1 parking space per 40 square feet of building space: Refreshment Stands.
- b. 1 parking space per 300 square feet of building space: Personal Service Establishments; Service Establishments, but not Ambulance Services, Automobile Driving Schools, Automobile Rental Establishments, Commercial Parking Garages or Lots, Hospitals, Institutions for Children or Aged, Philanthropic Institutions and Sanitariums; and Light Retail Establishments.
- c. 1 parking space per 3 of rated capacity: Eating, Drinking and Entertainment Establishments, but not Refreshment Stands.
- d. 1 parking space per 500 square feet of building space: Professional Offices; Offices; Auction Rooms and Libraries.
- e. 1 parking space per 4 beds or 500 square feet of building space, whichever will require a larger number of parking spaces: Hospitals, Institutions for Children or Aged, Philanthropic Institutions and Sanitariums; and Dormitories.

20.7 Mandatory Off-Street Parking (Continued):

- f. 1 parking space per 2 boat berths: Marinas
- g. 1 parking space per 5 of rated capacity: Places of Assembly, but not Auction Rooms, Dormitories, Libraries and Marinas.
- h. 1 parking space per 3 employees: Ambulance Services, Automobile Driving Schools, Automobile Rental Establishments, Commercial Parking Garages or Lots; Sales and Service Establishments.

And the following restrictions shall regulate:

- a. Each parking space shall have a minimum gross area of 340 square feet for single lane parking or 250 square feet for two or more lanes of parking.
- b. Each parking lot shall have a stabilized dustless surface, graded and drained as part of storm sewerage plan for lot and each parking lot shall be aesthetically landscaped when bordering another zone, a lot, street or town line.
- c. No entrance or exit to a parking lot shall be nearer than 50 linear feet to a street intersection.
- d. No entrance or exit to a parking lot shall be nearer than 20 linear feet to a lot line.
- e. No parking space shall be nearer than 6 linear feet to a lot line.
- f. No parking space shall be nearer than 20 linear feet to a building or structure.

20.8 Mandatory Off-Street Loading and Unloading Facilities: All commercial uses dependent of incoming and/or outgoing merchandise shall provide adequate loading and unloading berths entirely within its property area and the following restrictions shall regulate:

- a. Each berth shall have a minimum gross area of 400 square feet.
- b. No entrance or exit to a loading and unloading area shall be nearer than 50 linear feet to a street intersection.
- c. No entrance or exit to a loading and unloading area shall be nearer than 20 linear feet to a lot line.

20.9 Permitted Uses for Signs: Signs identifying an individual business firm or the advertisement of its products shall be permitted and the following restrictions shall regulate:

- a. No sign nor the aggregate square footage of the total number of signs of an individual business unit shall exceed 10% of the total square footage of an individual business unit's facade or 100 square feet, whichever the lesser figure, whether such sign is painted or affixed on its facade, a separate structure or mounted on a roof.
- b. No sign, including a canopy or marquee, shall project more than 8 linear feet.
- c. No sign, including a canopy or marquee, shall be nearer than 2 linear feet from a travelled street or highway.
- d. Each sign, including a canopy or marquee, shall have a minimum clearance of 10 linear feet.

21. COMMERCIAL-INDUSTRIAL ZONE 1 (CI-1)

21.1 Permitted Principal Uses: Research Laboratories ONLY.

21.2 Special Permitted Uses: Places of Worship, Parsonage or Rectory.  
All regulations and restrictions of Commercial Zone 3 shall apply for  
Places of Worship.

21.3 Required Lot Area: The minimum lot area per commercial-industrial  
developments shall be 80,000 square feet and the minimum frontage shall be  
200 linear feet.

21.4 Building Height Limit: No building or structure shall exceed 3  
stories in height.

21.5 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 - 50 linear feet minimum.

b. Each side yard width - 50 linear feet minimum.

c. Rear yard - 50 linear feet minimum.

d. The distance between buildings or parts thereof, such as wings,  
inner and outer courts, shall be 40 linear feet.

21.6 Percentage of Lot Coverage: All principal and accessory buildings or  
structures shall not exceed the following maximum percent of lot coverage:

21.6 Percentage of Lot Coverage (Continued):

- a. Corner lot - 25% maximum.
- b. Interior lot - 20% maximum.
- c. For commercial-industrial expansion an additional 5% of lot coverage is allowed.
- d. Unutilized land areas within a development are prohibited to all other uses, except parks, landscaped playgrounds or other recreational facilities.

21.7 Mandatory Off-Street Parking: Each research laboratory shall provide a minimum of 1 parking space per 3 employees and the following restrictions shall regulate:

- a. Each parking space shall have a minimum gross area of 340 square feet for single lane parking or 250 square feet for two or more lanes of parking.
- b. Each parking lot shall have a stabilized dustless surface, graded and drained as part of storm sewerage plan for lot and each parking lot shall be aesthetically landscaped when bordering another zone, a lot, street or town line.
- c. No entrance or exit to a parking lot shall be nearer than 50 linear feet to a street intersection.
- d. No entrance or exit to a parking lot shall be nearer than 20 linear feet to a lot line.
- e. No parking space shall be nearer than 6 linear feet to a lot line.

21.7 Mandatory Off-Street Parking (Continued):

- f. No parking space shall be nearer than 20 linear feet to a building or structure.

21.8 Mandatory Off-Street Loading and Unloading Facilities: All commercial-industrial uses dependent of incoming and/or outgoing merchandise shall provide adequate loading and unloading berths entirely within its pre-property area and the following restrictions shall regulate:

- a. Each berth shall have a minimum gross area of 400 square feet.
- b. No entrance or exit to a loading and unloading area shall be nearer than 50 linear feet to a street intersection.
- c. No entrance or exit to a loading and unloading area shall be nearer than 20 linear feet to a lot line.

21.9 Permitted Uses for Signs: Signs identifying an individual business firm or the advertisement of its products shall be permitted and the following restrictions shall regulate:

- a. No sign nor the aggregate square footage of the total number of signs of an individual business unit shall exceed 10% of the total square footage of an individual business unit's facade or 200 square feet, whichever the lesser figure, whether such sign is painted or affixed on its facade, a separate structure or mounted on a roof.
- b. No sign, including a canopy or marquee, shall project more than 8 linear feet.
- c. No sign, including a canopy or marquee, shall overhang a street or highway.

21.9 Permitted Uses for Signs (Continued):

- d. No sign shall be nearer than 35 linear feet to a front lot line.
- e. Each sign, including a canopy or marquee, shall have a minimum clearance of 10 linear feet.

22. COMMERCIAL-INDUSTRIAL ZONE 2 (CI-2)

22.1 Permitted Principal Uses: Commercial and Commercial-Industrial uses, but commercial and commercial-industrial uses ONLY, such as:

- a. Eating, Drinking and Entertainment Establishments, but only Diners, Grills, Refreshment Stands, Sandwich Bars and Taverns.
- b. Sales and Service Establishments.
- c. Wholesale or Warehousing Establishments.
- d. Commercial-Industrial Establishments.

22.2 Special Permitted Uses: Places of Worship, Parsonage or Rectory.  
All regulations and restrictions of Commercial Zone 3 shall apply for Places of Worship.

22.3 Required Lot Area: The minimum lot area per commercial-industrial developments shall be 60,000 square feet and the minimum frontage shall be ~~150~~ linear feet.

22.4 Building Height Limit: No building or structure shall exceed 3 stories in height.

22.5 Mandatory Open Spaces: Each corner lot shall consist of two front yards, two side yards and one rear yard; each corner through lot shall

22.5 Mandatory Open Spaces (Continued):

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 minimum widths and depths shall regulate:

- a. Each front yard depth - 30 linear feet minimum.
- b. Each side yard width - 20 linear feet minimum, or 40 linear feet minimum when bordering residential zone.
- c. Rear yard depth - 30 linear feet minimum, or 40 linear feet minimum when bordering residential zone.
- d. The distance between buildings or parts thereof, such as wings, inner and outer courts, shall be 40 linear feet.

22.6 Percentage of Lot Coverage: All principal and accessory buildings or structures shall not exceed the following maximum percent of lot coverage:

- a. Corner lot - 25% maximum.
- b. Interior lot - ~~20%~~<sup>25</sup>% maximum.
- c. For open-air storage an additional 10% of lot coverage is allowed.
- d. For commercial-industrial expansion an additional ~~5%~~<sup>10</sup>% of lot coverage is allowed.
- e. Unutilized land areas within a development are prohibited to all other uses, except parks, landscaped playgrounds or other recreational facilities.

22.7 Mandatory Off-Street Parking: Each commercial-industrial building shall provide the following minimum number of parking spaces:

22.7 Mandatory Off-Street Parking (Continued):

- a. 1 parking space per 40 square feet of building space: Refreshment Stands.
- b. 1 parking space per 3 of rated capacity: Eating, Drinking and Entertainment Establishments, but not Refreshment Stands.
- c. 1 parking space per 3 employees: Sales and Service Establishments; Wholesale or Warehousing Establishments; and Commercial-Industrial Establishments.

And the following restrictions shall regulate:

- a. Each parking space shall have a minimum gross area of 340 square feet for single lane parking or 250 square feet for two or more lanes of parking.
- b. Each parking lot shall have a stabilized dustless surface, graded and drained as part of storm sewerage plan for lot and each parking lot shall be aesthetically landscaped when bordering another zone, a lot, street or town line.
- c. No entrance or exit to a parking lot shall be nearer than 50 linear feet to a street intersection.
- d. No entrance or exit to a parking lot shall be nearer than 20 linear feet to a lot line.
- e. No parking space shall be nearer than 6 linear feet to a lot line.
- f. No parking space shall be nearer than 20 linear feet to a building or structure.

22.8 Mandatory Off-Street Loading and Unloading Facilities: All commercial-industrial uses dependent of incoming and/or outgoing merchandise shall provide adequate loading and unloading berths entirely within its property area and the following restrictions shall regulate:

- a. Each berth shall have a minimum gross area of 400 square feet.
- b. No entrance or exit to a loading and unloading area shall be nearer than 50 linear feet to a street intersection.
- c. No entrance or exit to a loading and unloading area shall be nearer than 20 linear feet to a lot line.

22.9 Permitted Uses for Signs: Signs identifying an individual business firm or the advertisement of its products shall be permitted and the following restrictions shall regulate:

- a. No sign nor the aggregate square footage of the total number of signs of an individual business unit shall exceed 10% of the total square footage of an individual business unit's facade or 150 square feet, whichever the lesser figure, whether such sign is painted or affixed on its facade, a separate structure or mounted on a roof.
- b. No sign, including a canopy or marquee shall project more than 8 linear feet.
- c. No sign, including a canopy or marquee, shall overhang a street or highway.
- d. No sign shall be nearer than 20 linear feet to a front lot line.
- e. Each sign, including a canopy or marquee, shall have a minimum clearance of 10 linear feet.

23. INDUSTRIAL ZONE 1 (I-1)

23.1 Permitted Principal Uses: Industrial uses, but industrial uses ONLY. subject to the following performance standards:

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 such 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.

23.2 Special Permitted Uses: Places of Worship; Parsonage or Rectory and Golf Courses, or Golf Driving Ranges. All regulations and restrictions of Commercial Zone 3 shall apply for Places of Worship. For Golf Courses or Golf Driving Ranges see Section 29, Paragraph 11.

23.3 Required Lot Area: The minimum lot area per industrial developments shall be ~~1~~<sup>4</sup> acres and the minimum frontage shall be ~~100~~<sup>300</sup> linear feet.

23.4 Building Height Limit: The building height shall be unlimited, except when otherwise restricted by the City of Middletown Building Code.

23.5 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

23.5 Mandatory Open Spaces (Continued):

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 - <sup>50</sup>~~100~~ linear feet minimum.
- b. Each side yard width - <sup>40</sup>~~100~~ linear feet minimum, or 100 linear feet minimum <sup>except industrial</sup> when bordering any other zone or a town line.
- c. Rear yard depth - <sup>50</sup>~~100~~ linear feet minimum, or 100 linear feet minimum <sup>except industrial</sup> when bordering any other zone or a town line.
- d. The minimum front, side or rear yard widths and depths for lots bordering any other zone or a town line shall be 300 linear feet.
- e. The distance between buildings or parts thereof, such as wings, inner and outer courts, the minimum shall be 40 linear feet for buildings of 4 stories or less and an additional 10 linear feet between buildings shall be added for each story over 4, until the distance totals 80 linear feet (8-story building).

23.6 Percentage of Lot Coverage: All principal or accessory buildings or structures shall not exceed the following maximum percent of lot coverage:

- a. Corner lot - 20% maximum.
- b. Interior lot - 20% maximum.
- c. For open-air storage an additional 10% of lot coverage is allowed.
- d. For industrial expansion an additional 10% of lot coverage is allowed.
- e. Unutilized land areas within a development are prohibited to all other uses, except parks, landscaped playgrounds or other recreational facilities.

23.7 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 and the following restrictions shall regulate:

- a. Each parking space shall have a minimum gross area of 340 square feet for single lane parking or 250 square feet for two or more lanes of parking.
- b. Each parking lot shall have a stabilized dustless surface, graded and drained as part of storm sewerage plan for lot and each parking lot shall be aesthetically landscaped when bordering another zone, a lot, street or town line.
- c. No entrance or exit to a parking lot shall be nearer than 50 linear feet to a street intersection.
- d. No entrance or exit to a parking lot shall be nearer than 20 linear feet to a lot line.
- e. No parking space shall be nearer than 6 linear feet to a lot line.
- f. No parking space shall be nearer than 20 linear feet to a building or structure.

23.8 Mandatory Off-Street Loading and Unloading Facilities: All industrial uses dependent of incoming and/or outgoing material shall provide adequate loading and unloading berths entirely within its property area and the following restrictions shall regulate:

- a. Each berth shall have a minimum gross area of 400 square feet.

23.8 Mandatory Off-Street Loading and Unloading Facilities (Continued):

- b. No entrance or exit to a loading and unloading area shall be nearer than 50 linear feet to a street intersection.
- c. No entrance or exit to a loading and unloading area shall be nearer than 20 linear feet to a lot line.

23.9 Permitted Uses for Signs: Signs identifying an individual firm or the advertisement of its products shall be permitted and the following restrictions shall regulate:

- a. No sign nor the aggregate square footage of the total number of signs of an individual manufacturing unit shall exceed 10% of the total square footage of an individual manufacturing unit's facade or 300 square feet, whichever the lesser figure, whether such sign is painted or affixed on its facade, a separate structure or mounted on a roof.
- b. No sign, including a canopy or marquee, shall project more than 8 linear feet.
- c. No sign, including a canopy or marquee, shall overhang a street or highway.
- d. No sign shall be nearer than 100 linear feet to a front lot line.
- e. Each sign, including a canopy or marquee, shall have a minimum clearance of 10 linear feet.

24. INDUSTRIAL ZONE 2 (I-2)

- 24.1 Permitted Principal Uses: Industrial uses, but industrial uses ONLY, subject to the following performance standards:

24.1 Permitted Principal Uses (Continued):

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 such 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.

24.2 Special Permitted Uses: Places of Worship, parsonage or rectory.

All regulations and restrictions of Commercial Zone 3 shall apply for Places of Worship.

24.3 Required Lot Area: The minimum lot area per industrial

developments shall be 30,000 square feet and the minimum frontage shall be 100 linear feet.

24.4 Building Height Limit: The building height shall be unlimited,

except when otherwise restricted by the City of Middletown Building Code.

24.5 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 minimum widths and depths shall regulate:

24.5 Mandatory Open Spaces (Continued):

- a. Each front yard depth - 30 linear feet minimum.
- b. Each side yard width - 20 linear feet minimum.
- c. Rear yard depth - 30 linear feet minimum, or the side yard width for corner lots only.
- d. The minimum front, side or rear yard widths and depths for lots bordering any other zone or a town line shall be 50 linear feet.
- e. The distance between buildings or parts thereof, such as wings, inner and outer courts, the minimum shall be 40 linear feet for buildings of 4 stories or less and an additional 10 linear feet between buildings shall be added for each story over 4, until the distance totals 80 linear feet (8-story building).

24.6 Percentage of Lot Coverage: All principal or accessory buildings or structures shall not exceed the following maximum percent of lot coverage:

- a. Corner lot - 15% maximum.
- b. Interior lot - 15% maximum.
- c. For open-air storage an additional 10% of lot coverage is allowed.
- d. For industrial expansion an additional 10% of lot coverage is allowed.
- e. Unutilized land areas within a development are prohibited to all other uses, except parks, landscaped playgrounds or other recreational facilities.

24.7 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

24.7 Mandatory Off-Street Parking (Continued):

major shift; however, if operating on just one shift, the minimum shall be 1 parking space per every 3 employees and the following restrictions shall regulate:

- a. Each parking space shall have a minimum gross area of 340 square feet for single lane parking or 250 square feet for two or more lanes of parking.
- b. Each parking lot shall have a stabilized dustless surface, graded and drained as part of storm sewerage plan for lot and each parking lot shall be aesthetically landscaped when bordering another zone, a lot, street or town line.
- c. No entrance or exit to a parking lot shall be nearer than 50 linear feet to a street intersection.
- d. No entrance or exit to a parking lot shall be nearer than 20 linear feet to a lot line.
- e. No parking space shall be nearer than 6 linear feet to a lot line.
- f. No parking space shall be nearer than 20 linear feet to a building or structure.

24.8 Mandatory Off-Street Loading and Unloading Facilities: All industrial uses dependent of incoming and/or outgoing material shall provide adequate loading and unloading berths entirely within its property area and the following restrictions shall regulate:

- a. Each berth shall have a minimum gross area of 400 square feet.

24.8 Mandatory Off-Street Loading and Unloading Facilities (Continued):

- b. No entrance or exit to a loading and unloading area shall be nearer than 50 linear feet to a street intersection.
- c. No entrance or exit to a loading and unloading area shall be nearer than 20 linear feet to a lot line.

24.9 Permitted Uses for Signs: Signs identifying an individual firm or the advertisement of its products shall be permitted and the following restrictions shall regulate:

- a. No sign nor the aggregate square footage of the total number of signs of an individual manufacturing unit shall exceed 10% of the total square footage of an individual manufacturing unit's facade or 100 square feet, whichever the lesser figure, whether such sign is painted or affixed on its facade, a separate structure or mounted on a roof.
- b. No sign, including a canopy or marquee, shall project more than 8 linear feet.
- c. No sign, including a canopy or marquee, shall overhang a street or highway.
- d. No sign shall be nearer than 20 linear feet to a front lot line.
- e. Each sign, including a canopy or marquee, shall have a minimum clearance of 10 linear feet.

25. NATURAL RESOURCE ZONE (NR-1)

25.1 For the benefit of the community certain areas in the City of Middletown

25.1 (Continued):

are zoned for the conservation of natural resources; however, the Middletown City Plan and Zoning Commission may permit the quarrying, the mining or the removal of said resources subject to the following restrictions:

- a. The petitioner shall submit to the City Plan and Zoning Commission a plan showing existing grades in area prior the removal of the resource. The plan shall provide for adequate front, side and rear yard depths and widths to control noise, dust, heavy trucking, etc., when bordering another zone, town or street line. Proper drainage shall be maintained throughout operation and area shall be camouflaged with trees or shrubs.
- b. The petitioner shall also submit a plan showing proposed finished grades after completion of the operation, as well as a drainage system for the entire area. Said area shall be restored to a use as designated by the City Plan and Zoning Commission at the beginning of the operation, and a minimum of 4 inches of topsoil, seeded and landscaped shall cover those portions of the area where actual removal has taken place. An abandoned pit may either be converted into a recreation area by flooding the pit, to be used as a lake or it may be used as a city refuse disposal area, if so specified by the City Plan and Zoning Commission.

25.2 Those land areas in the City of Middletown which are zoned for the conservation of natural resources may be used or maintained for accessory uses such as Farming, Grazing, Lumbering, Wildlife Preserves, Recreational Areas or similar uses, until such a time when the actual removal of the underlying mineral commences.

25.3 The City Plan & Zoning Commission shall be the final determining body for the provisions set forth under Section 25.

26. TOPSOIL, SAND AND GRAVEL

26.1 The Middletown City Plan & Zoning Commission may, after legal advertisement and Public Hearing, permit the removal of topsoil, sand and gravel in any zone, subject to the approval of the City Plan & Zoning Commission and the following restrictions:

a. The petitioner shall submit to the City Plan & Zoning Commission a plan showing existing grades in area prior to the removal of topsoil, sand and gravel. The plan shall provide for adequate front, side and rear yard depths and widths to control noise, dust, heavy trucking, etc., when bordering any lot line. Proper drainage shall be maintained throughout operation and no temporary or permanent damage shall be inflicted upon adjacent property owners. No removal shall take place within 30 linear feet of a property line.

b. The petitioner shall also submit a plan showing proposed finished grades after completion of the operation, as well as a drainage system for the entire area. Said area shall be restored to a condition as designated by the City Plan & Zoning Commission at the time of approval of the operation and a minimum of 4 inches of topsoil, seeded, shall cover that portion of the area where the actual removal has taken place.

26.2 Prior to the approval of permits for the removal of topsoil, sand and gravel, the petitioner shall submit a performance bond to the City Plan and Zoning Commission in an amount estimated at 50% of the total costs of the improve-

26.2 (Continued):

ments. The City Plan & Zoning Commission in turn shall file said bond with the Office of the Comptroller.

26.3 Any surplus topsoil, sand and gravel resulting from genuine agricultural, constructural or landscaping operations need not comply with the provisions set forth under this section.

26.4 No permits for the removal of topsoil, sand and gravel shall exceed two years at a time.

27. NONCONFORMING USES:

27.1 Existing Building or Structures: The lawful use of any building, structure or land area existing at the time of passage of this ordinance may be continued although such use does not conform with the provisions set forth in this ordinance.

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

27.3 Alterations: A nonconforming use of a building or structure may not be reconstructed or structurally altered during its life to an extent exceeding in aggregate cost 50% of its assessed value, unless said building or structure is changed to a conforming use.

27.4 Construction Approved Prior to Passage of This Ordinance: Nothing contained within this ordinance 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 building or structure shall be

27.4 Construction Approved Prior to Passage of This Ordinance (Continued):

completed in its entirety according to such plans as filed within 2 years from the effective date of this ordinance.

27.5 Restoration: No building or structure damaged by fire, explosion, the act of God, etc., to an extent of more than 50% of its assessed value shall be rebuilt except to a conforming use. Any building or structure damaged to an extent of less than 50% of its assessed value shall be permitted to repair or rebuild to whatever condition existed prior to damage.

27.6 Abandonment: Whenever a nonconforming use has been discontinued for a period of 1 year or more, such use shall not thereafter be re-established, and any future use shall conform with the provisions set forth in this ordinance.

27.7 Extension: No nonconforming use shall be extended after the effective date of this ordinance.

27.8 Changes: Once changed into a conforming use or a higher classification of a nonconforming use, no such use shall be permitted to revert to a lower nonconforming use.

27.9 Displacement: No nonconforming use shall be extended to displace a conforming use.

28. ZONING BOARD OF APPEALS

28.1 The Zoning Board of Appeals shall consist of 5 regular members and 3 alternate members. The members shall be appointed by the Mayor, and shall serve without compensation. Said Board shall elect a chairman

28.1 (Continued):

and appoint a secretary from its members and a record shall be kept of all its proceedings, including the vote of every member upon each item, of if absent or failing to vote, and all records shall be filed in the office of said Board and available to the public. Before acting on any matter, said Board shall hold a public hearing as required by law.

28.2 The Zoning Board of Appeals shall have the following powers and duties:

- a. To hear and decide appeals where it is alleged that there is an error in any order, requirement or decision made by the agent of the Commission or any other official charged with the enforcement of these regulations.
- b. To hear and decide all matters including special exceptions upon which it is required to pass by the specific terms of these regulations, and
- c. To determine and vary the application of provisions of these regulations in harmony with their general purpose and intent and with due consideration for conserving the public health, safety, convenience, welfare and property values solely with respect to a parcel of land where, owing to conditions especially affecting such parcel but not affecting generally the zone in which it is situated, a literal enforcement of those regulations would result in exceptional difficulty or unusual hardship so that substantial justice will be done and the public safety and welfare secured.

28.3 Any decisions or actions taken by the Zoning Board of Appeals shall conform in general with the City of Middletown Comprehensive Plan, the City of Middletown Comprehensive Plan for Downtown Urban Renewal and the Capitol Improvement Program of the City of Middletown.

29. SPECIAL PERMITTED USES

29.1 General Provisions: In conformity with the general purpose and intent of this ordinance and in accordance with the provisions set forth in this Section, the City Plan and Zoning Commission may, after legal advertisement and public hearing, grant special permits in specific zones for USES listed in this Section as well as those listed under Special Permitted Uses in the individual zones of this ordinance whose location and/or control requires special planning attention.

In addition to the restrictions prescribed by the City Plan and Zoning Commission as set forth in this Section, each such special permit use shall comply with all of the applicable zone regulations and all other applicable provisions set forth in this ordinance, except as otherwise specified in this Section.

The City Plan and Zoning Commission may prescribe additional restrictions in cases where extraordinary circumstances prevail at the time of decision on a grant or denial of a special permit use.

In each specific grant or denial of such special permit use, the City Plan and Zoning Commission's findings shall be supported by substantial evidence or other information considered by said Commission in reaching its final decision, including the personal knowledge of or inspection by the members of said Commission and that said Commission shall show which of its required findings has been satisfied and those that have not.

29.1 General Provisions (Continued):

The City Plan and Zoning Commission shall deny a special permit use whenever such use interferes with a public improvement project, whether such project is approved, pending or in any form of planning stage.

Said Commission may authorize any special permit use for such term of years as it deems appropriate.

29.2 Requirements for Petitioners: A petition to the City Plan and Zoning Commission for the request of a special permit for uses specified in this Section or those listed as Special Permitted Uses in the individual zones shall include the following information:

- a. A site plan showing the location and proposed use of all buildings and structures as well as the location of all vehicular entrances and exits and all off-street parking areas.
- b. A traffic map showing all arterial highways and major and secondary streets within a one mile radius of the proposed development, including the location of other traffic-generating uses within previously mentioned radius of the proposed development.
- c. The provisions of Section 33 (Amendments to Zoning Ordinance and/or Map) relative legal advertisements, public hearings, etc., shall apply to petitions for special permits by the City Plan and Zoning Commission.

29.3 Agricultural Uses: The City Plan and Zoning Commission may permit agricultural uses in PR-1, R-1, R-2, R-3, R-4, R-5, A-1, CI-1, CI-2, I-1, I-2 or NR-1 Zones, provided that the following requirements are met:

29.3 Agricultural Uses (Continued):

- a. No agricultural building or structure, unless used solely for residential purposes, shall be nearer than 300 linear feet to any lot line of bordering areas. Residential buildings within an agricultural use area shall comply with the applicable zone regulations set forth in this ordinance.
- b. No livestock shall pasture nearer than 50 linear feet to any lot line of bordering areas.
- c. Any agricultural use shall meet approval of the Middletown Public Health Department.
- d. The City Plan and Zoning Commission may prescribe other additional conditions and safeguards to minimize adverse effects on the character of the neighboring area.

29.4 Airports: The City Plan and Zoning Commission may permit the construction, reconstruction or expansion of airports and their facilities in PR-1, CL-1, I-1 or I-2 Zones, provided that the following requirements are met:

- a. In addition to all other information required in Section 29.2 (Requirements for Petitioners), the petitioner shall show the exact location and dimensions of all runways on the site plan.
- b. The airport shall be an appropriate use of the land and it shall not unduly interfere with bordering land uses.
- c. In the selection of a site special consideration shall be given to locate the airport adjacent to large parks or open areas, especially bodies of water.

29.4 Airports (Continued):

- d. The City Plan and Zoning Commission shall forward the petition to both the State Aeronautics Commission and the Federal Aeronautics Administration for their approval or denial and any recommendations by such agencies shall be considered part of this ordinance.
- e. The City Plan and Zoning Commission may prescribe other additional conditions and safeguards to minimize adverse effects on the character of the neighboring area, including regulating the height of buildings, structures or trees to be constructed or grown within the area of the airports aerial approaches, the establishment of a setback line for open areas around part or the entire perimeter of the airport, shielding of floodlights, or surfacing of access roads or driveways, etc.

29.5 Arenas, Auditoriums, Carnivals, Circuses, Fairs, Stadiums, or Trade Expositions:

The City Plan and Zoning Commission may permit arenas, auditoriums, carnivals, circuses, fairs, stadiums or trade expositions in PR-1, A-1, C-3, C-4, C-5 or CI-1 Zones, provided that the following requirements are met.

- a. The principal vehicular access for such use shall not be located on a local or secondary street.
- b. Such use shall be planned in a manner that a minimum of vehicular traffic will flow through local streets in nearby residential areas.
- c. Such use shall not be located within 300 linear feet of a Residential Zone.

29.5 (Continued):

- d. For the prevention of traffic congestion sufficient reservoir space shall be provided at the vehicular entrances of such use, including an adequate number of entrances and exits. Said vehicular entrances and exits shall be provided separately, and they shall not be located less than 100 linear feet apart.
- e. Special consideration shall be given to the proximity of public transportation to serve such use.
- f. The City Plan and Zoning Commission may prescribe other additional conditions and safeguards to minimize adverse effects on the character of the neighboring area, including limitations on signs or regulating the soundproofing of buildings, shielding of floodlights, screening of open areas, or surfacing of access roads or driveways, etc.

29.6 Bus, or Trucking Terminals: The City Plan and Zoning Commission may permit bus or trucking terminals in PR-1, AC-1, C-3, C-4, C-5, CI-2, I-1 or I-2 Zones, provided that the following requirements are met:

- a. The principal vehicular access for such use shall not be located on a local or secondary street.
- b. Such use shall not be located within 300 linear feet of a Residential Zone.
- c. Vehicular entrances and exits for such operation shall be provided separately and they shall not be located less than 100 linear feet apart.

29.6 Bus, or Trucking Terminals (Continued):

- d. The City Plan and Zoning Commission may prescribe other additional conditions and safeguards to minimize adverse effects on the character of the neighboring area, including regulating the shielding of floodlights, screening, or surfacing of access roads or driveways, etc.

29.7 Children's Amusement Parks: The City Plan and Zoning Commission may permit children's amusement parks in PR-1, C-3, C-5, or I-2 Zones, provided that the following requirements are met:

- a. The principal vehicular access for such use shall not be located on a local street or on an arterial highway.
- b. Such use shall be planned in a manner that a minimum of vehicular traffic will flow through local streets in nearby residential areas.
- c. Such use shall not be located within 1000 linear feet of a Residential Zone.
- d. Vehicular entrances and exits for such operation shall be provided separately and they shall not be located less than 100 linear feet apart.
- e. The City Plan and Zoning Commission may prescribe other additional conditions and safeguards to minimize adverse effects on the character of the neighboring area, including limitations on signs or regulating the shielding of floodlights, or surfacing of access roads or driveways, etc.

29.8 Day Camps, Outdoor: The City Plan and Zoning Commission may permit outdoor

29.8 Day Camps, Outdoor (Continued):

day camps, whether commercial or philanthropic, in PR-1, AC-1, C-1, C-3, C-4 or C-5 Zones, provided that the following requirements are met:

- a. Camp equipment for such use shall not be affixed nearer than 50 linear feet to any side or rear yard.
- b. The City Plan and Zoning Commission may prescribe other additional conditions and safeguards to minimize adverse effects on the character of the neighboring area, including regulating the size of lot, screening, parking facilities, etc.

29.9 Drive-In Theaters: The City Plan and Zoning Commission may permit drive-in theaters in C-3, C-5, CI-2, I-2 or NR-1 Zones, provided that the following requirements are met:

- a. The principal vehicular access for such use shall not be located on a local street or on an arterial highway.
- b. Such use shall be planned in a manner that a minimum of vehicular traffic will flow through local streets in nearby residential areas.
- c. Such use shall not be located within 300 linear feet of a Residential Zone.
- d. For the prevention of traffic congestion sufficient reservoir space shall be provided at the vehicular entrance of such use, including an adequate number of entrances and exits. Said entrances and exits shall be provided separately, and they shall not be located less than 100 linear feet apart.

29.9 Drive-In Theaters (Continued):

- e. The City Plan and Zoning Commission may prescribe other additional conditions and safeguards to minimize adverse effects on the character of the neighboring area, including limitations on signs or regulating the shielding of floodlights, maximum capacity, screening, or surfacing of access roads or driveways, etc.

29.10 Electric or Gas Substations, Telephone Exchanges, or other Public Utilities:

The City Plan and Zoning Commission may, for the purpose of coordinating the development of the City of Middletown and for the purpose of promoting health, safety, comfort of living and working conditions and general welfare of the citizens of the City of Middletown, permit electric or gas substations, telephone exchanges, or other public utilities, such as water or sewage pumping stations, fire or police stations in all zones, provided that the following requirements are met:

- a. An adequate land area shall be provided for each such use, but in the case of electric or gas substations, telephone exchanges or water or sewage pumping stations the minimum lot size shall be 5000 square feet and the minimum frontage shall be 50 linear feet.
- b. Such use shall be an appropriate use of land and it shall not unduly interfere with bordering land uses.
- c. The principal vehicular access for fire and police stations shall not be located on a local street and such vehicular access shall not be located near public or private parks, schools or playgrounds.
- d. Fire or police stations shall be planned in a manner that a minimum of vehicular traffic will flow through local streets in nearby residential areas.

29.10 (Continued):

- e. The City Plan and Zoning Commission may prescribe other additional conditions and safeguards to minimize adverse effects on the character of the neighboring area, including regulating the architectural or landscaping treatment, screening of apparatus, construction of fences or other safety devices, soundproofing, shielding of floodlights, or surfacing of access roads or driveways, etc.

29.11 Golf Courses, or Golf Driving Ranges: The City Plan and Zoning Commission may permit golf courses or golf driving ranges in PR-1, R-2, R-3, R-4, A-1, C-1, C-2, C-5, L-1, or NR-1 Zones, provided that the following requirements are met:

- a. Such use shall have a minimum setback of 40 linear feet around the entire perimeter of the course, except for that area where the facilities for such use are erected.
- b. The principal vehicular access for such use shall not be located on a local street or on an arterial highway.
- c. Such use shall be planned in a manner that a minimum of vehicular traffic will flow through local streets in nearby residential areas.
- d. Golf Driving Ranges shall be provided with a fence around part or the entire perimeter of the course.
- e. The City Plan and Zoning Commission may prescribe other additional conditions and safeguards to minimize adverse effects on the character of the neighboring area, including regulating the shielding of floodlights, screening of open areas, or surfacing of access roads or driveways, etc.

29.12 Heliports: The City Plan and Zoning Commission may permit the construction, reconstruction or expansion of heliports and their facilities in PR-1, C-5, CI-1, CI-2, I-1, or I-2 Zones, provided that the following requirements are met:

- a. In addition to all other information required in Section 29.2 (Requirements for Petitioners) the petitioner shall show the exact location and dimensions of landing areas on the site plan.
- b. The heliport shall be an appropriate use of the land and it shall not unduly interfere with bordering land uses.
- c. In the selection of a site special consideration shall be given to locate the heliport adjacent to large parks or open areas, especially bodies of water.
- d. The City Plan and Zoning Commission shall forward the petition to both the State Aeronautics Commission and the Federal Aeronautics Administration for their approval or denial and any recommendations by such agencies shall be considered part of this Ordinance.
- e. The City Plan and Zoning Commission may prescribe other additional conditions and safeguards to minimize adverse effects on the character of the neighboring area, including regulating the establishment of a setback line for open areas around part or the entire perimeter of the heliport, shielding of floodlights, or the surfacing of access roads or driveways, etc.

29.13 Horse Stables, or Riding Academies: The City Plan and Zoning Commission may permit horse stables or riding academies in PR-1, R-2, R-3, C-1, CI-2, I-2, or NR-1 Zones, provided that the following requirements are met:

29.13 Horse Stables, or Riding Academies (Continued):

- a. No buildings or structures for such use shall be nearer than 300 linear feet to any lot line of bordering areas. Residential buildings within a horse stable or riding academy use area shall comply with the applicable zone regulations set forth in this Ordinance.
- b. No livestock shall pasture nearer than 50 linear feet to any lot line of bordering areas.
- c. Any such use shall meet approval of the Middletown Public Health Department.
- d. The City Plan and Zoning Commission may prescribe other additional conditions and safeguards to minimize adverse effects on the character of the neighboring area.

29.14 Parking Garages, or Parking Lots (Commercial): The City Plan and Zoning Commission may permit parking garages or parking lots (commercial) in PR-1, AC-1, C-3, C-4, C-5, CI-1, CI-2, I-1, or I-2 Zones, provided that the following requirements are met:

- a. The principal vehicular access for such use shall not be located on a local street. Only in a C-4 Zone may such use be located on a local street.
- b. Such use shall be planned in a manner that a minimum of vehicular traffic will flow through local streets in nearby residential areas.
- c. For the prevention of traffic congestion extra-sufficient reservoir space shall be provided at the vehicular entrance of such use,

29.14 Parking Garages, or Parking Lots (Commercial) (Continued):

including an adequate number of entrances and exits. Said vehicular entrances and exits shall be provided separately.

- d. The City Plan and Zoning Commission may prescribe other additional conditions and safeguards to minimize adverse effects on the character of the neighboring area, including limitations on signs, or regulating the shielding of floodlights, etc.

29.15 Racetracks: The City Plan and Zoning Commission may permit racetracks in PB-1, R-2, or R-3 Zones, provided that the following requirements are met:

- a. The principal vehicular access for such use shall not be located on a local street.
- b. Such use shall be planned in a manner that a minimum of vehicular traffic will flow through local streets in nearby residential areas.
- c. For the prevention of traffic congestion sufficient reservoir space shall be provided at the vehicular entrance of such use, including an adequate number of entrances and exits. Said vehicular entrances and exits shall be provided separately, and they shall not be located less than 100 linear feet apart.
- d. Special consideration shall be given to the proximity of public transportation to serve such use.
- e. The City Plan and Zoning Commission may prescribe other additional conditions and safeguards to minimize adverse effects on the character of the neighboring area, including limitations on signs or regulating the size of front, side or rear yards, shielding of floodlights, screening of open areas, or surfacing of access roads or driveways, etc.

29.16 Radio or Television Towers: The City Plan and Zoning Commission may permit radio or television towers in all Zones, provided that the following requirements are met:

- a. Such use shall be an appropriate use of land and it shall not unduly interfere with bordering land uses.
- b. The tower shall be so erected that the minimum distance between the tower and any lot line will equal the maximum height of the tower above ground level.
- c. The City Plan and Zoning Commission may prescribe other additional conditions and safeguards to minimize adverse effects on the character of the neighboring area.

29.17 Railroad Passenger Stations: The City Plan and Zoning Commission may permit railroad passenger stations in all Zones, except NR-1 Zones, provided that the following requirements are met:

- a. The principal vehicular access for such use shall not be located on a local street.
- b. Such use shall be planned in a manner that a minimum of vehicular traffic will flow through local streets in nearby residential areas.
- c. Vehicular entrances and exits for such an operation shall be provided separately and they shall not be located less than 100 linear feet apart.
- d. The City Plan and Zoning Commission may prescribe other additional conditions and safeguards to minimize adverse effects on the char-

29.17 Railroad Passenger Stations (Continued):

acter of the neighboring area, including regulating the shielding of floodlights, screening of open areas, or surfacing of access roads or driveways, etc.

29.18 Salvage, or Junk Yards: The City Plan and Zoning Commission may permit salvage or junk yards in C-5, CI-2, I-2, or NR-1 Zones, provided that the following requirements are met:

- a. Such use shall be an appropriate use of land and it shall not unduly interfere with bordering land uses.
- b. Such use shall not be located within 1000 linear feet of a Residential Zone.
- c. In the selection of a site special consideration shall be given not to locate such use in the proximity of churches, schools, hospitals, public buildings or other places of assembly, or when a sufficiency in number of such uses are existing in the vicinity.
- d. Such use shall be camouflaged with trees or shrubs, or a fence of at least 8 linear feet in height around the entire perimeter of the operation.
- e. The City Plan and Zoning Commission may prescribe other additional conditions and safeguards to minimize adverse effects on the character of the neighboring area, including regulating size of front, side or rear yards, size of lot, or surfacing of access roads or driveways, etc.
- f. Any person or agent of any firm or corporation who violates any provision of this Paragraph (29.18) shall be fined not more than

29.18 Salvage, or Junk Yards (Continued):

100 dollars or imprisoned not more than 90 days or both for each day such violation continues as provided in the General Statutes of the State of Connecticut. The amount of fine or number of days are subject to periodic change according to amendments of the General Statutes.

29.19 Uses Not Included In This Ordinance: Any use not mentioned in this Section or in the individual Zones shall be considered as a Special Permitted Use, unless otherwise specified by City Plan and Zoning Commission.

30. BUILDING PERMITS

30.1 Applications for Building Permits: No building or structure shall be constructed or structurally altered until an application for a Building Permit has been filed with the Building Inspector of the City of Middletown and a Building Permit has been issued. Each and every applicant shall, prior to filing an application for a building permit, obtain a Certificate of Approval from the Office of the City Plan and Zoning Commission. Said Commission shall determine whether or not such construction or structural alteration is in accordance with the City of Middletown Zoning Ordinance, Zoning Map, General Plan Map, Comprehensive Plan for Downtown Urban Renewal, Capitol Improvement Program, or Subdivision Regulations. All procedures and regulations of the City of Middletown Building Code shall apply for applications for building permits.

30.2 Building Permits Issued Prior to Effective Date of this Ordinance or Amendments Thereto: Any Building Permits issued prior to the effective date of this ordinance or any amendments thereto shall be void if construction has not been commenced before said date, unless the construction to be taken

30.2 (Continued):

under such permit is in accordance with this ordinance or the amendments thereto. Construction shall be considered commenced if the footing of a foundation has been completed.

31. CERTIFICATES OF OCCUPANCY

31.1 Applications for Certificates of Occupancy: No building or structure, or use shall be occupied or used, in whole or in part, until an application for a Certificate of Occupancy has been filed with the Building Inspector of the City of Middletown and a Certificate of Occupancy has been issued. All procedures and regulations of the City of Middletown Building Code shall apply for applications for Certificates of Occupancy and all such certificates issued shall be in accordance with the regulations of this ordinance.

32. LICENSES AND PERMITS BY STATE AGENCIES

32.1 Gasoline Station Licenses: No person, firm or corporation shall operate or maintain a gasoline station for the purpose of merchandising gasoline or any other products or services incidental thereto, unless a license to establish, operate and maintain such a business has been obtained from the Commissioner of Motor Vehicles of the State of Connecticut.

32.2 Motor Vehicle Salvage or Junk Yard Licenses: No person, firm or corporation shall operate or maintain a motor vehicle salvage or junk yard for the purpose of merchandising parts and scrap metals or any other products or services incidental thereto, unless a license to establish, operate and maintain such a business has been obtained from the Commissioner of Motor Vehicles of the State of Connecticut.

- 32.3 New Car Dealers' Licenses: No person, firm or corporation shall operate or maintain a new car dealer's business for the purpose of merchandising new motor vehicles or any other products or services incidental thereto, such as sell used motor vehicles or repair motor vehicles, unless a license to establish, operate and maintain such a business has been obtained from the Commissioner of Motor Vehicles of the State of Connecticut.
- 32.4 Repairers' Licenses: No person, firm or corporation shall operate or maintain a motor vehicle repair garage for the purpose of merchandising motor vehicle repair services, unless a license to establish, operate and maintain such a business has been obtained from the Commissioner of Motor Vehicles of the State of Connecticut.
- 32.5 Used Car Dealers' Licenses: No person, firm or corporation shall operate or maintain a used car dealer's business for the purpose of merchandising motor vehicles other than new or any other products or services incidental thereto, such as repair motor vehicles, unless a license to establish, operate and maintain such a business has been obtained from the Commissioner of Motor Vehicles of the State of Connecticut.
- 32.6 Liquor Permits: No person, firm or corporation shall operate or maintain an alcoholic liquor business for the purpose of merchandising alcoholic liquors or any other products or services incidental thereto, unless a permit to establish, operate and maintain such a business has been obtained from the Liquor Commission of the State of Connecticut.

33. EXCEPTIONS TO THE ZONING ORDINANCE

- 33.1 Lots recorded and filed in the Office of the Town Clerk of the City of Middletown prior to the effective date of this ordinance shall be exempt

33.1 (Continued):

from the regulations of this ordinance regulating the size of the lot; however such lots shall otherwise conform with the applicable regulations of this ordinance.

34. AMENDMENTS TO ZONING ORDINANCE AND/OR MAP

34.1 Amendments: The City Plan and Zoning Commission may, either on its own motion or on a petition of others, amend the regulations of this Ordinance or the boundaries of the individual zones as shown on the Zoning Map. No such amendment of regulation or boundary shall become effective or established until after a Public Hearing in relation thereto has been held. Notice of time and place of such hearing shall be published in the form of a Legal Advertisement appearing in a newspaper having a substantial circulation in such municipality. The legal advertisement shall appear at least twice at intervals of not less than 2 days, the first not more than 15 days nor less than 10 days, and the last not less than 2 days, prior to such hearing. A copy of such proposed amendment of regulation or boundary shall be filed in the Office of the Town Clerk for public inspection at least 10 days prior to such hearing. The City Plan and Zoning Commission may, from time to time, change such proposed amendment of regulation or boundary by a majority vote of such commission. If a protest is filed at such hearing with the City Plan and Zoning Commission against such change, such protest shall be signed by the owners of 20% or more of the area of the lots included in such proposed change or of the lots within 500 feet in all directions of the proposed property included in the proposed change. Such change shall not be adopted except by a vote of 2/3 of all the members of such commission. Any such petitions submitted shall be considered at a Public Hearing by the City Plan and Zoning Commission within 90 days after receipt

34.1 Amendments (Continued):

of such petition and said commission shall adopt or deny the changes requested in such petition within 60 days after the hearing. The number of days, the per centage or the footage are subject to periodic change according to amendments of the General Statutes of the State of Connecticut.

34.2 Appeals: Any person, firm or corporation aggrieved by any decision of the City Plan and Zoning Commission may, within 15 days from the date when such decision was rendered, take an appeal to the Court of Common Pleas. The number of days after decision rendered are subject to periodic change according to amendments of the General Statutes of the State of Connecticut.

35. VIOLATIONS, ENFORCEMENT AND PENALTIES

35.1 Violations: Any official having jurisdiction may institute an action or proceeding to prevent the violation of the regulations of this Ordinance.

35.2 Enforcement: All regulations of the Ordinance shall be enforced by the Building Inspector or any other designated City Official of the City of Middletown who is hereby authorized to inspect and examine any building, structure or use and to order in writing the remedying of any condition found to exist in violation of this Ordinance.

35.3 Penalties: The owner or agent of any building or premises where a violation of any provision of this Ordinance has been committed or exists, or the lessee or tenant of an entire building or entire premises where such violation has been committed or exists, or the owner, agent, lessee or tenant of any part of the building or premises in which such violation has been committed or exists, or the agent, architect, builder, contractor or any other person who commits, takes part or assists in any

35.3 Penalties (Continued):

such violation or who maintains any building or premises in which any such violation exists, shall be fined not less than 10 or more than 100 dollars for each day that such violation continues. However, if the offense is wilful, the person convicted thereof shall be fined not less than 100 dollars nor more than 250 dollars for each day that such violation continues or imprisoned not more than 10 days for each day such violation continues or both. Any person who, having been served with an order to discontinue any such violation, fails to comply with such order within 10 days after such service or continues to violate any provision of the regulations of this Ordinance shall be subject to a civil penalty of 250 dollars, payable to the Treasurer of the City of Middletown. (Separate regulations for penalties are provided for Motor Vehicle Junk Yards - see Section 29, Paragraph 1.8F). The amount of fine and number of days are subject to periodic change according to amendments of the General Statutes of the State of Connecticut.

36. VALIDITY

36.1 If any Section, Paragraph, Subdivision, Clause or Provision of this Ordinance be adjudged invalid, such adjudication shall apply only to the Section, Paragraph, Subdivision, Clause or Provision so adjudged, and the remainder of this Ordinance shall be deemed valid and effective.

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