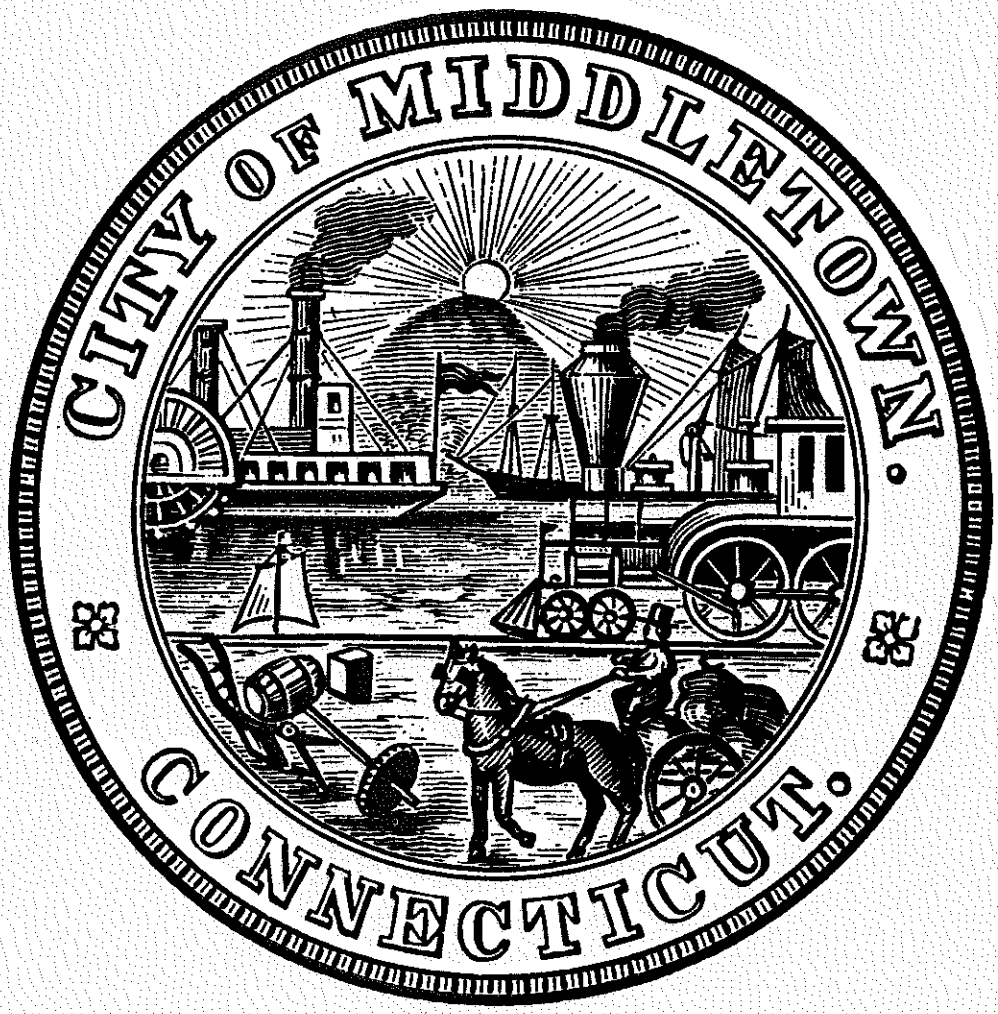
2/4/80

Property of
Seb. G. Mazzotta

ZONING CODE

6/1/76
to
2/4/80.



PLANNING & ZONING COMMISSION

PLANNING AND ZONING COMMISSION

MEMBERS

(1) Paul P. Parisi, Chairman
(2) Eric G. Lowry, V-Chairman
(3) Cos Giuffrida, Secretary
(4) Walter J. Dreaher
(5) Stephen T. Gionfriddo
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Director of Public Works

ALTERNATE MEMBERS

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George A. Reif, Director
Catherine V. Raczka, Assn't Director
Richard J. Somers, Technician
Althea C. Rinaldi, Office Clerk
Florence Pelc, Assn't Office Clerk

NOTE:

THIS CODE IS AMENDED FROM TIME TO TIME; THEREFORE THE MOST RECENT VERSION SHOULD ALWAYS BE CONSULTED BEFORE ANY IRREVERSIBLE DECISIONS ARE MADE.

AMENDMENT ADOPTED TO THE ZONING CODE
AFTER ITS EFFECTIVE DATE OF JUNE 1, 1976

NO	TOPIC	SPECIFIC SECTIONS	EFF. DATE
1.	Corporate Office Zone (Map Amendment A)	Section 34 Section 61.01.40 Section 61.03.05 Section 48.04.09	7/10/76
2.	Map Amendment Only (B)	Ward Street	8/2/76
3.	Map Amendment Only (C)	Union Street DeKoven Drive	8/15/76
4.	Map Amendment Only (D)	S. Main Street, Rt.17	8/27/76
5.	Central Business District Yard Requirements	Section 33.03 Section 33.04	11/15/76
6.	Off-street parking for retail, offices, clubs, public assembly for cultural, entertainment and/or recreation uses.	Section 40.04.04 Section 40.04.05 Section 40.04.15 Section 40.04.18 Section 40.04.21 ADD Section 40.04.23	11/15/76
7.	Limited auto repairs in Business Zones B-2, B-3	Section 61.01.35	1/19/77
8.	Map Amendment Only (E)	Mill Street	4/25/77
9.	Riverfront Recreational (Map Amendment F)	Section 31 Section 60.01.14 Section 60.01.16 Section 60.01.17 Section 60.01.18 Section 60.02.16 Section 60.02.18 Section 60.02.19	6/6/77
10.	Directory Sign B-2 General Business	Section 48.01.10 Delete 48.04.03 Add 48.04.04	6/6/77

Revised 10/79

NO	TOPIC	SPECIFIC SECTIONS	EFF. DATE
11.	Housing for Elderly	Section 16.08.04	6/6/77
12.	Map Amendment Only (G)	Washington Street	7/1/77
13.	Map Amendment Only (H)	Washington Street	8/8/77
14.	Arch /Historic Preser-vation	Section 44.08.26	9/6/77
15.	Banking facilities with Drive-up windows in B-3 Zone	Section 44.08.28 Section 61.02.20	10/10/77
16.	Map Amendment Only (I)	Newfield Street	10/10/77
17.	Map Amendment Only (J)	Schuyler Avenue	2/23/78
18.	Historic Preservation	Section 38	2/23/78
19.	Time Limitation for Special Exception	Section 44.06.01	7/10/78
20.	Land Uses in the R-1 Zone	Section 60.01 Section 60.02	7/10/78
21.	Signs	Section 48.04	7/10/78
22.	Off- street parking	Section 40.04.11	7/10/78
23.	Addition to Definition	Section 16.03.11	7/10/78
24.	Map Amendment Only (K)	Mile Lane, Newfield Street	7/26/78
25.	Max. bldg. ht. in TD zone	Section 39.02	10/9/78
26.	Streambelt Reg.	Section 45	11/15/78
26.1	Map Amendment Only (L)	Newfield Street	1/17/79

Revised · 10/79

NO	TOPIC	SPECIFIC SECTIONS	EFF. DATE
27.	B-2 General Business Zone Prohibit residential use	Section 32 Section 61.01.22 Section 61.02.14	4/16/79
28.	B-3 Central Business Zone. Eliminate reference to minimum lot frontage requirements for residential use.	Section 33	4/16/79
29.	I-2 Restricted Industrial Zone Office Building Heights	Section 36	4/16/79
30.	Child Care Facilities	Section 16.03.12 Section 40.04.24 Section 44.08.02 Section 61.02.22	7/16/79
31.	Drainage Policy	Section 10.09.04	9/12/79
32.	Care/Nursing Homes, Community Residential Treatment Facilities	Section 16.03.01 Section 16.03.08 Section 40.04.25 Section 44.08.29 Section 60.02.29 Section 61.02.22	10/8/79
33.	Rooming Houses	Section 16.18.03 Section 40.04.20 Section 44.08.30 Section 60.02.30 Section 61.01.40	10/8/79
34.	Home Occupation	Section 10.08 Section 16.08.01 Section 44.08.31 Delete Section 60.04 Section 60.01.21 Section 60.02.31	10/8/79

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NO	TOPIC	SPECIFIC SECTIONS	EFF. DATE
35	Zoning Code Enforcement Officer	Section 54	12/5/79
36	Off-Street Parking for Handicapped	Section 40	12/5/79
37.	Lot of Record	12.05 13.01.01 14.02 16.12.12	1/1/80
38.	Institutional Development Zone	Section 30	1/1/80
39.	Map Amendment Only (M)	Middlesex Memorial Hospital Area.	1/1/80
40.	Shopping Center Parcel Frontage	Section 32.03	2/4/80

TABLE OF CONTENTS

		PAGE
ARTICLE I ZONING PROVISIONS		
Section 10	General Provisions	7
Section 11	Establishment of Zones	13
Section 12	Supplementary Provisions	16
Section 13	Exceptions and Modifications	19
Section 14	Non-conforming Buildings and Uses	23
Section 15	Performance Standards	30
Section 16	Definitions	32
ARTICLE II RESIDENCE ZONES		
Section 21	R-1 Restricted Residence	48
Section 22	R-2 General Residence	50
Section 23	R-3 General Residence	52
Section 24	R-4 General Residence	54
ARTICLE III NON-RESIDENCE ZONES		
Section 30	I D Institutional Development	55
Section 31	R F Riverfront Recreation	56
Section 32	B-2 General Business	57
Section 33	B-3 Central Business	58
Section 34	C O Corporate Office Zone	59
Section 35	I-1 Service Industrial	60
Section 36	I-2 Restricted Industrial	61
Section 37	I-3 Special Industrial	63
Section 38	H P Historic Preservation	64
Section 39	T D Transitional Development	65
ARTICLE IV SUPPLEMENTARY REGULATIONS		
Section 40	Off-Street Parking & Loading	66
Section 41	Natural Resource Extraction Regulations	75
Section 42	Conversion of Dwellings	79
Section 43	None	
Section 44	Special Exception	81
Section 45	Streambelt Regulations	100
Section 46	Flood Plain Land Regulation	102
Section 47	Swimming Pools	103
Section 48	Sign Regulations	104
ARTICLE V ADMINISTRATION AND ENFORCEMENT		
Section 53	Commission	111
Section 54	Zoning Code Enforcement Officer	113
Section 55	Site Plan Approval Requirement	114
ARTICLE VI USE SCHEDULES		
Section 60	Residential Zone Uses	118
Section 61	Business and Industrial Zone Uses	125
ARTICLE VII LEGISLATIVE		
Section 70	Reference	134
Section 71	Amendments	135
Section 72	Repealer	138
Section 73	Controlling Regulation	138
Section 74	Effective Date	138

Revised 10/79

SCHEDULE OF FEES

FOR APPLICATIONS TO THE

PLANNING AND ZONING COMMISSION

1.	PLANNED RESIDENTIAL DEVELOPMENT----------	$100.00
2.	MAP OR TEXT AMENDMENT----------	50.00
3.	SPECIAL EXCEPTION----------	25.00
4.	SUBDIVISION----------(MINIMUM----------	50.00
	(MAX. PER LOT)-----	25.00
5.	SITE PLAN REVIEW----------	10.00
6.	CHANGE OF NON-CONFORMING USE----------	10.00
7.	HOME OCCUPATION----------	10.00

ALL FEES MUST BE PAID BY CHECK--MADE PAYABLE TO: THE CITY OF MIDDLETOWN

11/17/78

ARTICLE I ZONING PROVISIONS

SECTION 10 GENERAL PROVISIONS

10.00 GENERAL

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

10.01 PURPOSE

The purpose of this Zoning Code and the intent of the legislative authority in its adoption is to promote and protect the public health, safety, convenience, comfort, prosperity and the general welfare of the City of Middletown, Connecticut; by regulating the use of buildings, other structures and land for residences, public facilities, institutions, business, services, industry, or other purposes; by regulating and restricting the bulk, height, design, percent of lot occupancy, and location of buildings; by regulating and limiting population density; and, for the aforesaid purposes, to divide the land within the corporate limits of the City into zones of such number and dimensions in accordance with the objectives of the Plan of Development; and to provide procedures for administration and amendment of it.

10.02 INTENT

This Zoning Code is intended to achieve, among others, the following objectives: to protect the character and values of residential, institutional and public uses, business, commercial, and manufacturing uses--and to insure their orderly and beneficial development; and to provide adequate open spaces for light, air and outdoor uses; and to prevent overcrowding of the land; and to prevent excessive concentration of population--and, on the other hand, to prevent sparse and uncoordinated development; and to regulateand control the location and spacing of buildings on the lot and in relation to the surrounding property so as to carry out the objectives of the Plan of Development; and to regulate the location of buildings and intensity of

uses in relation to streets according to plans so as to cause the least interference with, and be damaged least by traffic movements, and hence result in lessened street congestion and improved public safety; and to establish zoning patterns that insure economical extensions for sewers, water supply, waste disposal and other public utilities, as well as developments for recreation, schools, and other public facilities; and to guide the future development of the City so as to bring about the gradual conformity of land and building uses in accordance with objectives of the Plan of Development; and to accomplish the specific intents and goals set forth in the introduction to the respective parts.

10.03 APPLICATION OF ZONE REGULATIONS

Except as hereinafter provided, the following general regulations shall apply:

10.03.01 No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the zone in which it is located.

10.03.02 No building or other structure shall hereafter be erected or altered: to exceed the height or bulk; to accommodate or house a greater number of families; to occupy a greater per cent of lot area; to have narrower or smaller rear yards, front yards, side yards or other open spaces than herein required; or in any other manner contrary to the provisions of this Code.

10.03.03 No part of a yard, or other open space, or off-street parking or loading space required above or in connection with any building for the purpose of complying with this Code, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.

10.03.04 No yard or lot existing at the time of passage of this amendment shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this amendment shall meet, at least; the minimum requirements established by this Code.

10.03.05 No parking area, parking space or loading space which exists on the effective date of this amendment or which subsequent thereto is provided for the purpose of complying with the provisions of this Code shall thereafter be relinquished or reduced in any manner below the requirements established by this Code, unless additional parking

area or space is provided sufficient for the purpose of complying with the provisions of this Code within three hundred (300) feet of the proposed or existing uses for which such parking will be available.

10.04 SEPARABILITY CLAUSE

Each section of this Code and each part of such section are declared to be independent sections and parts of sections, and notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any provision of said sections, or the application thereof to any person or circumstance, is held invalid for any reason, the remaining sections or parts of sections and the application of such provision to any person or circumstance other than as to those to which it is held invalid, shall not be affected thereby, and it is hereby declared that this Code would have been passed independently of the section, sections or parts of a section held to be invalid.

10.05 PROVISIONS DECLARED TO BE MINIMUM REQUIREMENTS

In their interpretation and application, the provisions of this Code shall be held to be minimum requirements, adopted for the promotion of the public health, safety, moral, or general welfare. Wherever the requirements of this Code are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions, or covenants, the most restrictive or that imposing the higher standard shall govern.

10.06 SITE PLAN APPROVAL

Site Plan approval shall be required in accordance with Section 55 of this Code.

10.07 LIMITATIONS ON ACCESSORY USES

Any use which is incidental only to Permitted Uses and which complies with all of the following conditions may be operated as an Accessory Use.

SEE NEXT PAGE FOR 10.07,01

10.07.01 RELATIONSHIP

Is clearly incidental and customary to and commonly associated with the operation of the Permitted Uses.

10.07.02 OWNERSHIP

Is operated and maintained under the same ownership and on the same lot as the Permitted Uses.

10.07.03 CONSISTENCY

Does not include structures or structural features inconsistent with Permitted Uses.

10.07.04 RESIDENTIAL OCCUPANCY

Does not include residential occupancy.

10.07.05 DETACHED STRUCTURES

If operated partially or entirely in detached structures, the gross floor area of such detached structures, shall not exceed ten (10) per cent of the area of the lot.

10.07.06 ATTACHED STRUCTURES

If operated partially or entirely within the structure containing the Permitted Uses, the gross floor area within such structures utilized by Accessory Uses (except garages and off-street loading facilities) shall not be greater than twenty (20) per cent of the gross floor area, but not to exceed three hundred (300) square feet of a single unit dwelling; containing any Permitted Uses other than a single unit dwelling.

10.08 LIMITATIONS ON PERMITTED HOME OCCUPATIONS

Any home occupation in a single dwelling unit may be operated if it complies with the following criteria:

A. There shall not be a separate entrance from outside the building.

B. There shall be no external evidence of operation. The character of the dwelling or the neighborhood shall not be changed. Commercial vehicles shall not be parked on the lot.

C. The use shall be operated solely by the persons maintaining the dwelling. There shall be no employees or regular assistants.

D. Equipment is limited to that normally used for domestic purposes. No equipment shall be used in a home occupation which creates noise, vibration, glare, fumes, or electrical interference off the property. No equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

E. Signs are permitted as per sign regulations (Section 48 of the Zoning Code).

F. The area utilized must not be more than twenty (20) per cent of the gross floor area, but not to exceed three hundred (300) square feet in a single dwelling unit.

G. There shall not be created greater vehicle traffic than would be normal for the district in which it is located.

H. Goods, wares, or merchandise shall not be commercially created, exchanged, stored or sold on the premises.

I. The number of persons coming to the residence shall not exceed four (4) at any one time.

10.08.01 FINDINGS

A Home Occupation Certificate shall be granted when the Director of the Planning and Zoning Department finds that the proposed Home Occupation will not violate any provision of this Code.

10.08.02 APPROVED USE

No substantial deviation from an approved Home Occupation shall be permitted without the approval of the Director of the Planning and Zoning Department. Any deviation without approval is grounds to revoke the Home Occupation Certificate.

10.09 ENVIRONMENTAL RESPONSIBILITY

10.09.01 All developers, contractors, and builders involved in any capacity of construction, whether public or private shall be responsible and liable for correcting erosion damage to contiguous property, roads, street drainage systems, and natural waterways whether caused directly, or indirectly, by their operations.

10.09.02 To prevent or minimize such erosion damages the following requirements shall be followed:

1. Sites, one (1) acre or larger, where stripped of vegetation during site preparation and construction, shall be sown with a cover crop of vegetation in sufficient time to prevent erosion during the winter months.

2. Where necessary to assure that all waters leaving the site during site preparation, construction, and after completion of the project are free of soil, silt, and pollutants indigenous to the project site, the construction of desilting basins shall be required. The Commission may, at its discretion, request the technical advice of the U.S.D.A. Soil Conservation Service or Civil Engineers concerning the feasibility of and type of erosion control structures and desilting methods applicable to particular sites.

10.09.03 All developers, contractors, and builders involved in any capacity of construction, whether public or private for all uses including residential, business, and industrial shall be required to provide air pollution control devices on equipment as approved by the Health Department.

10.09.04 DRAINAGE POLICY

All land development that increases the runoff from any area shall provide for the removal of pollutants and further, shall provide ponding so that the flow into lakes, streams, or ditches shall not be greater than it was originally.

Revised 10/79

SECTION II ESTABLISHMENT OF ZONES

11.01 ZONES
For the purpose of this Code the City of Middletown is hereby divided into the following zones:

R-1 Restricted Residence
R-2 General Residence
R-3 General Residence
R-4 General Residence
B-2 General Business
B-3 Central Business
I-1 Service Industrial
I-2 Restricted Industrial
I-3 Special Industrial
T.D. Transitional Development
C.O. Corporate Office
H.P. Historic Preservation
R.F. Riverfront Recreation
I.D. Institutional Development

11.02 ZONING MAP
The Zoning Map, together with the zones as shown and all the explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Code.

11.02.01 IDENTIFICATION
The official Zoning Map shall be identified by the signature of the Chairman of the Commission , attested by it's Director , and bearing the seal of the Commission under the following words: "This is to certify that this is the Official Zoning Map referred to in Section 11.02 of the Zoning Code of the City of Middletown, Connecticut."

11.02.02 CHANGES
If in accordance with the provisions of this Code and relevant, State Statutes, changes are made in zone boundries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved and adopted by the Commission, with an entry on the Official Zoning Map indicating the date the change became effective. No amendment to this Code which involves matters portrayed on the Official Zoning Map shall become effective until after such change and entry have been made on said map.

11.02.03 NO CHANGES of any nature shall be made in the Official Zoning Map or matter shown thereon, except in conformity with the procedures set forth in Section 71 of this Code.

11.02.04 FINAL AUTHORITY
Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map which shall be located in the office of the Commission , shall be the final authority as to the current zoning status

of land and water areas, buildings, and other structures in the city.

11.03 REPLACEMENT OF OFFICIAL ZONING MAP

In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the Commission may by resolution adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by signature of the Chairman of the Commission, attested by the Planning Director, and bearing the seal of the City under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted on (date),"--unless the prior Official Zoning Map has been lost or has been totally destroyed, the prior map or any significant parts thereof remaining, shall be preserved, together with all available records pertaining to its adoption or amendment.

11.04 RULES FOR INTERPRETATION OF ZONE BOUNDARIES

Where uncertainty exists as to the boundaries of any zone as shown on the Official Zoning Map, the following rules shall apply:

11.04.01 Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines;

11.04.02 Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;

11.04.03 Boundaries indicated as approximately following City limits shall be construed as following such City limits;

11.04.04 Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;

11.04.05 Boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines;

11.04.06 Boundaries indicated as parallel to or extensions of features indicated in subsections 11.04.01 through 11.04.05 above shall be so construed; Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.

11.04.07 Where physical or cultural features existing on the ground are at variance with those shown on the Officiad Zoning Map,

or in other circumstances not covered by subsections 11.04.01 through 11.04.06 above, the Commission shall interpret the zone boundaries;

11.04.08 Where a zone boundary line divides a lot which was in single ownership at the time of passage of this ordinance, the Zoning Board of Appeals may permit, as a special exception, the extension of the regulations for either portion of the lot not to exceed fifty (50) feet beyond the zone line into the remaining portion of the lot.

SECTION 12 SUPPLEMENTARY PROVISIONS

12.01 VISIBILITY AT INTERSECTIONS IN RESIDENTIAL ZONES

On a corner lot in any Residence Zone no planting shall be placed or maintained, and no fence, building wall or other structure other than necessary retaining wall shall be constructed after the effective date of this section, if such planting or structure thereby obstructs vision at any point between a height of two and one-half (2 1/2) feet and a height of ten (10) feet above the upper face of the nearest curb and within the triangular area bounded on two sides by the two street lines, or by projections of such lines to their point of intersection and the third side by a straight line connecting points on such street lines (or their projections), each of which points is twenty-five (25) feet distant from the point of intersection of the two street lines. Poles, posts and guys for street lights and for other utility services and tree trunks, exclusive of leaves and branches, shall not be considered obstructions to vision within the meaning of this provision.

12.02 FENCES, WALLS AND HEDGES

Notwithstanding other provisions of this Code, fences, walls and hedges may be permitted in any required yard, or along the edge of any yard, provided that no fence, wall or hedge along the sides or front edge of any front yard shall be over two and one-half (2 1/2) feet in height.

12.03 ACCESSORY BUILDINGS

No accessory building shall be erected in any required yard, and no separate accessory building shall be erected within five (5) feet of any other building.

12.04 ERECTION OF MORE THAN ONE PRINCIPLE STRUCTURE ON A LOT

Every principle building hereinafter erected shall be located on a lot as herein defined, and except as herein provided, there shall be not more than one (1) single-family dwelling on one (1) lot.

12.05 BUILDABLE LOTS

A buildable lot is a lot which was legally recorded at the time of adoption of this section or which appeared on a preliminary subdivision plat approved by the Planning Commission prior to the adoption of this section and given final subdivision plat approval and filed with the Town Clerk within six (6) months of the adoption of this section and which was a buildable lot under the Zoning Code in effect immediately prior to the adoption of this section. There are no minimum area requirements. The lot must have minimum frontage of fifty (50) feet.

12.06 STRUCTURES TO HAVE ACCESS

Every building hereafter erected or moved shall be on a lot adjacent to a public street, or with access to an

approved private street, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection and required off-street parking.

12.07 DELETED

12.08 BUFFER STRIPS

12.08.01 LOCATIONS AND MINIMUM WIDTH

In any Non-Residential Zone where the premises are occupied by a building or other use and abut a Residential Zone, there shall be a ten (10) foot landscaped buffer strip in addition to any required yards.

12.08.02 BUFFER MATERIALS

The Non-Residential premises shall be screened from the abutting residential area by hedges or coniferous planting having a height of at least four (4) feet at the time of planting; by grading of at least six (6) feet in height; by ornamental fencing at least six (6) feet in height; or by any combination of these as approved by the Commission.

12.08.03 ACCESS THROUGH BUFFER STRIP

A private road, private driveway or other private vehicular way serving a Non-Residential Zone shall not be constructed through a Residential Zone or a buffer strip.

12.09 PARKING, STORAGE OR USE OF MAJOR RECREATIONAL EQUIPMENT

12.09.01 No major recreational equipment shall be parked or stored on any lot in a residential zone except in a carport or enclosed building or behind the nearest portion of a building to a street, provided, however, that such equipment may be parked anywhere on residential premises not to exceed twenty-four (24) hours during loading or unloading. These provisions may be modified by the Commission provided the Commission finds the modification is necessary to make possible the reasonable use of land and that it will not be injurious to the neighborhood or otherwise detrimental to the public welfare. In granting any modification to these provisions, the Commission may prescribe appropriate conditions and safeguards.

12.09.02 No such equipment shall be used for living, sleeping or housekeeping purposes when parked or stored on a residential lot or in any location not approved for such use.

12.10 PARKING AND STORAGE OF CERTAIN VEHICLES

Automotive vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings.

12.11 MULTI-FAMILY STRUCTURES

No multi-family dwelling unit, building or structure shall be erected, constructed, reconstructed, altered or used unless served by both public sanitary sewer and public water.

12.12 PEDESTRIAN WALKS

Sidewalks, or other Commission approved system of pedestrian walks, are required for all development involving new streets and for development associated with existing streets within one mile of an existing school or officially designated future school site. Mile measurement to be along the most direct street to school site.

SECTION 13 EXCEPTIONS AND MODIFICATIONS

13.01 LOTS OF RECORD

13.01.01 DWELLING ON ANY LOT OF RECORD

In any Zone where dwellings are permitted, a single family detached dwelling may be erected on any lot of official record at the effective date of this Code. The lot must have fifty (50) feet of frontage. Other area, yard, and open space requirements must be complied with as nearly as possible, provided that:

13.01.02 MINIMUM YARDS

In no case shall the width of any side yard be less than ten (10) per cent of the width of the lot, and provided, that on a corner lot, the width of the side yard adjoining the side street lot line shall not be less than eight (8) feet or twenty (20) per cent of the frontage, whichever is the greater. In no case shall the depth of the rear yard be less than ten (10) feet. Front, side or rear yard encroachments as specified in subsection 13.03 shall be prohibited in the case of substandard lots of record.

13.02 HEIGHT MODIFICATIONS

13.02.01 HEIGHT LIMITATIONS NOT APPLICABLE

The height limitations stipulated elsewhere in this Code shall not apply to the following:

13.02.02 FARM BUILDINGS, ARCHITECTURAL FEATURES, etc.

Barns, silos, or other farm buildings or structures on farms; to church spires, belfries, cupolas and domes, monuments, water towers, fire and hose towers, observation towers, transmission towers, windmills, chimneys, smokestacks, flagpoles , radio and television towers, masts and aerials; to parapet walls extending not more than four (4) feet above the limiting height of the building.

13.02.03 PLACES OF PUBLIC ASSEMBLY

Places of public assembly in churches, schools and other permitted public and semi-public buildings, provided that these are located on the first floor of such buildings and provided that for each three (3) feet by which the height of such buildings exceeds the maximum height otherwise permitted in the district, its side and rear yards shall be increased in width or depth by an additional foot over the side and rear yards required for the highest building otherwise permitted in the zone.

13.02.04 STRUCTURES

Belfries, chimneys, flagpoles,flues, monuments, radio and television towers, antenna or aerials, spires, tanks, water towers and tanks, air conditioning units or similar roof structures and mechanical appurtenances. No such

roof structure, however, shall have a total area greater than twenty-five (25) per cent of the roof area; nor shall such structure be used for any purpose other than a use incidental to the main use of the building.

13.03 FRONTAGE AND YARD MODIFICATIONS

13.03.01 BUILDINGS ON THROUGH LOTS
Buildings on through lots shall conform to the front yard requirements for each street. In case of reversed frontage an accessory building shall not extend beyond the setback line of the rear street.

13.03.02 FRONTAGE MODIFICATION
In the case of curvilinear streets and cul-de-sacs, the Planning Commission may authorize a reduction of the otherwise specified frontage or lot width in Residential Zones along the front property line, provided that: (a) the lot width at the building line shall equal the frontage or lot width required in the zone where located; (b) the front lot line shall be not less than sixty (60) feet in any event; and (c) such reduction of frontage shall not result in a reduction of the required lot area.

13.03.03 AVERAGE DEPTH OF FRONT YARDS
In any Residential Zone, where the average depth of at least two (2) existing front yards on lots within one hundred (100) feet of the lot in question and within the same block front is less or greater than the least front yard depth prescribed elsewhere in this Code, the required depth of the front yard on such lot shall be modified. In such case, this shall not be less than the average depth of said existing front yards on the two (2) lots immediately adjoining, or, in the case of a corner lot, the depth of the front yard on the lot immediately adjoining; provided, however, that the depth of a front yard on any lot shall be at least ten (10) feet and need not exceed fifty (50) feet.

13.03.04 REAR AND SIDE YARDS-HOW COMPUTED
In computing the depths of a rear yard or the width of a side yard, where the rear or side yard abuts an alley, one-half (1/2) of the width of the alley may be included as a portion of the required rear or side yard, as the case may be.

13.03.05 SIDE YARD MODIFICATIONS
A SIDE YARD INCREASED
Each side yard, where required, shall be increased in width by one (1) inch for each foot by which the length of the side wall of the building, adjacent to the side yard, exceeds fifty (50) feet.
B SIDE YARD VARIED-WALL NOT PARALLEL
Side yard width may be varied where the side wall of a building is not parallel with the side lot line or is

broken or otherwise irregular. In such case the average width of the side yard shall not be less than the otherwise required least width; provided, however, that such side yard shall not be narrower at any point than one-half (1/2) of the otherwise required least width or narrower than three (3) feet in any case.

C SIDE YARD-CORNER LOT
A side yard along the side street lot line of a corner lot, which lot abuts in the rear, either directly or across an alley, the side lot line or another lot in a Residential Zone, shall have a width of not less than one-half (1/2) the required depth of the front yard on such other lot fronting the side street.

13.04 PROJECTION OF ARCHITECTURAL FEATURES
Certain architectural features may project into required yards or courts as follows:

13.04.01 BELT COURSES, SILLS AND LINTELS
Belt courses, sills and lintels may project six (6) inches into front, rear and side yards.

13.04.02 CORNICES, EAVES AND GUTTERS
Cornices, eaves and gutters may project three (3) feet into front and side setback space, and five (5) feet into rear yards.

13.04.03 BAY WINDOWS
Any bay window, entrance, vestibule or balcony, ten (10) feet or less in width, may project not more than three (3) feet into front and rear yards.

13.04.04 FENCES
Fences, up to six (6) feet in height, may be erected along the rear boundary, side boundary (from building line to rear boundary only) and front building line of a lot, and such fences shall not be deemed "structures" or "obstructions" for the purposes of this Code.

13.04.05 STEPS, STOOPS AND PORCHES
Steps and uncovered stoops may extend into any minimum front or rear yard not more than nine (9) feet. On a corner lot having a minimum side yard twenty-five (25) feet or more in width, steps and open uncovered stoops, and porches may extend into such minimum side yard not more than nine (9) feet; but there shall be no encroachment upon the minimum side yard of a corner lot when such yard is less than twenty-five (25) feet in width, nor shall any other minimum side yard be encroached upon by such extensions. Enclosing or roofing of steps and open uncovered stoops, porches and outside open stairways which extend into the minimum required yards is prohibited.

13.04.06 FIRE ESCAPES
Fire escapes may project not more than five (5) feet into front, side or rear yards.

13.04.07 CHIMNEYS

Chimneys in any Residential Zone may project not more than eighteen (18) inches into a front, side or rear yard. Chimneys used as walls shall not be allowed to project into any yard.

13.04.08 BUILDING ACCESSORIES

Building accessories designed and intended to control light entering a building and being a permanent part of such building may project five (5) feet into front yard, ten(10) feet into rear yard and three (3) feet into side yard.

13.04.09 AWNINGS, STORM DOORS, etc.

Building accessories designed and intended to control light entering a building and not being a permanent part of such building, such as summer awnings and winter storm doors and windows, may project five (5) feet into the front yard, ten (10) feet into the rear yard, and three (3) feet into the side yard.

13.04.10 CARPORTS

An open carport without a supporting structural wall or a screen wall, over sixty (60) inches in height, may project into the minimum yards as follows:

(1) Front yard-three (3) feet
(2) Side yard
    (a) To a point not less than twice the minimum side yard requirement from the main building on the adjoining lot, or
    (b) A depth of three (3) feet.

In no event, shall the remaining side yard be less than three (3) feet.

SECTION 14 NON-CONFORMING BUILDINGS AND USES

14.01 INTENT

Within the zones established by the Zoning Code or amendments that may later be adopted there exist

(a) lots,
(b) structures,
(c) uses of land and structures
(d) characteristics of use

which were lawful before this Code was passed or amended, but which would be prohibited, regulated or restricted under the terms of this Code or future amendment. It is the intent of this Code to permit these non-conformities to continue until they are removed, but not to encourage their survival. It is further the intent of this Zoning Code that any enlargement, expansion or structural alteration of non-conformities after the effective date of this ordinance shall be limited and that non-conformities shall not be used as grounds for adding other structures or uses prohibited elsewhere in the same zone.

Non-conforming uses are declared by this Zoning Code to be incompatible with permitted uses in the zones involved; however, non-conforming uses and structures will be permitted to remain. The purpose of regulating them is to restrict further investment in non-conformities which are inappropriate to their location.

To avoid undue hardship, nothing in this Code shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Code and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

14.02 NON-CONFORMING LOTS OF RECORD

In any zone permitting single family dwellings, a single family dwelling may be erected on a lot notwithstanding other provisions of the Zoning Code. The lot must have fifty (50) feet of frontage. This provision applies even though the lot does not meet area or width requirements of the Zone. The lot must conform to all other yard and dimension requirements.

Variance of yard requirements shall be obtained only through action of the Zoning Board of Appeal.

14.03 NON-CONFORMING USES OF LAND (OR LAND WITH MINOR STRUCTURES ONLY)

Where at the time of passage of this Code lawful use of land exists which would not be permitted by the regulations imposed by the Zoning Code, and where such use involves no individual structure with a replacement cost exceeding one thousand ($1,000) dollars, the use may be continued so long as it remains otherwise lawful, provided:

14.03.01 EXPANSION

No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Code, except with the approval of the Commission;

14.03.02 MOVING

No such non-conforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this Code; except with the approval of the Commission;

14.03.03 DISCONTINUANCE

In any such non-conforming use of land ceases for any reason for a period of more than one (1) year, any subsequent use of such land shall conform to the regulations specified by the Zoning Code for the zone in which such land is located;

14.03.04 ADDITIONS

No additional structure not conforming to the requirements of the Zoning Code shall be erected in connection with such non-conforming use of land, except with the approval of the Commission.

14.04 NON-CONFORMING USES OF STRUCTURES OR OF STRUCTURES AND PREMISES IN COMBINATION

If lawful use involving individual structures with a replacement cost of one thousand($1,000) dollars or more, or of structure and premises in combination,

exists at the effective date of adoption or amendment of this Code that would not be allowed in the zone under the terms of this Code, the lawful use may be continued so long as it remains otherwise lawful, including subsequent sales of the property, subject to the following provisions:

14.04.01 EXPANSION
If any existing structure devoted to a use not permitted by this Code in the zone in which it is located is proposed to be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the zone in which it is located, then such enlargement, extension, construction, reconstruction, move or structural alteration shall be approved by the Commission as specified in Section 14.07 of this Code.

14.04.02 LIMITATION
Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Code, but no such use shall be extended to occupy any land outside such building, except with the approval of the Commission.

No expansion of a non-conforming use or structure, or combination thereof, shall exceed the boundaries (premises) than was occupied at the effective date of adoption or amendment of this Code;

14.04.03 CHANGE OF USE
If no structural alterations are made, any non-conforming use of a structure, or structure and premises, may as a special exception be changed to another non-conforming use provided that the Zoning Board of Appeals, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the zone than the existing non-conforming use. In permitting such change, the Zoning Board of Appeals may require appropriate conditions and safeguards in accord with the provisions of the Zoning Code;

14.04.04 CHANGE TO A CONFORMING USE
Any structure, or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the zone, and the non-conforming use may not thereafter be resumed;

14.04.05 DISCONTINUANCE
When a non-conforming use of a structure, or structure and premises in combination, is discontinued or abandoned for twelve (12) consecutive months or for eighteen(18) months during any three (3) year period

(except when government action impedes access to the premises), the structure, or structure and premises in combination, shall not thereafter be used except in conformity with the regulations of the zone in which it is located;

14.04.06 RESTORATION
Where non-conforming use status applies to a structure or to a structure and premises in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land;

14.04.07 MOVING
No non-conforming structure or structure and premises in combination shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this Code, except with the approval of the Commission.

14.05 REPAIRS AND MAINTENANCE
On any non-conforming structure or portion of a structure containing a non-conforming use, work may be done on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, of the non-conforming structure or non-conforming portion of the structure as the case may be, provided that such is approved by the Commission.

If a non-conforming structure or portion of a structure containing a non-conforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the zone in which it is located.

Nothing in the Zoning Code shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official; however, such structural alteration shall in all cases be approved by the Commission.

14.06 USES UNDER SPECIAL EXCEPTION PROVISIONS NOT NON-CONFORMING USES
Any use which is permitted as a special exception in a zone under the terms of this Code (other than a change through the Zoning Board of Appeals action from a non-conforming use to another use not generally permitted in the zone) shall not be deemed a non-conforming use in such district, but shall without further action be considered a conforming use.

14.07 CHANGE OF NON-CONFORMING USE CERTIFICATE

14.07.01 REQUEST FOR CHANGE OF NON-CONFORMING USE

Applications for the grant of Change of Non-Conforming Uses shall be filed with the Commission on forms provided therefor. The applicant shall submit plans and other data required in Section 14.07.02.

14.07.02 SUBMISSION REQUIREMENTS

Each application for Change of Non-Conforming Use shall be submitted to the Commission at least ten (10) days prior to the regularly scheduled meeting of the Commission and shall be accompanied by such fee as required to cover the cost of advertising and sending notices in connection with the application, if required. The applicant shall furnish as part of such application the following:

Site Plan: Four (4) copies at a scale of 1"40' including the following data:

A. Property boundaries and size of property;
B. Names of abutting property owners:
C. Location of existing structure (s) and location of proposed expansion, if any;
D. Driveway entrances and exits;
E. Location and size of parking spaces;
F. Location and size of loading spaces;
G. Location and size of signs;
H. Building elevations and preliminary drawings showing the general type of building proposed for construction;
I. Any other information as may be requested by the Commission.

In addition, the applicant shall provide a written statement with the following information:

A. The existing and proposed usage of the non-conforming structure and premises;
B. Dimensions of existing building and proposed expansion.
C. Age, exterior materials and general structure condition of existing structure;
D. Such other information as may be requested by the Commission.

14.07.03 PUBLIC HEARINGS

In cases where the proposed expansion of a non-conformity does not exceed twenty-five (25) per cent of its cubic volume, at the effective date of this ordinance, the Commission shall not hold a public hearing on the matter unless, in its judgement, the specific circumstances require such action. Any proposed application for an expansion of a non-conforming use in excess of twenty-five(25) per cent of its cubic volume, shall be heard at a public hearing.

14.07.04 COMMISSION ACTION

The Commission shall act on the final plan in accordance with the time limitation specified in the General Statutes.

14.07.05 VIOLATION OF CHANGE OF NON-CONFORMING USE CERTIFICATES

Whenever the Commission shall find, in the case of any Change of Non-Conforming Use granted pursuant to the provisions of this section, that any of the terms, conditions, or restrictions upon which such permit was granted are not being complied with, the Commission may rescind and revoke such permit after giving due notice to all parties concerned. Violation of a Change of Non-Conforming Use shall constitute a violation of the Zoning Code.

14.07.06 GENERAL STANDARDS FOR CHANGE OF NON-CONFORMING USE

A Change of Non-Conforming Use Certificate may be granted when the Commission makes determinations on:

14.07.06.01

CHARACTER OF IMMEDIATE AREA

The proposed expansion will not weaken nearby permitted uses, endanger property values, strengthen other nearby non-conformities, or in any way result in conflict with the immediate area; and

14.07.06.02

ADVERSE EFFECTS

The proposed change will not affect adversely the health and safety of residents or workers in the area and will not be detrimental to the use or development of adjacent properties or the general neighborhood; and

14.07.06.03

TRAFFIC MOVEMENT

The proposed change will not impair the movement of through traffic along the adjoining thoroughfare through congestion and reduction of street capacities or through storage or backup of vehicles in the public right-of-way while awaiting service on the subject site; and

14.07.06.04

ORDERLY DEVELOPMENT

The proposed change will not result in a fragmentation of the development pattern, thereby creating unnecessary additional points of vehicular conflict with the adjoining highway and adversely affecting the orderly development of surrounding neighborhoods; and

14.07.06.05

PROPERTY VALUES AND CHARACTER

The proposed change will not tend to depreciate property values and the character and extent of development of adjoining properties; and

14.07.06.06

PARKING AND LOADING

The proposed change will provide off-street parking and loading facilities in accordance with Section 40 of the Zoning Code; and

14.07.06.07

SIGNS

The proposed change will not result in additional non-conforming signs intended to be seen from off the premises; and

14.07.06.08

ADDITIONAL LAND

The proposed change will not occupy land or premises not occupied at the effective date of adoption or amendment of this Code by the non-conformity; and

14.07.06.09

BUFFERING

The proposed change will not result in any loss of buffering between the subject non-conforming property and lawful adjacent uses.

SECTION 15 PERFORMANCE STANDARDS

15.01 GENERAL REQUIREMENTS

No land or structure in any zone shall be used or occupied in any manner so as to create any dangerous, injurious, noxious, or otherwise objectionable fire, explosive, or other hazard; noise or vibration smoke, dust, odor or other form of air pollution; heat, cold, dampness, electrical or other substance, condition or element; in such a manner or in such quantities and of such characteristics and duration as to be, or likely to be, injurious to public welfare, to the health of human, plant or animal life or to property in the adjoining premises or surrounding area (referred to herein as "dangerous or objectionable elements") provided that any use permitted or not prohibited by this Code may be established and maintained provided it conforms to the provisions of this section.

15.02 EXISTING NON-CONFORMING AND NEW USES

15.02.01 PERFORMANCE STANDARDS - REVIEW

Whenever it is alleged that a use of land or structure creates or is likely to create or otherwise produce dangerous or objectionable elements, the Commission shall make a preliminary investigation of the matter. In the event that the Commission concurs in the allegation that there exists or are likely to be created such dangerous or objectionable elements it shall request the Common Council to authorize the employment of a competent specialist or testing laboratory for the purpose of determining the nature and extent of said dangerous or objectionable elements and of practicable means of remedying such condition.

15.02.02 LOCATION WHERE DETERMINATIONS ARE TO BE MADE FOR ENFORCEMENT OF PERFORMANCE STANDARDS

The determination of the existence of any dangerous and objectionable elements shall be made at the location of the use creating the same and at any points where the existence of such element may be more apparent; provided, however, that the measurements necessary for enforcement of performance standards shall be taken, in any industrial zone at the boundary or boundaries of such zone, or at any point within an adjacent Residential Zone.

15.02.03 ENFORCEMENT

Upon receipt of the findings and recommendations of such specialist or laboratory the Commission may approve, partially approve or disapprove the measure recommended therein and instruct the enforcement official to proceed with the enforcement of said measures in accordance with the provisions of this Code.

15.02.04 COST OF INVESTIGATION, etc.

The City shall bear the costs of various tests, consultant fees or other investigations which are required herein, provided that the owner of the property under

investigation shall reimburse the City for all such expenses in the event that operation or use of said property is found to be in violation of the provisions of this Section by the Commission, or, if contested, by a court of competent jurisdiction. Such reimbursement shall be made within ninety (90) days from the date of the final Commission ruling or court judgement.

15.02.05 CONTINUAL COMPLIANCE
Any use authorized under the provisions of this Section shall comply continually therewith and shall remedy any additional dangerous or objectionable elements which may develop in the course of its operation.

15.03 NEW USES
In addition to the standards herein above stated, every use permitted from the effective date of this Section, unless expressly exempted by this Code, shall be operated in its entirety within a completely enclosed structure or a completely enclosed fence except residential uses and shall comply with the following provisions:

15.03.01 A solid wall, cyclone-type fence or uniformly painted fence or fire-resistant material with a minimum of five (5) feet and maximum of eight (8) feet finished grade (or above roof level or on a roof.)

15.03.02 Required walls or fences shall not encroach into front yard but shall be located no closer to the front lot line than the front building line.

15.03.03 Buffer strips shall be between the wall or fence and the property line.

15.03.04 Such buffer strips, shrubs, trees, walls or fences shall be maintained in good condition at all times.

15.03.05 The exemption of a use from this requirement of enclosure will be indicated by the phrase "need not be inclosed" appearing after any use exempted.

15.03.06 No parking of vehicles shall be allowed within five (5) feet of the front line except in industrial zones only.

SECTION 16 DEFINITIONS

16.00 DEFINITIONS

For the purposes of this Code, certain terms or words used herein shall be interpreted in accordance with this section, unless the context clearly indicates a contrary intent. Unless the context otherwise requires, the following definitions shall be used in the interpretation and construction of the Code. Words used in the present tense shall include the future; the singular number shall include the plural, and the plural the singular; the word "building" shall include the word "structure"; the word "used" shall include "arranged, designed, constructed, altered, converted, rented, leased" or "intended to be used", and the word "shall " is mandatory and not directory; the word "may" is permissive; and the word "lot" includes the words "plot" or "parcel".

16.01 "A"

16.01.01 ACCESSORY USE OR STRUCTURE

A use or structure subordinate to the principal use of a building or to the principal use of land and which is located on the same lot serving a purpose customarily incidental to the use of the principal building or land use.

16.01.02 AGRICULTURE

The use of land for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry and the necessary accessory uses for packing, treating or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of normal agricultural activities and provided further that the above uses shall not include the commercial feeding of garbage or offal to swine and other animals.

16.01.03 AIRPORT

Any runway, landing area or other facility designed, used or intended to be used either publicly or privately by any persons for the landing and taking off of aircraft, including all necessary taxiways, aircraft storage and tie-down areas, hangers and other necessary buildings and open spaces.

16.01.04 AMBULANCE SERVICE

The term "ambulance service" shall have a meaning commonly and usually given to the term and shall also include uses necessarily incident or accessory thereto, except that it shall not permit limousine service.

16.01.05 APARTMENT
A suite of rooms or a room in a multi-family building arranged and intended for a place of residence of a single family or a group of individuals living together as a single housekeeping unit.

16.01.06 APARTMENT, EFFICIENCY
A dwelling unit in a multi-family building, consisting of not more than one (1) habitable room, together with kitchen or kitchenette and sanitary facilities, and having, at least, four hundred (400) square feet of living space per family.

16.01.07 APARTMENT HOTEL
An apartment house which furnishes services for the use of its tenants which are ordinarily furnished by hotels.

16.01.08 APARTMENT HOUSE
See dwelling, Multi-Family.

16.01.09 AUTOMOBILE BODY SHOP
The term "automobile body shop" shall have the meaning commonly and usually given to the term and shall also include uses necessarily incident or accessory thereto.

16.01.10 AUTOMOBILE REPAIR AND SERVICE STATION
Building, lot, or both in or upon which business of general motor vehicle repair and service is conducted,but excluding junk and/or auto wrecking business.

16.01.11 AUTOMOBILE OR TRAILER SALES LOT
A lot arranged, designed, or used for the storage and display for the sale of any motor vehicle or any type of trailer (provided the trailer is not for residential uses) and where no repair work is done, except minor incidental repair of automobiles or trailers displayed and sold on the premises; nor shall it be used for the storage of dismantled or wrecked motor vehicles, parts thereof, or junk.

16.01.12 AUTOMOBILE SERVICE STATION OR FILLING STATION
A building or other structure or a tract of land where gasoline or similar fuel, stored only in underground tanks, is dispensed directly to users of motor vehicles. The following activities are permitted as accessory uses to a gasoline station: the dispensing of oil, greases, anti-freeze, tires, batteries, and automobile accessories directly to users of motor vehicles; tuning motors, minor wheel and brake and adjustment, waxing and polishing and other minor servicing and repair to the extent of installation of the items enumerated above; washing of automobiles provided that no chain conveyor, blower, or other mechanical device is employed. All other activities shall be prohibited, including, but not limited to: upholstering work, auto glass work, tire recapping, auto dismantling and auto sales.

16.01.13 AUTOMOBILE WASH OR AUTOMATIC CAR WASH
A building or structure where chain conveyors, blowers, steam cleaners and other mechanical devices are employed for the purpose of washing motor vehicles.

16.01.14 AUTOMOBILE WRECKING
The dismantling or dissassembling of used motor vehicles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

16.02 "B"

16.02.01 BASEMENT
A story whose floor is more than twelve (12) inches but not more than half of its story height below the average level of the adjoining ground (as distinguished from a "celler" which is a story more than one-half below such level.)

16.02.02 BEGINNING OF CONSTRUCTION
The incorporation of labor and material within the walls of the building or buildings.

16.02.03 NONE

16.02.04 BLOCK
In describing the boundaries of a zone, the word "block" refers to the legal description. In all other cases, the word "block" refers to the property abutting on one side of a street between two (2) intersecting streets or a street and a railroad right-of-way or watercourse.

16.02.05 BOARD
The Zoning Board of Appeals of the City of Middletown.

16.02.06 BOARDING OR LODGING HOUSE
A dwelling or part thereof where meals and/or lodging are provided for compensation, for four (4) or more persons not transients, but not exceeding twelve (12) persons. An establishment where meals are served for compensation for more than twelve (12) persons shall be deemed a restaurant.

16.02.07 BUFFER
A strip of land which is planted and maintained in shrubs, bushes, trees, grass or other landscaping materials and within which no structure or building is permitted except a fence.

16.02.08 BUILDING
Any structure having a roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals or property. When such a structure is divided into separate parts by one or more unpierced walls extending from the ground up, each part is deemed a separate building, except as regards minimum sideyard requirements, as hereinafter provided.

16.02.09 BUILDING ACCESSORY
A building located on the same lot as a principal building and devoted or intended to be devoted to an accessory use. Any portion of a principal building devoted or intended to be devoted to an accessory use is not an accessory building.

16.02.10 BUILDING, PRINCIPAL OR MAIN
A building in which is conducted, or is intended to be conducted, the principal use of the lot on which it is located.

16.02.11 BUILDING COVERAGE
The proportion of the lot area, expressed as a per cent, that is covered by the maximum horizontal cross-section of a building or buildings. Structures which are below the finished lot grade, including shelters for nuclear fall-out, shall not be included in building coverage.

16.02.12 BUILDING, HEIGHT OF
The vertical distance from the average contact ground level at the front wall of the building to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip, or gambrel roofs.

16.02.13 BUILDING LINE
The line beyond which no building or part thereof shall project, except as otherwise provided by this Code.

16.02.14 BUILDABLE LOT AREA
That part of the lot not included within the open areas required by this Code.

16.03 "C"

16.03.01 CARE/NURSING HOME
A facility designed for the care of patients before they are released from medical treatment. It includes rest and nursing homes, convalescent homes and boarding homes for the aged established to render domiciliary or nursing care.

16.03.02 CELLER
A story, the floor of which is more than one-half (1/2) of its story height below the average contact ground level at the exterior walls of the building. A cellar shall be counted as a story, for the purpose of height regulations, only if used for dwelling purposes other than by a janitor or caretaker employed on the premises.

16.03.03 CEMETERY
Land used or intended to be used for the burial of the human dead and dedicated for cemetery purposes including columbaria crematories, mausoleums, and mortuaries if operated in connection with, and within the boundaries of such cemetery.

16.03.04 CITY
The incorporated City of Middletown, Connecticut.

16.03.05 CLINIC
A place used for the care, diagnosis and treatment of sick, ailing, infirm and injured persons and those who are in need of medical or surgical attention, but who are not provided with board or room nor kept overnight on the premises.

16.03.06 CLUB
A non-profit association of persons who are bona fide members paying regular dues, and are organized for some common purpose, but not including a group organized solely or primarily to render a service customarily carried on as a commercial enterprise.

16.03.07 COMMISSION
Planning and Zoning Commission of the City of Middletown.

16.03.08 COMMUNITY RESIDENTIAL TREATMENT FACILITY
A facility providing care, rehabilitation, and supportive services in an organized program to patients/clients residing on the premises. Included are programs using a family like setting as a therapeutic method.

16.03.09 COUNCIL
The Common Council of the City of Middletown.

16.03.10 COURT
An open unoccupied and unobstructed space, other than a yard, on the same lot with a building or group of buildings, which is enclosed on three (3) or more sides.

16.03.11 CHURCHES
Churches (including synagogues): institutions of an established religion for worship in public assembly and activities customarily incidental to such worship.

16.03.12 CHILD CARE FACILITIES
Care, supervision, and guidance of five (5) or more children unaccompanied by a parent or guardian, for periods of less than twenty-four (24) hours per day.

16.04 "D"

16.04.01 DENTAL CLINIC BUILDING
An establishment where patients are accepted for special study and treatment by a group of dentists practicing dentistry together.

16.04.02 NONE

16.04.03 DORMITORY
A building or part of a building operated by or for an institution and containing a room or rooms forming one or more habitable units which are used or intended to be used by residents of the institution.

16.04.04 DRIVE-IN RETAIL OR SERVICE ESTABLISHMENTS
Any form of merchandising, servicing or dispensing of goods in which the customer is serviced while sitting in his automobile, or consumes within a parked vehicle on the same lot the goods or service which have been purchased, or awaits at the site for immediate servicing of a vehicle.

16.04.05 DUMP
Any premises used primarily for disposal by abandonment, discarding dumping, reduction, burial, incineration, or any other means and for whatever purpose of garbage, trash, refuse, waste materials of any kind, junk, discarded machinery, vehicles or parts thereof, but not for raw or untreated sewage or animal waste.

16.04.06 DWELLING
A building arranged and designed for permanent location for the purpose of living and sleeping.

16.04.07 DWELLING, SINGLE-FAMILY
A building designed for or used exclusively for residence purposes by one (1) family or housekeeping unit having, at least, seven hundred fifty (750) square feet of living space.

16.04.08 DWELLING, TWO-FAMILY
A building designed for or used exclusively by two (2) families or housekeeping units having, at least, seven hundred fifty (750) square feet of living space per family.

16.04.09 DWELLING, MULTI-FAMILY
A building or portion thereof designed for or used by three (3) or more families or housekeeping units having, at least, five hundred (500) square feet of living space per family.

16.04.10 DWELLING UNIT
One room, or a suite of two (2) or more rooms, designed for or used by one (1) family for living and sleeping purposes and having only one (1) kitchen or kitchenette.

16.04.11 DWELLING GROUP
A group of two or more detached dwellings located on a parcel of land in one ownership and having any yard or court in common.

16.04.12 DWELLING, ROW (TOWN) HOUSE
A building designed for or occupied by three(3) or more families, living independently of each other, in units arranged in a row having party walls in common, with one family living on either side of a party wall.

16.05 "E"

16.05.01 ESSENTIAL SERVICES
The erection, construction, alteration or maintenance, by public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith; reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings.

16.05.02 ELEEMOSYNARY OR PHILANTHROPIC INSTITUTION
A private, non-profit organization which is not organized or operated for the purpose of carrying on a trade or business, no part of the net earnings of which inures to the benefit of any member of said organization or individual, and which either (a) provides volunteer aid to the sick and wounded of the armed forces in time of war and national relief in case of great national calamities, or (b) provides any of the following : religious, social, physical, recreational, and benevolent services.

16.06 "F"

16.06.01 FAMILY
An individual, or two (2) or more persons related by blood or marriage, or a group of not more than (5) persons (excluding servants) not related by blood or marriage, living together as a single housekeeping group in a dwelling unit.

16.06.02 FRONTAGE
All the property abutting one side of a street between intersecting or intercepting streets, or between a street and a right-of-way, water-way end of a dead-end street; or city street shall determine only the boundary or the frontage on the side of the street which it intercepts.

16.06.03 FRONTAGE, WHERE MEASURED
The frontage of a lot shall be measured along the front property line, but may be modified in the case of curvilinear streets in accordance with subsection 13.03.02.

16.07 "G"

16.07.01 GARAGE, PRIVATE
A detached accessory building or a portion of the principal building used only for the storage of self-propelled passenger vehicles or trailers by the family or families

resident upon the premises. A carport or carporch shall be construed to be a private garage.

16.07.02 GARAGE, PUBLIC
A structure or portion thereof, other than a private garage, used for the storage, sale, hire, care, repair or refinishing, of self-propelled vehicles or trailers.

16.07.03 GARDEN APARTMENT BUILDING
A building, formed by two (2) or more attached and/or semi-detached dwellings and having a total of four (4) or more dwelling units, which has no main central hallway and rises to no more than three (3) stories.

16.07.04 GRADE
The average elevation of the finished ground level of a structure.

16.08 "H"

16.08.01 HOME OCCUPATION
A business, trade, or profession conducted entirely within a single dwelling unit, by a member or members of the household. The use is incidental to the residential use of the dwelling.

16.08.02 HOSPITAL
A building or portion thereof used for the accommodation of sick, injured or infirm persons, including sanatoriums.

16.08.03 HOTEL
Any building or group of buildings not less than two (2) stories in height which contains a public dining room, a public lobby and twenty (20) or more guest rooms which are designed or intended to be used, let or hired out for compensation paid directly or indirectly, excluding a fraternity or sorority house, school or college dormitory, tourist home or motel.

16.08.04 HOUSING FOR ELDERLY
Dwelling units designated to be occupied exclusively by persons who meet Federally established criteria as being elderly. Others may occupy units to provide management and maintenance for the units and site or care and companionship for the elderly.

16.09 "I"

16.09.01 INDUSTRY
Storage, repair, manufacture, preparation or treatment of any article, substance or commodity for commercial use.

16.10 "J"

16.10.01 JUNK OR SALVAGE YARD
A place where waste, discarded or salvaged materials are bought, sold, exchanged, baled, packed, disassembled or handled, including auto wrecking yards, house wrecking yards, used lumber yards and places or yards for storage of salvaged house wrecking and structural steel materials and equipment; but not including such places where such uses are conducted entirely within a completely enclosed building, and not including pawn shops and establishments for the sale, purchase or storage of used furniture and household equipment, used cars in operable condition, or salvaged materials incidental to manufacturing operations.

16.11 "K"

16.11.01 KENNEL
Any structure or premises on which five (5) or more dogs over four (4) months of age are kept for commercial purposes.

16.11.02 KITCHEN
Any room in a building or dwelling unit which is used for cooking or the preparation of food.

16.12 "L"

16.12.01 LOADING SPACE
An off-street space or berth on the same lot with a building or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley or other appropriate means of access.

16.12.02 LOT
A parcel of land occupied or to be occupied by a building or structure and its accessory buildings or uses, or by group dwellings and their accessory buildings or uses, together with such open spaces as are required under the provisions of this Code, having at least the minimum areas required by this Code for a lot in the zone in which such lot is situated and having its principal frontage on a public street or public way. (This provision shall not apply to public or quasi-public institutions.) The term "record lot" means the land designated as a separate and distinct parcel of land on a legally recorded subdivision plat or in a legally recorded deed filed among the land records of the City of Middletown. A parcel of land in the same ownership or any part thereof designated by its owner or owners as a separate lot. There is a minimum frontage requirement of fifty (50) feet for single family dwellings in zones which permit single family dwellings.

16.12.03 LOT, CORNER
A lot abutting upon two (2) or more streets at their intersection or upon two (2) parts of the same street, such streets or parts of the same street forming an

interior angle of less than one hundred thirty-five (135) degrees. The point of intersection of the street lines is the "corner".

16.12.04 LOT INTERIOR
A lot other than a corner lot.

16.12.05 LOT, DEPTH
The mean horizontal distance between the front and the rear lot lines.

16.12.06 LOT LINES
The property lines bounding the lot.

16.12.07 LOT LINES, FRONT
The line separating the lot from the street on which it fronts.

16.12.08 LOT LINES, REAR
The lot line opposite and most distant from the front lot line.

16.12.09 LOT LINE SIDE
Any lot line other than front or rear lot line. A side lot line separating a lot from a street is called a side street lot line. A side lot line separating a lot from another lot or lots is called an interior side lot line.

16.12.10 LOT LINE, STREET OR ALLEY
A lot line separating the lot from a street or alley.

16.12.11 LOT WIDTH
The mean width of the lot measured at right angles to its depth.

16.12.12 LOT AREA
The computed area contained within the lot lines.

16.12.13 LOT AREA per DWELLING UNIT
That portion of the lot area required for each dwelling unit located on a lot.

16.12.14 LOT, THROUGH
A lot having frontage on two parallel or approximately parallel streets.

16.13 "M"

16.13.01 MINERAL
Any chemical compound occurring naturally as a product of inorganic processes.

16.13.02 MEDICAL CLINIC BUILDING
An establishment where patients are accepted for special study and treatment by a group of physicians practicing medicine together.

16.13.03 MOTEL OR MOTOR HOTEL
A series of attached, semi-attached or detached sleeping or living units, for the accommodation of automobile transient guests not including individual cooking or kitchen facilities, said units having convenient access to off-street parking spaces, for the exclusive use of the guests or occupants.

16.14 "N"

16.14.01 NON-CONFORMING USE
A building, structure or premises legally existing and/or used at the time of adoption of this Code, or any amendment thereto, and which does not conform with the use regulations of the district in which located. Any such building, structure, premises conforming in respect to use but not in respect to height, area, yards or courts, or distance requirements from more restricted districts or uses, shall not be considered a non-conforming use.

16.15 "O"

16.15.01 OUTLOT
A parcel of land which has not been included on a recorded plat as a numbered lot due to insufficient size or frontage, poor topography, lack of accessibility or other comparable reasons. No building or structure shall be constructed on an outlot so long as such conditions exist.

ALSO SEE USEABLE OPEN SPACE.

16.16 "P"

16.16.01 PARKING AREA, PRIVATE
An open area for the same uses as a private garage.

16.16.02 PARKING LOT, COMMERCIAL
A lot or portion thereof, other than an automobile sales lot, held out or used for the storage or parking of six (6) or more motor vehicles for a consideration, where service or repair facilities are not permitted. Such parking lot shall not be considered an accessory use; nor shall it be used for the storage of dismantled or wrecked motor vehicles, parts thereof, or junk.

16.16.03 PARKING AREA, PUBLIC
An open area, other than a street or other public way

used for the parking of automobiles and available to the public whether for a fee, free or as an accommodation for clients or customers.

16.16.04 PARKING SPACE
A permanently surfaced area of not less than one hundred eighty (180) square feet, either within a structure or in the open, exclusive of driveways or access drivers, for the parking of motor vehicles.

16.16.05 PERCENTAGE OF LOT COVERAGE
The percentage of "lot area" which may be covered by buildings, including covered porches and accessory buildings.

16.16.06 PERFORMANCE, STANDARD
A criterion established in the interest of protecting the public health and safety for the control of noise, odor, smoke, noxious gases and other objectionable or dangerous elements generated by and inherent in or incidental to land uses.

16.16.07 PROFESSION
The term "profession" shall mean but not be limited to the following occupations: accountancy, architecture, art, chiropody, chiropractics, city planning, dentistry, electrology, engineering, healing arts, industrial design, insurance brokerage, law, medicine, music, optometry, osteopathy, pharmacy, real estate brokerage, science, teaching and theology.

16.16.08 PROFESSIONAL OFFICE
Rooms or buildings used for office purposes by members of any recognized profession, but not including medical or dental clinics.

16.17 "Q"

16.18 "R"

16.18.01 RESIDENTIAL PRINCIPAL BUILDING
Any building containing one or more dwelling units, excluding residential accessory building for domestic servants and caretakers employed on the premises and for occasional gratuitous guests.

16.18.02 RETAIL PACKAGE STORE PERMIT
Shall mean any permit which may be issued by the Liquor Control Commission of the State of Connecticut under Section 30-15 (c) (1) of the General Statutes of the State of Connecticut, Revision of 1958, as amended.

16.18.03 ROOMING HOUSE
A structure licensed by the Middletown Health Department as a rooming house per Housing Code Regulations.

16.19 "S"

16.19.01 NONE

16.19.02 SHOPPING CENTER
A group of commercial establishments planned developed and managed as a unit with off-street parking provided on the property and related in location, size and type of shops to the trade area that the unit serves.

16.19.03 SPECIAL EXCEPTION
A special exception is a use that would not be appropriate generally or without restriction throughout the zoning district but which is controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in such zoning district as special exception, if specific provision for such special exceptions is made in this Zoning Code.

16.19.04 STORY
That portion of a building, included between the surface of any floor and the surface of the floor next above it, or, if there be no floor above it, then the space between the floor and the ceiling next above it.

16.19.05 STORY, HALF
A partial story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls or not more than four (4) feet above the floor of such story; provided, however, that any partial story used for residence purposes, other than for a janitor or caretaker and his family, shall be deemed a full story.

16.19.06 STORY, FIRST
The lowest story or the ground story of any building, the floor of which is not more than twelve (12) inches below the average contact ground level at the exterior walls of the building except that any basement or cellar used for residence purposes, other than for a janitor or caretaker or his family, shall be deemed the first story.

16.19.07 STORY, MEZZANINE
A story, which covers one-third (1/3) or less of the area of the story directly underneath it. A mezzanine story shall be deemed a full story in case it covers more than one-third (1/3) of the area of the story directly under-

neath said mezzanine story.

16.19.08 STREET
A public right-of-way which provides a public means of access to abutting property. The term "street" shall include avenue, drive, circle, road, parkway, boulevard, highway, thoroughfare, or any other similar term.

16.19.09 STRUCTURE
Anything constructed, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground.

16.19.10 STRUCTURAL ALTERATION
Any change in the structural members of a building, such as walls, columns, beams or girders.

16.19.11 SWIMMING POOL
As regulated by this Code, shall be any pool, pond, lake or open tank, not located within a completely enclosed building, but specifically excluding municipally owned and operated pools, and containing or normally capable of containing water to a depth at any point greater than one and one-half (1 1/2) feet used for swimming.

16.20 "T"

16.20.01 TOURIST HOME
A building or part thereof, other than a hotel, boarding house, lodging house or motel, where lodging is provided by a resident family in its home for compensation, mainly for transients.

16.20.02 TRAILER OR MOBILE HOME (INCLUDING AUTOMOBILE TRAILER, TRAILER COACH, HOUSE TRAILER OR MOBILE HOME)
Any vehicle or structure constructed in such a manner as to permit occupancy thereof as sleeping quarters or the conduct of any business, trade or occupation or use as a selling or advertising device, or use for storage or conveyance for goods, equipment, or machinery, and so designed that it is or may be mounted on wheels and used as a conveyance on highways and streets, propelled or drawn by its own or other motor power.

16.21 "U"

16.21.01 USABLE OPEN SPACE
Space on a lot that is: (a) unoccupied by principal or accessory buildings above the finished lot grade, (b) unobstructed to the sky, (c) not devoted to service driveways or off-street parking or loading, (d) devoted to landscaping, drying yards, recreation space and other like uses, and (e) available in the same proportion to all occupants of the building or building on the lot. In addition, up to half the required usable open space of any dwelling unit may be made up of space on exterior balconies and roofs that is designed for the purposes

stated in (d).

16.21.02 USE
The principal purpose for which a lot or the main building thereon is designed, arranged or intended and for which it is or may be used, occupied or maintained.

16.21.03 USE, ACCESSORY
A use of a building, lot or portion thereof, which is customarily incidental and subordinate to the principal use of the main building or lot.

16.21.04 USE, PERMITTED
A use which is permitted outright in a zone in accordance with Sections 60 or 61.

16.22 "V"

16.22.01 VARIANCE
A variance is a relaxation of the terms of the Zoning Code where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this Code would result in unnecessary and undue hardship. As used in this Code, a variance is authorized only for height, area, and size of structure or size of yards and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of non-conformities in the zoning district or uses in an adjoining zoning district.

16.23 "W"

16.23.01 WALKING DISTANCE
The distance between an outside entrance to a building or part thereof or to an outdoor use, and a parking space assigned to such building, part thereof, or outdoor use, along the shortest, most convenient pedestrian walkway open to the user or users of such parking space.

16.24 "X"

16.25 "Y"

16.25.01 YARD
An open space other than a court, on a lot, unoccupied and unobstructed from the ground upward except as otherwise provided in this Code.

16.25.02 YARD, FRONT
A yard extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and a line parallel thereto on the lot.

16.25.03 YARD, FRONT-HOW MEASURED
Such depth shall be measured from the right-of-way line of the existing street on which the lot fronts (the front lot line.)

16.25.04 YARD, REAR
A yard extending across the full width of the lot, the depth of which is the minimum distance between the rear lot line and a line parallel thereto on the lot.

16.25.05 YARD, SIDE
A yard extending from the front yard to the rear yard, the width of which is the minimum horizontal distance between the side lot line and a line parallel thereto on the lot.

16.25.06 SIDE YARD, LEAST WIDTH-HOW MEASURED
Such width shall be measured from the nearest side lot line and in case the nearest side lot line is a side street lot line, from the right-of-way line of the existing street. Corner lots shall provide a side yard to the side abutting the street equal to the average front yards of structures fronting on that side street, but in no case shall the side yard be less than the required front yard of the zone in which the lot is located.

16.26 "Z"

16.26.01 ZONE
An area within which certain uses of land and buildings are permitted and certain others are prohibited; yards and other open spaces are required; lot areas, building height limits, and other requirements are established; all of the foregoing being identical for the zone in which they apply.

16.26.02 NONE

16.26.03 NONE

16.26.04 ZONING COMMISSION
Planning and Zoning Commission of the City of Middletown.

16.26.05 ZONING MAP
The Zoning Map or Maps of the City of Middletown.

ARTICLE II RESIDENCE ZONES

SECTION 21 R-1 RESTRICTED RESIDENCE ZONE

21.00 DESCRIPTION OF ZONE

This zone is composed of certain land so situated as to be suitable for a certain quiet low density residential area. Accordingly, the regulations for this zone are designed to stabilize and protect the essential characteristics of the zone, to promote and encourage a suitable environment for family life and to provide certain enumerated non-residential activities that make a complete neighborhood. To these ends development is limited to a relatively low concentration and permitted uses are limited basically to single detached dwelling units plus certain additional uses such as schools, churches, park lands and certain non-residents of the zone plus public institutions.

21.01 USES

No land shall be used or occupied and no structure shall be erected, constructed, reconstructed, altered or used, except for any use which is indicated in the R-1 columns of the Use Schedule, Section 60 of this Zoning Code and shall be subject to such provisions as referred to in that column.

21.02 HEIGHT

The maximum height shall not exceed three and one-half (3 1/2) stories.

21.03 LOT AREA, WIDTH AND YARD REQUIREMENTS

The following minimum requirements shall apply:

USE	Minimum Lot Area (sq. ft.)	Lot Width	Front Yard	Side Yards Least Width	Side Yards Sum of Widths	Rear Yard
DWELLINGS						
with S&W	15,000	100ft.	25ft.	10ft.	30ft.	30ft.
with SorW	20,000	100ft.	25ft.	10ft.	30ft.	30ft.
without S&W	40,000	200ft.	25ft.	10ft.	30ft.	30ft.
other permitted uses	20,000	100ft.	25ft.	10ft.	30ft.	30ft.

NOTE: S above means Public Sanitary Sewer
W above means Public Water

The requirements for lots with neither water and/or sewer facilities shall apply to all zones which permit detached single family dwellings and further, the requirements for lots without public sewer or water

facilities for 200 ft. of width may be modified by the Commission if: (a) only one residential building lot is proposed, (b) the lot area is one acre or more, (c) the lot is the final lot that could be established from a larger parcel, and (d) any other lots established from the parcel met or will meet frontage requirements.

21.04 LOT COVERAGE

Each main building or structure hereafter erected, together with its accessory buildings or structures; shall not cover more than twenty-five (25) per cent of the net lot area.

21.05 OFF-STREET PARKING AND OFF-STREET LOADING REQUIREMENTS

Off-street parking and off-street loading shall be provided in connection with any use in this zone in accordance with the provisions of Section 40.

SECTION 22 R-2 GENERAL RESIDENCE ZONE

22.00 DESCRIPTION OF ZONE

This zone is composed of certain land so situated as to be suitable for low density multi-family dwellings of various types. Accordingly, the use of the land and buildings within these areas is limited in general to about eight (8) dwelling units per acre and to such non-residential uses as generally support and harmonize with a low density area. To these ends, development is limited to low concentration, and uses are typically two-family, row house and town house, providing homes for the residents plus certain additional uses such as parks, certain public facilities which serve the residents of the zone.

22.01 USES

No land shall be used or occupied and no structure shall be erected, constructed, reconstructed, altered or used, except for any use which is indicated in the R-2 column of the Use Schedule, Section 60 of this Zoning Code; and shall be subject to such provisions as referred to in that column.

22.02 HEIGHT

The maximum height shall not exceed three and one-half (3 1/2) stories unless it sets back from each street and lot line in addition to yard requirements, one (1) foot for each one (1) foot of excess height; however, in no case shall the height exceed eight (8) stories in height.

22.03 LOT AREA, WIDTH AND YARD REQUIREMENTS

The following minimum requirements shall apply:

USE	NET LOT AREA (sq. ft.	LOT WIDTH	FRONT YARD	SIDE YARD	REAR YARD
DWELLINGS	10,000	75ft.	25ft.	8ft.	30ft.

There shall be at least the following square feet of net lot area for each dwelling unit (D.U.):

1 family dwelling. . . . . .10,000sq. ft. /D.U.
2 family dwelling. . . . . 7,500sq. ft. /D.U.
Multi-family dwelling. . . . . 5,000sq. ft. /D.U.

Other permitted uses	15,000	100ft.	50ft.	8ft.	30ft.

22.04 LOT COVERAGE

Each main building or structure hereafter erected together with its accessory buildings or structures, shall not cover more than twenty-five (25) per cent of the net area of the lot.

22.05 OFF-STREET PARKING AND OFF-STREET LOADING REQUIREMENTS

Off-street parking and off-street loading shall be provided in connection with any use in this zone in accordance with the provisions of Section 40.

22.06 BUFFER AREA

Whenever a lot in this zone adjoins a lot in a R-1 residential zone, there shall be a sixty (60) foot buffer area in addition to the required yard or yards and a buffer strip, as provided in subsection 12.08 of this Code.

SECTION 23 R-3 GENERAL RESIDENCE ZONE

23.00 DESCRIPTION OF ZONE

This zone is composed of certain land so situated as to be suitable for certain low density multi-family dwellings of various types that have been predominantly developed for low density multi-family dwellings. Accordingly, the use of the land and buildings within these areas is limited in general to about twenty (20) dwelling units per acre and to such non-residential uses as generally support and harmonize with a middle density area. To these ends development is limited to a medium concentration of two and three-story detached, semi-detached houses, row houses and garden apartments providing homes for the residents plus certain additional uses such as parks, certain public facilities and non-residential facilities which serve the residents of the zone.

23.01 USES

No land shall be used or occupied and no structure shall be erected, constructed, reconstructed, altered or used except for any use which is indicated in the R-3 column of the Use Schedule, Section 60 of the Zoning Code, and shall be subject to such provisions as referred to in that column.

23.02 HEIGHT

The maximum height shall not exceed three and one-half (3 1/2) stories unless it sets back from each street and lot line in addition to yard requirements, one (1) foot for each one (1) foot of excess height; however, in no case shall the height exceed eight (8) stories in height.

23.03 LOT AREA, WIDTH AND YARD REQUIREMENTS

The following minimum requirements shall apply:

USE	MINIMUM LOT AREA (sq. ft.)	LOT WIDTH	FRONT YARD	SIDE YARD	REAR YARD
DWELLINGS	10,000	75ft.	25ft.	6ft.	30ft.
Other permitted uses	15,000	100ft.	25ft.	6ft.	30ft.

There shall be at least the following square feet of net lot area for each dwelling unit (D.U.)

1 family dwelling.....10,000 sq.ft./D.U.
2 family dwelling.....5,000 sq.ft./D.U.
Multi-family dwelling.....2,000 sq.ft./D.U.
Dormitories.....700 sq.ft.per-person

23.04 LOT COVERAGE

Each main building or structure hereafter erected, together with its accessory buildings or structures, shall not cover more than twenty-five (25) per cent of the net lot area.

23.05 OFF-STREET PARKING AND OFF-STREET LOADING REQUIREMENTS

Off-street parking and off-street loading shall be provided in connection with any use in this zone in accordance with provisions of Section 40.

23.06 BUFFER AREA

Whenever a lot in this zone adjoins a lot in a R-1 residential zone, there shall be a sixty (60) foot buffer area in addition to the required yard or yards and a buffer strip, as provided in subsection 12.08 of this Code.

SECTION 24 R-4 GENERAL RESIDENCE ZONE

24.00 DESCRIPTION OF ZONE

This zone is composed of land around the Central Business Zone suitable for high density multi-family dwellings of various types. The use of the land and buildings is limited to about forty (40) dwelling units per acre and to such non-residential uses as support and harmonize with a high density area. Development is limited to higher concentrations of row houses, garden apartments and multi-story apartments
plus additional uses such as parks, public facilities and non-residential facilities serving residents of the zone and, in certain cases, residents outside the zone.

24.01 USES

No land shall be used or occupied and no structure shall be erected, constructed, reconstructed, altered or used, except for any use which is indicated in the R-4 column of the Use Schedule, Section 60 of the Zoning Code, and shall be subject to such provisions as referred to in that column.

24.02 HEIGHT

The maximum height shall not exceed ten (10) stories.

24.03 LOT AREA, WIDTH AND YARD REQUIREMENTS

The following minimum requirements shall apply:

USE	MINIMUM LOT AREA (sq. ft.)	LOT WIDTH	FRONT YARD	SIDE YARD	REAR YARD
DWELLINGS	10,000	75ft.	25ft.	6ft.	20ft.

There shall be at least the following square feet of net lot area for each dwelling unit (D.U.):

multi-family.....1,100 sq. ft. /D.U.
elderly housing dwelling..... 725 sq. ft. /D.U.
dormitories..... 435 sq. ft. / per-person

OTHER PERMITTED USES					
	15,000	100ft.	25ft.	6ft.	30ft.

24.04 LOT COVERAGE

Not more than thirty (30) per cent of net lot area.

24.05 OFF-STREET PARKING AND OFF-STREET LOADING REQUIREMENTS

As required by Section 40. Off-street parking shall be provided in an enclosed structure or be screened from the street by means of material described in Section 12.08.02 of this Zoning Code. Twenty-five (25) per cent of required parking may be on the surface and be located to accommodate temporary and occasional deliveries and other short term needs.

ARTICLE III NON-RESIDENCE ZONES

SECTION 30 INSTITUTIONAL DEVELOPMENT ZONE

30.01 DESCRIPTION OF ZONE
The zone is designed for development of institutional complexes.

30.02 USES
Permitted land uses in the zones shall be limited to governmental, health, charitable, and religious institutions. An institution is an organization, establishment or foundation or society devoted to the promotion of government, health, educational, charitable or religious objectives and includes its buildings. The facility should be compatible with its setting in scale and design.

30.03 HEIGHT
The maximum building height is ten (10) stories.

30.04 LOT COVERAGE, LOT AREA, WIDTH AND YARD REQUIREMENTS
Where institutional uses extend to several parcels, individual lot requirements are eliminated. Other parcels must meet the requirements of R-4 Zones.

30.05 OFF-STREET PARKING AND OFF-STREET LOADING REQUIREMENTS
Off-street parking and off-street loading shall be provided in accordance with Section 40 of this Zoning Code.

30.06 SIGNS
Identifying graphics, or signs, shall be limited in accordance with requirements of Section 49 of this Zoning Code.

SECTION 31 RIVERFRONT RECREATION ZONE

31.00 LOCATION AND DESCRIPTION OF THE RF ZONE

This zone is composed of the Connecticut River and the strip of land paralleling the river from the northern (at Wilcox Island) to southern municipal boundary. The northern, eastern and southerly boundary is the municipal line. The western boundary, at the northerly end, is the railroad track which parallels State Highway 9. At the location the R.R. track passes under Route 9, the flood plain line becomes the boundary line continuing to the southern municipal boundary.

31.01 USES

Permitted uses are limited to water oriented and other recreational uses and those uses permitted in the Flood Plain Land Regulations (Section 46.)

31.02 HEIGHT

The maximum height of any new structure in this zone shall not exceed twenty (20) feet.

31.03 LOT AREA, WIDTH AND YARD REQUIREMENTS

LOT AREA	LOT WIDTH	YARDS
No min.	100 feet	No min.

31.04 LOT COVERAGE

Thirty per cent (30%) of lot area.

31.05 OFF-STREET PARKING AND OFF-STREET LOADING REQUIREMENTS

In accordance with Section 40 of this Zoning Code.

SECTION 32 B-2 GENERAL BUSINESS ZONE

32.00 DESCRIPTION OF ZONE

This zone is composed of certain land along the main highways. This zone comprises certain land and structures used not only to provide the residents of this community with retailing and personal services, but to extend these services to the surrounding rural areas. Accordingly, these regulations are designed to permit retail development, limited by standards designed to protect the abutting or surrounding residential zones. To these ends, the regulations establish standards retaining such intensity of use and concentration of vehicles as is compatible with the function of this zone.

32.01 USES

No land shall be used or occupied and no structure shall be erected, constructed, reconstructed, altered or used, except for any use which is indicated in the B-2 column of the Use Schedule, Section 61 of this Zoning Code, and shall be subject to such provisions as referred to in that column.

32.02 HEIGHT

The maximum height in the B-2 zone shall not exceed three and one-half (3 1/2) stories.

32.03 LOT AREA, WIDTH AND YARD REQUIREMENTS

The following minimum requirements shall apply:

NET LOT AREA	LOT FRONTAGE	FRONT YARD	SIDE YARD LEAST WIDTH	SUM OF WIDTHS	REAR YARD
NONE	50ft. (See footnote #1)	50ft.	NONE	10ft.	10ft.

32.04 LOT COVERAGE

Each main building or structure hereafter erected, together with its accessory buildings or structures, shall not cover more than thirty percent (30%) of the net lot area.

32.05 OFF-STREET PARKING AND OFF-STREET LOADING REQUIREMENTS

Off-street parking and off-street loading shall be provided in connection with any use in this zone in accordance with the provisions of Section 40.

32.06 BUFFER AREA

Whenever a lot in this zone adjoins a lot in a R-1 residential zone, there shall be a sixty (60) foot buffer area in addition to the required yard or yards and a buffer strip, as provided in subsection 12.08 of this Code.

Footnote #1 No frontage is required for a parcel of land in a shopping center provided that access via an easement of not less than (30) thirty feet is available from a public street with a traffic light at the shopping center entrance. No other access shall be regularly used.

SECTION 33 B-3 CENTRAL BUSINESS ZONE

33.00 DESCRIPTION OF ZONE

This zone is composed and limited to the Central Business area. The zone provides for the central retail, office, cultural and governmental activities of the community as well as high density residential use. Accordingly, these regulations are designed to permit retail development in the core of the community where there is a concentration of pedestrian activity. To these ends the regulations establish standards retaining such intensity of use and concentration of pedestrian and vehicular as is compatible with the function of this zone.

33.01 USES

No land shall be used or occupied and no structure shall be erected, constructed, reconstructed, altered or used, except for any use which is indicated in the B-3 column of the Use Schedule, Section 61 of this Zoning Code and shall be subject to such provisions as referred to in that column.

33.02 HEIGHT

The maximum permitted stories shall be twelve (12).

33.03 LOT AREA, WIDTH AND YARD REQUIREMENTS

Non Residential: No minimum lot area or frontage required. Yard requirement is that any new building shall return not less then the yards of its predecessor or except that for lots facing Main Street, no yards shall be required.

Residential: Same requirements as R-4 Zone except no minimum lot frontage shall be required.

33.04 VOID

33.05 OFF-STREET PARKING AND OFF-STREET LOADING REQUIREMENTS

Off-street parking and off-street loading shall be provided in connection with any use in this zone in accordance with the provisions of Section 40. In addition, requirements for the provisions of parking facilities may be satisfied by the permanent allocation of the required number of spaces for each use in a common parking facility, cooperatively established and operated. The total number of spaces so provided may be reduced from the sum of the individual requirement provided that such reduction is approved by the Commission upon a finding by them that such reduction is justified on the basis of common patrons and/or overlapping peak needs.

SECTION 34 CORPORATE OFFICE ZONE

34.00 DESCRIPTION OF ZONE

The zone is designed for development of corporate office complexes. Appropriate geographical locations for this zone are areas associated with the major arteries of surface transportation which can also be serviced with other supportive communication and transportation facilities.

34.01 USES

The use of the zone shall be limited to offices and closely associated accessory uses such as conference/meeting facilities, data processing/storage, personnel services (i.e. dining facilities, medical services), research laboratories and air transportation facilities (i.e. helicopter landing area).

34.02 HEIGHT

The maximum building height is six (6) stories. The height limitation of communication facilities shall be as elsewhere controlled in this Code (Item 13.02).

34.03 LOT AREA, WIDTH AND YARD REQUIREMENTS

The minimum size lot for the zone shall be twenty-five (25) acres. No structure shall be located within one hundred (100) feet of the perimeter property line.

34.04 LOT COVERAGE

Each main building or structure including any accessory building shall not cover more than twenty-five percent (25%) of the lot area.

34.05 OFF-STREET PARKING AND OFF-STREET LOADING REQUIREMENTS

Off-street parking and off-street loading shall be provided in accordance with requirements elsewhere in this Code, except that no parking or loading shall be within one-hundred (100) feet of any perimeter property line.

34.06 SIGNS

Identifying graphics, or signs, shall be limited to two (2) in number each not more than two hundred (200) square feet in area. No roof graphics or signs permitted.

SECTION 35 I-1 SERVICE-INDUSTRIAL ZONE

35.00 DESCRIPTION OF ZONE

The zone is composed of certain lands located along major thoroughfares and railroad rights-of-way and adjoining existing residential and commercial areas. Because of the close proximity of well established industrial uses in this zone to non-industrial uses, flexibility must be provided to allow such industrial uses to operate with limited restraint while protecting other nearby uses. This zone will provide areas for mixed commercial-industrial uses with the emphasis on industrial uses such as manufacturing, warehousing, building materials yards, building agricultural and automobile sales and service,ect.

35.01 USES

No land shall be used or occupied and no structure shall be erected, constructed, reconstructed, altered or used except for any use which is indicated in the I-1 column of the Use Schedule, Section 61 of this Zoning Code, and shall be subject to such provisions as referred to in that column.

35.02 HEIGHT

The maximum height shall not exceed fifty (50) feet except as provided in Section 13.02 (Height Modifications).

35.03 LOT AREA, WIDTH AND YARD REQUIREMENTS

The following minimum requirements shall apply:

NET LOT AREA	LOT WIDTH	FRONT YARD	SIDE YARD LEAST WIDTH	SIDE YARD SUM OF WIDTHS	REAR YARD
none	none	none	none	none	none

35.04 LOT COVERAGE

Each main building or structure hereafter erected, together with its accessory buildings or structures, shall not cover more than fifty (50) percent of the net lot area, except that one hundred (100) percent may be covered provided that the required off-street parking and off-street loading is available.

35.05 OFF-STREET PARKING AND OFF-STREET LOADING REQUIREMENTS

Off-street parking and off-street loading shall be provided in connection with any use in this zone in accordance with the provisions of Section 40.

35.06 BUFFER AREA

Whenever a lot in this zone adjoins a residential zone, there shall be a five (5) foot buffer area or strip, as provided in subsection 12.08 of this Code.

SECTION 36 I-2 RESTRICTED INDUSTRIAL ZONE

36.00 DESCRIPTION OF ZONE

The zone is composed of certain lands so situated as to be suitable for industrial development, but where the modes of operations of this will not directly affect nearby residential areas. Accordingly, the use of the land and buildings within these areas are limited to provide the normal operation of almost all industries within an industrial area without the encroachment of residential areas. This zone will provide areas for industrial uses such as manufacturing, compounding, merchandising, warehousing, trucking, terminals, assembling or treatment of articles, etc.

36.01 USES

No land shall be used or occupied and no structure shall be erected, constructed, reconstructed, altered, or used, except for any use which is indicated in the I-2 column of the Use Schedule, Section 61 of this Zoning Code, and shall be subject to such provisions as referred to in that column.

36.02 HEIGHT

The maximum height shall not exceed thirty-five(35) feet, unless it sets back from each street and lot line, in addition to yard requirements, two (2) feet for each one (1) foot of excess height; but in no case shall it exceed fifty (50) feet in height, except as provided in Section 13.02, (Height Modifications) and in Section 44.08.25. (Major Horse Racing Facility); and for office buildings which will be permitted up to six (6) stories in height.

36.03 LOT AREA, WIDTH AND YARD REQUIREMENTS

The following minimum requirements shall apply:

NET LOT AREA	LOT WIDTH	FRONT YARD	SIDE YARD LEAST WIDTH	SIDE YARD SUM OF WIDTH	REAR YARD
2 acres	75 ft.	75 ft.	10 ft.	25 ft.	25 ft.

36.04 LOT COVERAGE

each main building or structure hereafter erected, together with its accessory buildings or structures, shall not cover more than forth (40) per cent of the net lot area.

36.05 OFF-STREET PARKING AND OFF-STREET LOADING REQUIREMENTS

Off-street parking and off-street loading shall be provided in connection with any use in this zone in accordance with the provisions of Section 40.

36.06 PERIMETER BUFFER AREA

Whenever a lot in this zone adjoins a lot in a R-1 residential zone, there shall be a sixty (60) foot buffer area in addition to the required yard or yards, and a buffer strip, as provided in subsection 12.08 of this Code.

36.07 INTERIOR BUFFER AREA

Within the Industrial Zone a buffer area shall be left between contiguous sites. The buffer shall take maximum advantage of existing natural topographical features and existing planting. Where these characteristics do not exist provision for screen planting shall be included in site development proposals.

SECTION 37 I-3 SPECIAL INDUSTRIAL ZONE

37.00 DESCRIPTION OF ZONE

The zone is composed of large parcels of land in the Maromas area which have been used for special industrial purposes. Accordingly, the use of the land is mostly regulated by "performance standards."

37.01 USES

No land shall be used or occupied and no structure shall be erected, constructed, reconstructed, altered or used, except for any use which is indicated in the I-3 column of the Use Schedule, Section 61 of this Zoning Code, and shall be subject to such provisions as referred to in that column.

37.02 HEIGHT

The maximum height shall not exceed fifty (50) feet, except as provided in Section 13.02 (Height Modifications).

37.03 LOT AREA, WIDTH AND YARD REQUIREMENTS

The following minimum requirements shall apply:

Net Lot Area	Lot Width	Front Yard	Side Yard Least Width	Side Yard Sum of Width	Rear Yard
5 acres	None	None	None	None	None

37.04 LOT COVERAGE

Each main building or structure hereafter erected, together with its accessory buildings or structures, shall not cover more than thirty (30) percent of the net lot area.

37.05 OFF-STREET PARKING AND OFF-STREET LOADING REQUIREMENTS

Off-street parking and off-street loading shall be provided in connection with any use in this zone in accordance with the provisions of Section 40.

37.06 BUFFER AREA

Whenever a lot in this zone adjoins a lot in a R-1 residential zone, there shall be a sixty (60) foot buffer area in addition to the required yard or yards and a buffer strip as provided in subsection 12.08 of this Code.

SECTION 38 HISTORIC PRESERVATION

38.00 DESCRIPTION OF ZONE

The zone is composed of an area of land in which many of the buildings and structures are or may potentially be architecturally or historically significant in terms of criteria, for entries on the National Register of Historic Places, and the National Trust for Historic Preservation.

38.01 USES

No land or structure shall be altered, reconstructed or used except for any use which is indicated in the Use Schedule, Section 60 and 61 of this Code.

38.02 LOT, AREA, WIDTH AND YARD REQUIREMENTS

The following minimum requirement shall apply:

NET LOT AREA	LOT WIDTH	FRONT YARD	SIDE YARD WIDTH	REAR YARD
NONE	NONE	NONE	NONE	NONE

No lot shall be reduced below its currently recorded size when proposed for this zoning designation.

38.03 LOT COVERAGE

No maximum set.

38.04 OFF-STREET PARKING AND OFF-STREET LOADING REQUIREMENTS

Off-street parking and off-street loading shall be provided in accordance with the provisions of Section 40. Off-street parking requirement may be met at a site beginning within 500 feet from the HP site.

SECTION 39 TRANSITIONAL DEVELOPMENT ZONE

39.00 DESCRIPTION OF ZONE

The zone is designated for older sections of the City developed prior to the application of contemporary zoning technique. These areas generally are at the perimeter of the Central Business District and include a wide mix of existing land-uses.

39.01 USES

No land or existing structure shall be used for a new use or any new structure erected without the granting of Special Exception approval by the Commission. Eligible uses for application for approval are shown in Use Schedule, Section 60 and 61 of the Code.

39.02 HEIGHT

The maximum permitted stories shall be six (6).

39.03 LOT AREA, WIDTH AND YARD REQUIREMENTS

The following minimum requirements shall apply:

Net Lot Area and Street Frontage: No lot shall be reduced below its currently recorded size.

FRONT YARD	SIDE YARD	REAR YARD
10 ft.	10 ft.	15 ft.

Residential uses shall meet the open space requirements of an R-4 Zone.

39.04 LOT COVERAGE

Each main building or structure herein after erected, together with its accessory buildings or structure, shall not cover more than fifty (50) percent of the net lot area.

39.05 OFF-STREET PARKING AND OFF-STREET LOADING REQUIREMENTS

Off-street parking and off-street loading shall be provided in accordance with the provisions of Section 40.

ARTICLE IV SUPPLEMENTARY REGULATIONS

SECTION 40 OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS

40.01 PURPOSE

The development and execution of a comprehensive Zoning Code are based upon the division of the City into zones, within which the use of land and structure and the bulk and location of structures in relation to the land are substantially uniform. It is recognized, however, that off-street parking and off-street loading requirements are necessary in order: to relieve congestion so that the street can be utilized more fully for the movement of vehicular traffic; and to promote the safety and convenience of pedestrians; and to protect adjoining residential area; and to promote the objectives of the Plan of Development of the City.

40.02 GENERAL PROVISIONS FOR OFF-STREET PARKING AND OFF-STREET LOADING SPACE

No land shall be used or occupied, no structure shall be erected, constructed, reconstructed, altered, or used and no use shall be operated unless the off-street parking and/or loading space herein required is provided in at least the amount and maintained in the manner herein set forth; provided, however, that off-street parking and/or loading space need be neither provided nor maintained for land, structures or uses actually used, occupied and operated on the effective date, such land, structures or uses are enlarged, expanded, or altered so as to require a greater amount of off-street parking and/or loading space not required to be furnished by reason of the foregoing exclusion, in which event, the new land structures and new uses shall not be used, occupied or operated unless there is provided the required sum of off-street parking and/or loading space required therein. Parking spaces reserved for handicapped persons shall be as near as possible to the building entrance or walkway.

40.03 DEVELOPMENT AND MAINTENANCE STANDARDS

Plans and design standards for areas to be used for off-street parking and/or loading space shall be in conformity with the following:

40.03.01 PARKING SPACE AREA

Each automobile parking space shall be not less than one hundred and eighty (180) square feet not less than nine (9) feet wide, except in Industrial Zones where parking spaces shall not be less than one hundred and sixty(160) square feet nor less than eight (8) feet wide. In addition, there shall be provided adequate interior driveways and entrance and exit driveways to connect each public parking space with a public right-of-way. Parking spaces reserved for handicapped persons shall be fifteen (15) feet wide.

40.03.02 SURFACE

All such off-street parking and/or loading facilities shall be so drained as to prevent damage to abutting properties or public street and shall be constructed of dust free materials which will have a surface reasonably resistant to erosion.

40.03.03 CURBING

All parking and/or loading spaces shall be separated from walkways, sideways, streets or alleys by curbing. Any parking area providing parking spaces for more than one hundred (100) automobiles shall be separated by curbing and/or landscaped areas at least fifteen (15) feet in width and each area thus created shall not contain more than one hundred (100) automobiles.

40.03.04 INTERIOR DRIVEWAYS

Interior driveways shall be at least:

A. Twenty-five (25) feet wide when used with seventy (70) to ninety (90) degree angle parking. Two (2) way traffic circulation shall be permitted in twenty-five (25) foot lanes;

B. Eighteen (18) feet wide when used with forty-six (46) to sixty-nine (69) degree angle parking. One (1) way traffic circulation shall be permitted in eighteen (18) foot lanes.

C. Fourteen (14) feet wide when used with parallel to forty-five (45) degree angle parking. Only one (1) way traffic circulation shall be permitted in fourteen (14) foot lanes.

40.03.05 ENTRANCE AND EXIT

Entrance and exit driveways shall not be less than fifteen (15) feet wide nor more than twenty-five (25) feet wide and shall be separately provided whenever possible, except where such driveways are provided for one (1) or two (2) family dwellings, such minimum width shall be nine (9) feet.

40.03.06 MARKING

Each parking space shall be clearly marked and pavement directional arrows or signs provided wherever necessary. These markers shall be properly maintained to insure their maximum efficiency. Parking spaces reserved for handicapped persons shall be clearly identified.

40.03.07 BUFFERING

Where property in a Commercial or Industrial zone abuts a Residence zone, either directly or across a street or alley, the following requirements shall apply to parking and/or loading areas:

A. There shall be a buffer strip of land at least five (5) feet in width within such Commercial or Industrial zone, between the parking and/or loading areas and the residential land;

40.03.07 BUFFERING (CONTINUED)

B. There shall be a suitable fence, wall or evergreen planting at least five (5) feet in height, designed to screen noise, odors, visibility and headlight glare, between the parking and/or loading areas and residential land.

40.03.08 LIGHTING

Adequate lighting shall be provided if the parking facilities are used at night. If the parking facilities abut residential land, the lighting shall be installed and arranged so as not to reflect or cause glare onto the abutting residential land.

40.03.09 TWO OR MORE USES

Requirements for the provisions of parking facilities with respect to two (2) or more property uses of the same or different types, may be satisfied by the permanent allocation of the requisite facility, cooperatively established and operated, provided that the number of spaces designated is not less than the sum of individual requirements and provided further that the specifications in regard to location, plan, etc. are complied with.

40.03.10 JOINT USES

Land or buildings used for two (2) or more purposes, the number of parking spaces required shall be the sum of the requirements for the various individual uses, computed in accordance with this paragraph; parking facilities for one (1) use shall not be considered as providing the required parking facilities for any other use.

40.03.11 BACKING OUT

All parking or loading areas that make it necessary for vehicles to back out directly into a public road are prohibited, provided that this prohibition shall not apply to off-street parking areas of one-family and two-family dwellings.

40.03.12 VISIBILITY

Adequate sight distances shall be maintained for vehicles and pedestrians.

40.03.13 OBSTRUCTION

All parking or loading areas shall be constructed so that no part of parked vehicles will extend beyond the parking space so as to obstruct walkways, sideways, streets or alleys.

40.03.14 RIGHT-OF-WAYS

No land within any public right-of-way shall be used in computing the parking or loading areas for a specific use.

40.03.15 COVERED AREAS

All garages or other spaces allocated for parking of vehicles within buildings or in basements or open spaces on the roofs of buildings shall be considered part of the required parking or loading area and may be included as such in computing the quantity of space outlined in this section.

40.03.16 COMPUTATION OF EMPLOYEES

For the purpose of this section, the number of employees for a use, shall be computed on the basis of the employees on the larger shift.

40.03.17 OTHER USES

No parking area shall be used for the sale, repair, dismantling or servicing of any vehicles, equipment, materials or supplies.

40.03.18 SLOPE

Whenever possible, parking areas and lots shall be level except for necessary drainage purposes. The maximum permissible slope for any parking area shall be seven percent (7%). If parking spaces are provided in areas which exceed five percent (5%) slope, all such spaces shall be parallel to the contour lines of the parking area.

40.04 QUANTITY OF PARKING SPACES

The quantity of parking spaces shall be in accordance with this Section. Any use requiring more than three spaces shall provide not less than one space reserved for exclusive use of the handicapped for each twenty spaces required.

	USE	REQUIREMENTS
40.04.01	AUTOMOBILE FILLING STATION	One (1) parking space for each gasoline pump, waste room, grease rack, or similar service area and one (1) parking space for each two (2) employees.
40.04.02	AUTOMOBILE REPAIR AND SERVICE STATION	One (1) parking space for each one hundred (100) sq. ft. of floor area of the shop or garage and one (1) parking space for each two (2) employees.
40.04.03	CLINICS, MEDICAL OR DENTAL	One (1) parking space for each two hundred (200) sq. ft. of floor area plus one (1) space for each doctor plus one (1) space for each three (3) employees.

40.04.04	COMMERCIAL Establishments devoted to Retail Sales, Trade, Merchandising or Similar Use This requirement shall not apply to the Central Business District Commercial Zone. (See footnote #1)	REQUIREMENTS One (1) parking space for each three hundred (300) sq. ft. of gross building area per floor.
40.04.05	CIVIC CLUBS, PRIVATE CLUBS, LODGES, AND SIMILAR USES	One (1) parking space for each fifty (50) sq. ft. of gross building area per floor.
40.04.06	DORMITORIES	One (1) parking space for each two (2) students.
40.04.07	EDUCATIONAL INSTITUTIONS	One (1) parking space for each two (2) employees, including teachers and administrators, plus sufficient off-street space for safe and convenient loading and unloading students, plus additional facilities for student parking, taking into consideration the total number of students, the percentage of students driving automobiles, and the requirements for stadium, gymnasium and auditorium use.

#1 "This requirement shall not apply to land-uses in the B-3 Central Business Zone if outside the Redevelopment Project. (No. Conn. R 105) area except as part of a municipal off-street parking program".

USES	REQUIREMENTS
40.04.08 ELEEMOSYNARY (charitable) and PHILANTHROPIC INSTITUTIONS	One (1) parking space for each two (2) employees, plus such additional facilities for residents and visitors, as the Commission shall deam necessary.
40.04.09 HOSPITAL	One (1) parking space for each one thousand (1,000)square feet of floor area, plus one (1) space for each participating staff doctor, plus one (1) space for each five (5) employees.
40.04.10 HOUSING FOR ELDERLY	One (1) parking space for each four (4) dwelling units. For the purpose of off-street parking requirements this category shall apply only to governmental projects such as those that are developed by the Housing Authority or similar agencies.
40.04.11 INDUSTRIAL OR MANUFACTURING ESTABLISHMENT OR WAREHOUSE	One (1) parking space for each two (2) employees plus additional parking for customers. However, no use in this category shall have less than three (3) spaces or less than one (1) space for every 500 sq. ft. of gross building area.
40.04.12 MORTUARY OR FUNERAL PARLORS	One (1) parking space for each fifty (50) sq. ft. of assembly space and one (1) space for each two employees.
40.04.13 MOTEL, TOURIST HOME, CABIN, HOTEL, APARTMENT	One (1) parking space for each guest room, cabin or suite, and one (1) parking space for each two (2) employees.
40.04.14 MULTIPLE-FAMILY DWELLINGS	One and one half (1 1/2) parking spaces for each dwelling unit. Building or buildings, parking spaces, driveways and other vehicular ways shall not in their total area exceed more than fifty (50) percent of the lot area
40.04.15 OFFICE BUILDINGS, PROFESSIONAL BUILDING OR SIMILAR USES (see footnote#1)	One (1) parking space for each five hundred (500) sq. ft. of gross floor area.

#1 "This requirement shall not apply to land-uses in the B-3 Central Business Zone if outside the Redevelopment Project (No.Conn R 105) area except as part of a municipal off-street parking program."

40.04.16	ONE FAMILY AND TWO-FAMILY DWELLINGS	Two (2) parking spaces for each dwelling unit.
40.04.17	MEDICAL OR DENTAL PRACTITIONER'S OFFICE IN PRIVATE RESIDENCES	Each office in private residence shall provide three (3) parking spaces for each professional person occupying or using said office.
40.04.18	VOID	
40.04.19	RESTAURANT OR SIMILAR PLACES DISPENSING FOOD DRINKS OR REFRESHMENTS AND DRIVE-INS (see footnote #1)	One (1) parking space for each fifty (50) sq. ft. of floor area devoted to patron use, excluding rest rooms within the establishment and one (1) parking space for each eighty (80) sq. ft. of ground area devoted to patron use on the property outside the establishment and one (1) space for each two (2)employees.
40.04.20	ROOMING HOUSES	One (1) parking space for each rooming unit.
40.04.21	VOID	
40.04.22	MAJOR HORSE RACING FACILITY	Parking facilities for not less than eight thousand (8,000) motor vehicles, provided however that, in the event said facility is located on a parcel in excess of 350 acres. Parking shall be provided for an additional twenty-three (23) motor vehicles for each acre over 350 acres. One (1) space for each two (2) dormitory residence.
40.04.23	PUBLIC ASSEMBLY FOR CULTURAL, ENTERTAINMENT AND/OR RECREATIONAL USES	One (1) parking space for each three hundred (300) sq. ft. of gross building area per floor.
40.04.24	CHILD CARE FACILITIES	One (1) space for each two (2) staff (including teachers, administrators, and voluntary aides) plus one (1) space for each eight (8) enrollees of licensed capacity.
40.04.25	CARE/NURSING HOME, COMMUNITY RESIDENTIAL TREATMENT FACILITY	One (1) space for each 300 sq. ft. of gross building area per floor up to six (6) spaces. Thereafter, one (1) space for each 1,000 sq. ft. or part thereof of gross floor area per floor. This requirement shall not apply in the B-3 zone.

#1"This requirement shall not apply to land-uses in the B-3 Central Business Zone if outside the Redevelopment Project (No, Conn. R. 105) area except as part of a municipal off-street parking program.

Revised 10/79

40.05 DEVELOPMENT STANDARDS FOR OFF-STREET LOADING SPACES

Plans and design standards for areas to be used for off-street loading spaces shall conform to the following:

40.05.01 LOADING AREA

Each off-street loading spaces shall be at least fourteen (14) feet wide; have a vertical clearance of, at least, fifteen (15) feet; and shall be at least thirty-three (33) feet in length, or as determined by the Commission.

40.05.02 LOCATION

Off-street loading spaces shall not be located between the building line and the street line (front yard).

40.06 QUANTITY OF LOADING SPACES

The quantity of loading spaces shall be in accordance with the following:

40.06.01 USES WHICH ARE PRIMARILY CONCERNED WITH THE HANDLING OF GOODS

GROSS FLOOR AREAS (square feet)	QUANTITY OF LOADING SPACE
2,400 to 20,000	1
20,001 to 50,000	2
50,001 to 80,000	3
each add'tl 45,000	1 additional

40.06.02 USES WHICH ARE NOT PRIMARILY CONCERNED WITH THE HANDLING OF GOODS

GROSS FLOOR AREAS (square feet)	QUANTITY OF LOADING SPACE
2,400 to 75,000	1
75,001 to 200,000	2
200,001 to 333,000	3
each add'tl 150,000	1 additional

40.06.03 When one establishment has two or more distinct uses, such uses shall be measured separately for the purpose of determining the quantity of spaces required.

40.07 DISCONTINUANCE

Once any required parking or loading space has been established within the provisions of this section, whether on the same lot as the structure or use to which it is assigned or on a separate lot, such parking or loading space shall not be discontinued if the result would be a reduction below the amount of parking or loading required by this section. Any such discontinuance of a parking or loading space shall constitute a violation of this ordinance.

40.08 APPEALS

In any case where off-street parking or loading space has been provided in compliance with the standards of this section and subsequently there is a change in the use of the property, or any other circumstance requiring that additional parking or loading space be provided, whenever the Commission shall find that the provisions of such additional parking or loading space would result in peculiar and exceptional practical difficulties to or undue hardship upon the owner of said property, the Commission may modify the requirement for such additional parking or loading, provided such relief can be granted without substantial impairment of the intent or purpose of this section.

SECTION 41 NATURAL RESOURCE EXTRACTION REGULATIONS

41.01 PURPOSE OF REGULATIONS

To provide for (1) safe and orderly surface extraction of natural resources including: topsoil; peat; sand; gravel; clay; stone; ores; metals and minerals and (2) for the reclamation of the land after extraction.

41.02 APPROVAL REQUIRED

No extraction shall be undertaken, unless herein specifically exempted, until approval of the Commission has been given.

41.03 EXCEPTIONS TO THESE REGULATIONS

Activities involving the removal or extraction of surplus topsoil, peat, sand or gravel for legitimate agriculture, construction or landscaping operations need not comply with the provisions of this section.

41.04 EXTRACTIONS LEGALLY UNDERWAY AT TIME OF THESE REGULATIONS

Operations involving natural resource removal legally in existance at the time of passage of these regulations may continue for a maximum period of one year. During that time application for Commission approval shall be made following these regulations. Operations for which approval application is not made and received shall be in violation of this Code.

41.05 PROCEDURE

The extraction proponent shall file an application to the Commission including required fee and compliance assurance. The Commission shall hold a public hearing on the application following procedures set forth in the General Statutes.

41.06 APPLICATION

Six identical copies of an application shall be submitted consisting of text and graphic material setting forth the proposal for extraction and reclamation, in terms of criteria set forth herein, for a proposed operating site. Each non-contiguous proposed operating site requires a separate application.

Graphic material shall include maps at suitable scale prepared by qualified persons, and may include photographs showing tract boundaries and size; location and flow direction of water courses (including names of significant streams) and water impoundments; roads, buildings; wells; other construction; utility lines and right-of-ways; existing contour at suitable intervals and referenced to U.S.C. & G. datum; general area to be disturbed; general area proposed for topsoil and overburden storage; approximate finished contours and slopes to which disturbed areas are to be back filled and such other pertinent information which may be required by the Commission.

41.07 CRITERIA DURING EXTRACTION

(a) At no time shall resource removal take place nearer than fifty feet to a street line or a perimeter property line except where the existing grade is above the grade of the abutting street or property.

(b) No physical damage shall be inflicted to adjacent public or private property.

(c) Proper drainage shall be maintained throughout the project area during the entire operation.

(d) Excavations of more than six feet in depth within a 1000 foot distance of a residence shall be fenced with woven wire or similar material not less than four feet high.

(e) Roads, storage areas and yards within 500 feet of a residence or public street shall be paved, treated or watered so as to minimize dust. Access routes over public streets to excavation areas shall be selected to minimize intrusion into residential neighborhoods.

(f) Equipment used in an extraction area shall be maintained and operated in such a manner as to minimize noise, vibration, smoke and dust.

(g) No waste products or process residues from an extraction area shall be disposed of in any stream or other natural drainage system without proper approved treatment.

(h) Overburden shall be stockpiled in rows or concentrated piles and stabilized in an acceptable manner so that it does not become a source of dust beyond the applicants property.

(i) No overhanging banks shall be created during the extraction process.

(j) No stone crusher or other machinery not required for actual extraction shall be used except in an Industrial Zone.

41.08 CRITERIA FOR RECLAMATION

(a) Except where rock face or outcropping occurs, in its original natural state, banks shall be reworked so that no slope is greater than two feet horizontally to one foot vertically and the entire extraction area shall be covered with four inches of topsoil. The topsoil shall be seeded until successfully covered with vegetation.

(b) Reclamation shall be a continuing operation with regrading, topsoil replacement and replanting proceeding in an orderly manner following the completion of the extraction activity.

41.09 COMPLIANCE ASSURANCE

Approval shall not be given until the applicant has provided a surety bond of not less than $2,000 for each acre of land to be disturbed by extraction or storage of soil or rock material. The bond shall guarantee that upon termination of the extraction operation the surface of land shall be restored in comformity with the approved reclamation plan. Upon such satisfactory reclamation the bond shall be released to the applicant.

Approval may be withdrawn at any time during the approval period, after reasonable notice to the operator, upon finding by the Commission that the applicant has failed to conduct the operation in conformity with the previously accepted proposal and/or the criteria set forth in these regulations.

41.10 BASIS FOR APPROVAL OR DENIAL OF APPLICATION

The Commission shall approve an application unless it finds that: (a) the requirements of the regulation set forth herein will be violated by the proposed operation; (b) the operator has not corrected violations committed under any prior approval which resulted in (1) withdrawal of approval (2) forfeiting all or part of his bond or other security, (3) conviction of a misdemeanor pertinent to his operation.

In its evaluation of an application the Commission may consult with persons and/or agencies with specialized knowledge or authority in the field of natural resource removal and the restoration, reclaiming and reuse of areas disturbed by such removal.

41.11 APPROVAL TIME PERIOD

(a) Approval for extraction of topsoil, peat, sand or gravel may be granted for a length of time not to exceed two years.

(b) Approval for extraction of clay, stone, ores, metals or minerals may be granted for a ten year period. Progress reports including text and graphic material, shall be made by the applicant at not less than two year intervals. At any time the applicant may submit a written request for consideration of modification of his proposal and/or compliance assurance.

(c) Upon application of the petitioner extension of an approval period may be granted for one additional time period, equal to the original, without a complete new

application by the petitioner.

41.12 APPLICATION FEE

Application fee shall be $100.00 multiplied by the number of years of permit time applied for.

SECTION 42 CONVERSION OF DWELLINGS

Under certain conditions hereinafter set forth, the Zoning Board of Appeals may in a specific case, after Public Hearing and notice, permit the alteration or conversion of a single-family dwelling to a two family dwelling and the conversion of single-family and two family dwellings to a maximum of four-family dwellings.

42.01 PRELIMINARY PLANS REQUIRED
The owner of the building for which conversion is sought shall include, with his petition for conversion, preliminary plans showing in reasonable detail the proposed remodeling of the building.

42.02 ZBA FINDINGS AND DECISION
The Zoning Board of Appeals shall be guided by the following standards in reviewing proposed conversion plans and in making its decision.

42.02.01 AGE
The actual age of the building is twenty (20) years or more.

42.02.02 CONDITION
The physical condition of the building to be converted is in a reasonable state of repair.

42.02.03 LOT
The lot on which the structure stands satisfies the following minimum area requirements:

A TWO-FAMILY
When conversion to a two-family dwelling is proposed, the minimum lot area is at least seven thousand five hundred (7,500) square feet.

B THREE OR FOUR-FAMILY
When conversion to a dwelling to contain three (3) or more families is proposed, the minimum lot area shall be at least seven thousand five hundred (7,500) square feet for the first two (2) families plus an additional two thousand (2,000) square feet for each additional family.

42.02.04 EXTERIOR
No external structural changes whatever, except if the interior stairways are not considered adequate for fire protection, fire escapes shall be constructed in the rear of the building where practicable and in no case facing any street. Other than fire escapes, no outside stairways shall be permitted.

42.02.05 PARKING
Off-street parking at the ratio of at least one and one-half (1 1/2) parking spaces per family unit shall be provided. Such off-street parking shall be in form of either

a garage or a properly surfaced and drained outdoor parking area in the rear of the building only.

42.02.06 MINIMUM UNIT

That each apartment shall consist of at least a dwelling room, complete private cooking facilities and a private bath, each such apartment to contain a minimum of two hundred and fifty (250) square feet of floor space, exclusive of bath, of which not less than fifty (50) square feet shall be in the kitchen and not less than one hundred (100) square feet in each bedroom.

42.02.07 LIMIT

No building shall be converted to more than four (4) dwelling units.

SECTION 44 SPECIAL EXCEPTIONS

44.01 PURPOSE

The development and execution of a comprehensive Zoning Code are based upon the division of the City into zones, with which the use of land and structures and the bulk and location of structures in relation to the land are substantially uniform. It is recognized, however, that there are certain uses and features which, because of their unique characteristics, cannot be distinctly classified or regulated in a particular zone or zones, without consideration in each case of the impact of such uses and features upon neighboring uses and the surrounding area compared with the public need for them in particular locations. Such uses and features are, therefore, treated as Special Exceptions.

44.02 REQUEST FOR SPECIAL EXCEPTIONS

Applications for the grant of Special Exceptions shall be filled with the Commission on forms provided therefore. The Applicant shall submit plans and other data required in Section 44.03, and shall be consonant of the Commission's findings criteria in Section 44.04

44.03 SUBMISSION REQUIREMENTS

Each application for a Special Exception shall be submitted to the Commission at least ten (10) days prior to a regularly scheduled meeting and shall be accompanied by such fee required to cover the cost of advertising and sending notices in connection with the application. The Applicant shall furnish as part of such application the following:

44.03.01 SITE PLAN

Site Plan as specified in SECTION 55.
Site Plan Approval Requirement.

44.04 FINDINGS

A Special Exception may be granted when the Commission makes findings on :

44.04.01 COMPLIANCE WITH CITY PLAN

The proposed use is consonant of the Plan of Development for physical development of the City, as embodied in the Zoning Code and in any Master Plan or portion thereof adopted by the Commission; and

44.04.02 ADVERSE EFFECTS

The proposed use will not affect adversely the health and safety of residents or workers in the area and will not be detrimental to the use or development of adjacent properties or the general neighborhood; and

44.04.03 VISIBILITY AND ACCESSIBILITY
The proposed use will not preempt frontage on a major highway in such a manner so as to substantially reduce the visibility and accessibility of an interior commercial area zoned or proposed for commercial use which is oriented to the same highway; and

44.04.04 TRAFFIC MOVEMENT
The proposed use will not impair the movement of through traffic along the adjoining thoroughfare through congestion and reduction of street capacities or through storage or back up of vehicles in the public right-of-way while awaiting service on the subject site; and

44.04.05 ORDERLY DEVELOPMENT
The proposed use will not result in a fragmentation of the development pattern, thereby creating unnecessary additional points of vehicular conflict with the adjoining highway and adversely affecting the orderly development of surrounding neighborhoods; and

44.04.06 PROPERTY VALUES AND CHARACTER
The proposed use will not tend to depreciate property values and the character and extent of development of adjoining properties; and

44.04.07 PARKING AND LOADING
The proposed use will provide off-street parking and loading facilities in accordance with Section 40 of the Zoning Code; and

44.04.08 COMPLIANCE WITH STANDARDS
The proposed use will meet all the standards set forth herein and set forth in Section 44.08 of the Zoning Code for the type of Special Exception being requested.

44.05 PUBLIC HEARING
The Commission shall hold a Public Hearing in accordance with the requirements of the General Statutes.

44.06 COMMISSION ACTION
The Commission shall act on applications in accordance with the General Statutes.

44.06.01 TIME LIMITATION
A Special Exception shall be valid for a period of one (1) year, during which time a building permit for such erection or alteration must be obtained and the erection or alteration started. Such exception shall continue in force and effect if a building permit for such erection or alteration is started within said period. A renewal of said exception may be granted for an additional one (1) year, measured from the date of renewal, as often as the Commission finds that all requirements continue to be met. No public hearing shall be required. However, the Commission shall show in its record

that it has reviewed an application for renewal of the specified Special Exception and that all appropriate provisions and findings are reaffirmed.

44.07 VIOLATION OF SPECIAL EXCEPTIONS

Whenever the Commission shall find, in the case of any Special Exception heretofore or hereafter granted pursuant to the provisions of this section, that any of the terms, conditions, or restrictions upon which such permit was granted are not being complied with, the Commission may rescind and revoke such permit after giving due notice to all parties concerned. Violation of Special Exception shall constitute a violation of the Zoning Code.

44.07.01 TERMINATION OF GRANTED SPECIAL EXCEPTION USE

In the event a Special Exception land-use is terminated and a proposed new use is not 'use by right' as currently zoned, application may be made to the Commission for approval of a substitute use for the facility. In its evaluation the Commission may hold a public hearing and shall consider the similarity of the proposed new use to the terminated Special Exception use.

44.08 STANDARDS FOR SPECIAL EXCEPTION

A petition for use of property subject to standards set forth herein shall be filed in accordance with the provisions of Section 44.02 and shall be subject to approval by the Commission unless specifically specified otherwise.

44.08.01 AMBULANCE SERVICE

Ambulance Service uses are permitted uses in all zones subject to the regulations of the zone in which they are located and in addition to the conditions hereunder:

A. No advertising or signs containing more than two (2) square feet in size shall be maintained on the premises where such ambulance service is being conducted or be attached to or painted on the building in which such service is conducted.

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

C. The nature and development of surrounding property; the proximity of churches, schools, hospitals, public buildings or other places of public gatherings, the sufficiency in number of other such services in the City of Middletown; the health, safety and general welfare of the people should be considered.

44.08.02 CHILD CARE FACILITIES

Child care facilities are permitted uses in all residence zones subject to the regulations of the zone in which they are located and in addition to the conditions hereunder.

A. Provide at least thirty-five (35) square feet of interior play space per child;

B. Provide at least one hundred (100) square feet of exterior play space per child;

C. Noise and all other possible disturbing aspects connected with the operation of such use shall be enclosed, screened or otherwise controlled to the extent that the operation of any such use shall not unduly interfere with the use of properties or streets in the surrounding area;

D. School buses shall be garaged or stored in an enclosed area, properly screened and to the rear of the main building only;

E. There shall be buffering between outdoor play areas and parking adjacent to industrial or commercial uses.

44.08.03 EDUCATIONAL PUBLISHING ORGANIZATION USES

Educational Publishing Organization Uses are permitted uses in all residence zones subject to the regulations of the zone in which they are located and in addition to the conditions hereunder:

A. Operations are primarily editorial and administrative in character;

B. Operations shall not be used for final production or manufactoring of finished products, printed or otherwise, or as a retail outlet for any products;

C. Operations shall not produce any activities which would create any noise or nuisance at any time;

D. That the location for educational publishing organization uses are located to conform to the following minimum requirements:

LOT AREA: Five (5) acres;
YARDS: One hundred (100) feet in the front yard; side yards shall each be seventy-five (75) feet; rear yard one hundred (100) feet;

44.08.04 FRATERNITY AND SORORITY USES

Fraternity and Sorority Uses are permitted uses in the R-1 and R-2 zones only, subject to the regulations of the zone in which they are located;

A. That the maximum density shall not exceed thirty-five (35) persons per acre.

B. That the location for fraternity and sorority uses are located to conform to the following minimum requirements:

LOT AREA: Twenty thousand (20,000) square feet;
YARDS: Forty (40) feet from the front property lines; the side yard twenty-five (25) feet; rear yard twenty-five (25) feet.

44.08.05 GOLF COURSE, COUNTRY CLUB, PRIVATE CLUB, SERVICE ORGANIZATION, INCLUDING COMMUNITY BUILDING AND SIMILAR RECREATIONAL USES.
privately owned and/or operated, are permitted uses in all residence zones subject to the regulations of the zone in which they are located and in addition to the conditions hereunder;

A. That the proposed use will not constitute a nuisance because of noise, traffic, number of people or type of physical activity.

B. That the only provision for food, refreshment and/or entertainment is for club members and their guests.

44.08.06 HOSPITAL AND MEDICAL AND DENTAL CLINIC USES
are permitted uses in R-2 and TD Zones if granted a Special Exception by the Commission's determination of findings according to this Section. The uses are limited as follows:

A. The location of the facility shall be compatible with the neighborhood in terms of traffic, noise, and number of patients/clients cared for. The facility shall also be compatible with its setting in scale, material, and design.

B. That the site location for hospital, medical and dental clinic uses are located to conform to the following requirements:

HOSPITAL
LOT AREA: Five (5) acres;
FRONTAGE: Two hundred (200) feet;
YARDS: Fifty (50) feet from the front property line; each side yard shall be three (3) times the height of the tallest building located on the lot which is proximate to the side yard, but no less than seventy-five (75) feet; rear yard one hundred (100) feet.

MEDICAL AND DENTAL CLINIC
LOT AREA: Forty thousand (40,000) square feet;
FRONTAGE: Two hundred (200) feet;
YARDS: Forty (40) feet from the front property line; the side yard shall be two (2) times the height of the main buildings but not less than fifty (50) feet; rear yard fifty (50) feet.

44.08.07 HOUSING FOR ELDERLY OR PHYSICALLY HANDICAPPED PERSONS USES are permitted uses in all residence zones subject to the regulations of the zone in which they are located and in addition to the conditions hereunder:

A. That the maximum density shall not exceed thirty-five (35) persons per acre;

B. That the location for housing for elderly or physically handicapped person uses are located to conform to the following minimum requirements:
YARDS: The side yard twenty (20) feet; rear yard twenty (20) feet;

C. Storage of a stock in trade or sale of commodities on the premises shall not be permitted;

D. That no name plate or sign shall exceed one hundred (100) square inches in area.

44.08.08 PROFESSIONAL AND BUSINESS OFFICE USES are permitted uses in the R-3 and R-4 zones subject to the general regulations of those zones and in addition to the conditions hereunder:

A. Professional and business office uses shall be limited to accountants, architects, engineers, dentists, physicians, podiatrists, chiropractor, lawyers, real estate and insurance agents, psychologists, osteopaths, surveyors.

B. The proposed location shall not constitute the first non-residential use on a street within an individual block.

44.08.09 NEIGHBORHOOD STORE USES are permitted uses in all residence zones subject to the regulations of the zone in which they are located and in addition to the conditions hereunder:

A. A neighborhood store shall provide only limited convenience goods and services, such as groceries and related goods; baked goods, drugs or cosmetics; barber or beautician services; self-service laundry (which is closed between the hours of 10 P.M. to 7 A.M.); tailoring, shoe repair; tobacco or news; and accessory uses, customarily incidental thereto shall occupy no more than twenty-five (25) percent of the gross floor area of the establishment;

B. The Commission shall find that space for such use is not available in nearby areas which are zoned for business, and that such new use or expansion of an existing use is necessary to serve the immediate neighborhood adequately with convenience goods or services, hereinabove described, giving due consideration, among other things, to the

character of the neighborhood, the density of development, the shopping habits of neighborhood residents, and the availability of public and private transportation. The clustering of two or more uses of diverse types, rather than scattering of such uses, shall generally be regarded as an advantage, but the existence of a use of the same type as one which is proposed shall require a more extensive showing of necessity for the proposed use. As a general rule, clustering of uses shall not exceed ten thousand (10,000) square feet of net floor area for all uses in a cluster:

C. The net floor area used for sales or other business purposes in any establishment (excluding space used for storage and similar purposes) shall not exceed one thousand five hundred (1,500) square feet;

D. Business shall be conducted, including storage of goods, materials or equipment in a fully enclosed building;

E. That no name plate or sign shall exceed one hundred (100) square inches in area;

F. Establishment of the "drive-in" type, offering goods or services directly to customers waiting in parked vehicles shall not be permitted.

44.08.10 OFFICES AND STUDIO USES
are permitted uses in all residence zones subject to the regulations of the zone in which they are located and in addition to the conditions hereunder:

A. An office and/or studio of doctors, dentists, architects, artists, designers, accountants, lawyers, engineers, tutors, real estate and insurance agents, brokers, and members of other recognized professions residing in the same dwelling unit, incidental to the main purpose as a residence (excluding veterinarians, dancing and music studios having more than one student at a time, barber shop, beauty parlor, and other similar uses) together with accessory uses customarily incidental thereto, shall occupy no more than twenty-five (25) percent of the net floor area of the dwelling unit, or any space outside the dwelling unit;

B. Only one employee not resident in the dwelling unit or use by any outside colleague or associate shall be permitted.

44.08.11 PUBLIC UTILITY BUILDINGS AND STRUCTURE USES
are permitted uses in all zones subject to the regulations of the zone in which they are located in addition to the conditions hereunder:

A. The location for the public utility building or structure is necessary for public convenience and service;

B. The location for the public utility building or structure will not endanger the health and safety of workers and residents in the community and will not substantially impair or prove detrimental to neighboring properties.

C. Public utility buildings in any residence zone shall whenever practicable, have the exterior appearance of a residential building and shall have suitable landscaping screen planting, and fencing, whenever deemed necessary by the Commission;

D. Public utility buildings and structures permitted as Special Exception Uses under this section are: buildings and structures for the housing of switching equipment, regulators, and stationary transformers for supplying electric service; telephone offices and exchanges, railroad, bus passenger stations (not including car barns, bus storage yards, freight yards and similar uses); radio and television transmitter towers and stations and buildings and structures of similar nature and characteristics.

44.08.12 DRIVE-IN ESTABLISHMENT USES

are permitted use in the B-2 zone; shall be permitted only when adjoining a highway with a minimum right-of-way of sixty (60) feet in the B-2 zone, subject to the zone regulations and in addition to the conditions hereunder:

A. The minimum distance between a Drive-in Establishment site and a school or parcel zoned for residential use shall be four hundred (400) feet;

B. The entire area, exclusive of main and accessory use and landscape use, shall be paved with a permanent surface of concrete or asphalt and a raised curb of not less than six (6) inches in height shall be constructed along the entire street property line, except for driveway openings.

C. That the site location for drive-in establishment use is located to conform to the following minimum requirements:

LOT AREA:	Ten thousand (10,000) square feet;
FRONTAGE:	One hundred (100) feet;
YARDS:	Thirty-five (35) feet from all street right-of-way lines, otherwise same as zone regulations;
DRIVEWAY:	Ten (10) feet property lines-twenty (20) feet from intersection right-of-way.

D. That the maximum width of curb cuts or driveways shall not exceed forth (40) feet.

44.08.13 AUTOMOBILE FILLING STATION

Upon the findings, under the provisions of this section, by the Zoning Board of Appeals, and subject to the following regulations:

A. ENTRANCE DISTANCE REQUIREMENTS

No filling station shall have an entrance or exit for vehicles on the same side of the street eithin one hundred (100) feet of a residential zone; nor shall any part of such gasoline filling station have an entrance or exit for vehicles within four hundred (400) feet along the same side of a street of any school, public playground, the entrance to a public park or cemetary, church, hospital, public library or institution for dependents or for children, except where such property is in another block or on another street which the lot in question does not abut; nor shall it be permitted unless said use adjoins a highway with a minimum right-of-way of sixty (60) feet;

B. SITE DEVELOPMENT STANDARDS

No automobile filling station shall be erected or constructed unless such station meets the following requirements and standards;

Minimum distance between any two automobile filling stations: 1,000 feet;

Minimum lot area: 10,000 square feet;

Minimum frontage: 100 feet;

Minimum distance of driveways from property lines: 10 feet;

Minimum width of curb cuts or driveway width: 40 feet;

Minimum distance of driveways from right-of-way intersection: 20 feet;

Minimum setback of service building from all street right-of-way lines; 35 feet;

Minimum setback of pump islands from all right-of-way lines; 10 feet;

Paving and curbing: entire area shall be paved with a permanent surface of concrete or asphalt; a raised curb of not less than six (6) inches in height shall be constructed along the entire street property line except for driveway openings; sidewalks as required by City regulations shall be installed.

44.08.14 AUTOMOBILE FILLING STATION WHEN IT IS AN INTEGRAL PART OF A MAJOR SHOPPING AREA OR MAJOR PARKING FACILITY

Upon the findings, under the provisions of this section, by the Zoning Board of Appeals, and subject to the following regulations:

A. Is contained in a structure limited in size to two (2) supply storage space;

B. Is limited in function to dispensing gasoline, oil, grease, anti-freeze, tires, batteries and automobile accessories directly to motor vehicles and to washing, polishing and servicing motor vehicles only to the extent of installation of the enumerated items;

C. Does not rent or sell motor vehicles, trailers or general replacement parts; does not overhaul, tune up or repair motors or bodies, does not provide brake relining service, wheel alignment, upholstery work, auto glass work, painting, welding, tire recapping or auto dismantling;

D. Parks no vehicles, being serviced or stored for customers, on streets, alleys, public sidewalks or public park strips;

E. Need not be enclosed except be provided with barries of such dimensions that occupants of adjacent and facing residential structures are not unreasonable disturbed, either by day or night, by the movement of vehicles and light facilities are so arranged that they neither unreasonably disturb occupants of adjacent residential properties nor interfere with traffic;

F. When such use occupies a corner lot, the ingress or egress driveways shall be located at least thirty (30) feet from the intersection of the front and side street lines of the lot, and such driveways shall not exceed twenty-five (25) feet in width;

G. Gasoline pumps or other service appliances shall be located on the lot at least twenty (20) feet behind the building line; and all service, storage or similar activities in connection with such use shall be conducted entirely within the premises;

H. Shall be limited to one (1) pole sign within property line; no signs and displays shall be attached to the walls of the building and shall not project greater than twelve (12) inches;

I. Minimum distance between any two (2) automobile filling stations shall be one thousand (1,000) feet;

J. Shall be permitted only in zones indicated in Section 61 of this Code.

44.08.15 Eleemosynary and philanthropic institutions, subject to the following minimum area, frontage and setback requirements:

A. Total area: 25,000 square feet;
B. Frontage: 150 feet
C. Yards: 35 feet from the front property line; each side yard shall be two (2) times the height of the tallest institutional building located on the lot which is proximate to the side yard and the rear yard shall be forty (40) feet.

44.08.16 Junkyards and building materials salvage yards, subject to the following regulations:

A. Shall be located on a site not less than one (1) acre;
B. Be enclosed by wall of brick, stone or other suitable material as determined by the Board, not less than eight (8) feet in height;
C. The front wall shall be located on the building line but not less than twenty-five (25) feet from the front lot line;
D. The front yard shall be open and unobstructed except for the off-street parking of private automobiles only.

44.08.17 Motel, Tourist Court and Auto Lodge, subject to the following regulations:

A. Not more than twenty-five (25) percent of the net area of the lot may be covered by buildings;
B. All parking areas and driveways shall be paved with concrete or asphaltic surfacing;
C. Shall not have dwelling units closer to the highway right-of-way than fifty (50) feet;
D. Shall not permit more than ten (10) percent permanent occupancy;
E. Shall comply with all area and yard requirements prescribed for such uses in the zone in which located;
F. No vehicular entrance to, or exit from any motel, or motor hotel, wherever such may be located, shall be within two hundred (200) feet along streets from any school, public playground, church, hospital, library or institution for dependents or for children, except where such property is in another block or another street which the premises in question do not abut;
G. All areas not used for access, parking, circulation, buildings and services shall be completely and permanently landscaped and the entire site maintained in good condition;
H. Any enlargement or extension to any existing motel or motor hotel shall require application for a Zoning Certificate, as if it were a new establishment.

44.08.18 Ready-mixed concrete plant, subject to the following regulations:

A. Shall be located on a site not less than one (1) acrea;
B. The plant shall not be located less than two hundred (200) feet from a residential use nor less than one hundred (100) feet from any other uses;
C. All materials shall be so enclosed as to eliminate air pollution beyond the limits of the lot on which the operation is located;

D. The front wall or fence shall be located on the building line but not less than twenty-five (25) feet from the front yard shall be open and unobstructed, except for the off-street parking of private automobiles only.

44.08.19 Restaurant or Lunchroom, subject to the following conditions:

A. It shall be clearly demonstrated by the Applicant, that such use is necessary for the service and convenience of the employees of the industrial zone in which it is located; is designed primarily for the service of employees in the zone, and will not constitute a nuisance to uses in the zone or any adjacent zone because of the generation of traffic, noise, odor or other factors;

B. Business shall be limited to the dispensing of food, normally associated with lunchrooms;

C. Each lunchroom, together with the principal use of the lot, shall be located in a lot having a minimum of one hundred fifty (150) feet frontage on a primary industrial road, arterial road, or major highway, and shall be conveniently and centrally located in relation to the industrial area intended to be served;

D. No lunchroom in the zone shall be located within two hundred (200) feet of any residential zone;

E. No curb service or service through outside windows shall be permitted.

44.08.20 Taxi Cab Stand, subject to the following regulations:

A. All parking areas and driveways shall be paved with concrete or asphaltic surfacing;

B. Shall have ingress and egress driveways and shall not permit backing on to adjacent roadways;

C. Shall park vehicles and operate entirely within said lot;

D. No servicing of taxi cabs shall be permitted on the premises such as dispensing gasoline, oil, etc.

44.08.21 Apartment Building containing three (3) or more dwelling units, subject to the following regulations:

A. Streets shall be so designed as to discourage through traffic on the site.

B. Parking spaces shall be within one hundred fifty (150) feet of any commonly used entrance way for such dwelling units.

C. Buildings shall be so designed as to avoid monotonous patterns of construction or repetitive spaces or modules between buildings.

D. Access and circulation ways shall be designed to permit fire fighting equipment, furniture moving vans, fuel trucks, refuse collection, deliveries and snow removal to operate in a safe and efficient manner.

E. The Commission may require the street system to connect two (2) or more existing abutting streets in order to provide for a safe and efficient area circulation system except where topography or other physical considerations do not permit such streets or where such street connections would adversely affect the area.

F. Usable open space approved by the Commission shall be provided according to the following schedule:

ZONE	REQUIRED OPEN SPACE
R-2	600 sq. ft. per dwelling unit plus 600 sq. ft. for each additional bedroom.
R-3	400 sq. ft. per dwelling unit plus 400 sq. ft. for each additional bedroom.
R-4	250 sq. ft. per dwelling unit.

(a) For purposes of calculation, such areas as parking lots and roadways are not considered as open space land. In addition, land lying within ten (10) feet of any structure shall not be considered as open space land.

(b) Open space intended for general use shall be accessible from dwellings with a minimum of street crossings.

(c) In general, the smallest accountable open space shall contain at least, ten thousand (10,000) sq. ft. of area and shall average not less than seventy-five (75) ft. in least dimension at any point.

(d) Modifications of these dimensional and area requirements may be made by the Commission if:
   (1) The topography and configuration of the site prevents compliance;
   (2) Smaller areas are particularly well adapted to serve needs of residents as proposed to be located; and
   (3) Total requirements for accountable open space are less than ten thousand (10,000) sq. ft. or a fraction of such total requirements remaining after satisfaction of the remaining is less than ten thousand (10,000) sq. ft. and a separate, smaller open space would be appropriate for meeting the needs represented by the fraction.

(e) Part of the required open space shall be developed with recreational equipment at the ratio of not less than 625 sq. ft. for each 10 dwelling units proposed.

Specific recreation equipment shall be related to the proposed occupancy of the units. Proposals for Commission approval may include sand boxes, slides, swings, blocks, climbing apparatus, game tables, and other similar items.

(f) Structures existing prior to 1976 in B-3 and R-4 Zones may be converted to multi-family dwellings without providing the open space required for new structures.

(g) For any proposed development over fifty (50) dwelling units feasibility information shall be submitted citing the need for the proposed development in terms of the housing supply and estimated demand. Information submitted shall include:
   (a) the proposed rental schedule
   (b) the income levels of proposed occupants.

(h) Parking arrangement as required in Section 40.

44.08.22 PLANNED RESIDENTIAL DEVELOPMENT

A. POSSIBLE LAND USE

Subject to the regulations, standards and conditions set forth herein Planned Residential Development shall be a permitted land use if granted a Special Exception.

B. OBJECTIVE

As an alternative to the development of land for residential uses following strict adherence to basic provisions of this Code an entreprenuer may voluntarily elect to undertake a Planned Residential Development. The objective of making such development possible is to encourage better site planning than would normally occur by the lot by lot method including the preservation of open space and the natural surface drainage system of an area.

C. STANDARDS AND CONDITIONS'

The essential requirements and conditions for a P.R. D. includes;

1. Basic zoning of the proposed area shall be R-1.
2. A minimum development area of ten (10) acres.
3. Availability of municipal water and sewage systems.
4. Installation of all service utilities underground.
5. Development may include a single type or a variety of residential types including single-family detached, town houses or garden apartment, none of which shall be more than 3 1/2 stories in height.
6. Dwelling ownership may be individual, condominium, co-operative or municipal.
7. Non-residential land-uses permitted in the basic zone, either as an outright use or as a Special Exception use may be proposed in the application. Land used for non-residential purposes shall not be included in the gross acreage used to calculate the permitted number of dwelling units.
8. Density (dwelling units per acre) shall be determined by dividing the gross project area less any area for non-residential uses by the lot area required for a single-family dwelling unit in the basic zone.
9. Lot sizes and frontage requirements of the basic zone may be reduced to not less than one-half (1/2). Yard requirements may be reduced except that no part of any building shall be less than five (5) feet from a property line and there shall be not less than fifteen (15) feet between any structures.
10. Preservation and designation of not less than twenty-five (25) percent of the total area as open space.
11. Major natural surface drainage channels shall be preserved as part of the required open space. Developed areas shall be served by storm sewers and gutters. All surfaces shall be treated to prevent the erosion of soil.
12. Preservation of all open space must be guaranteed by legal documents filed in the City's land records. Ownership may be by private corporation, association or, if acceptable to the City's governing body, by dedication to the City as municipally owned land.

13. Environmental Responsibility provisions of this Code shall be complied with.
14. Perimeter buffer shall be designed to screen the project area from contiguous land. No structure shall be less than fifty (50) feet from a perimeter property line.
15. Streets shall comply with Subdivision Regulations.
16. Off-street parking spaces not less than required by Section 40 of this Code.
17. Pedestrian walks shall interlink all dwelling units so that open space and other features of the development can be reached by residents without pedestrians sharing streets with vehicles.
    Pedestrians and vehicular grade separation shall be provided for walks crossing any street that carry traffic through the Planned Residential Development.
18. Areas of visual and acoustical privacy shall be created for each dwelling unit by the use of fences, and landscaping and/or the location of buildings.
19. Swimming pools shall comply with Section 47 of this Code.
20. A development phasing program for the entire project.
21. Part of the required open space shall be developed with recreational equipment at the ratio of not less than 625 sq. ft. for each 10 dwelling units proposed. Specific recreation equipment shall be related to the proposed occupancy of the units. Proposals for Commission approval may include sand boxes, slides, swings, blocks, climbing apparatus, game tables, and other similar items.

D. PROCEDURE

1. Application for a Planned Residential Development proposal shall follow the requirements for Special Exceptions modified as follows. Twenty (20) complete copies of a proposal shall be submitted to the Commission Office containing text and graphic information all fastened in 8 1/2 " X 11 " binders.
   This document shall constitute a complete proposal which demonstrates compliance with all Code requirements at a conceptual or schematic level.

2. The application fee for a Planned Residential Development proposal shall be one hundred dollars(100.00).
3. If a Special Exception approval is granted it shall constitute tentative approval. Final approval may be obtained by submitting all or sections of the development for site plan and subdivision review following procedures specified elsewhere in this Code and the Subdivision Regulations.

E. STATUS OF APPROVED PLANNED RESIDENTIAL DEVELOPMENTS AND APPLICATIONS FILED PRIOR TO SEPTEMBER 2, 1972.

1. Planned Residential Development Plans approved and all applications submitted for approval prior to September 2, 1972, shall be subject, completed and processed under the requirements of Section 45 as it existed on the above date and hence, exempt from the provisions of subsection 44.08.22.

2. Planned Residential Developments approved and processed in terms of Section 45 shall not be considered a non-conforming use regardless of the zone or zones in which it is located.

44.08.23 ALCHOLIC LIQUOR PACKAGE STORE are permitted uses only in B-2 and B-3 Zones subject to all regulations of those zones and:

A. Building and site shall meet criteria of the Connecticut Liquor Control Commission for Package Stores.

B. The entrance to the building shall be not less than fifteen hundred feet, measured in a direct line, from the entrance of any other Package Store.

44.08.24 Automobile, Truck, Trailer, Farm Implements and Similar Automotive Equipment Sales, new and used, are closely associated service facilities as part of the sales operation may be a permitted use in an I-2 Zone under the following conditions:

A. Site shall front on and have direct access to, a State Highway.

B. Lot area shall be one acre or more.

C. Lot frontage shall be two hundred (200) feet or more.

44.08.25 THOROUGHBRED AND HARNESS RACING FACILITIES are permitted uses in all I-2 Zones subject to the conditions enumerated hereunder:

A. The entire facility shall be located on a site containing not less than 350 acres.

B. The facility shall be connected to an interstate highway system in such a way as to provide for a direct access to said facility from said interstate system for patrons entering said facility, and direct access from said facility to said interstate highway system for patrons leaving said facility. There shall be no patronage ingress and egress to or from said facility on any local street

C. The facility shall be served by public utilities including electricity, telephone, public quasi-public water, and sanitary sewers; the utilities and their maintenance shall be in accordance with the requirements and regulations of the appropriate municipal authority having jurisdiction thereof.

D. The facility shall be entirely self-contained, and in connection therewith, shall provide, at its expense, and be serviced by, its own, on-site security and firefighting forces, incineration facility, and a maintenance force to handle general maintenance, including, but not limited to snow removal and repairs.

E. Where a proposed facility abuts a Residential Zone, there shall be provided a sixty (60) foot buffer area, and a ten (10) foot landscaped buffer strip included therein.

F. All parking areas and driveways shall be paved with concrete or asphaltic surfacing.

G. No vehicular entrance or exit shall be within five hundred (500) feet along streets from any school public playground, church, hospital, library or institution for dependents or for children.

H. The facility shall be operated and maintained in accordance with the requirements, standards, specifications and regulations of the appropriate state department, commission or authority having jurisdiction thereof, including, but not limited to the Connecticut Commission on Special Revenue.

I. Adequate lighting shall be provided if the parking facilities are used at night. If the parking facilities abut residential land, the lighting shall be installed and arranged so as not to reflect or cause glare onto the abutting residential land.

J. No buildings in excess of eighty (80) feet in height.

K. One hundred percent (100%) performance bonding shall be provided for site improvements.

L. This facility shall not violate the Flood Plain provision in the Zoning Code.

44.08.26 HISTORIC AND/OR ARCHITECTURAL PRESERVATION SITES AND STRUCTURES.

A. The site, building or structure proposed shall be designated for preservation by the Commission following criteria established by the National Trust for Historic Preservation.

B. Permitted use of a site and structure shall be harmonious with the physical characteristics and originally designed use of the structure: i.e. a structure designed for a residence may be used as an office.

C. A written agreement shall be filed with the Commission stipulating that the exterior of the structure and the site will be restored and maintained in accordance with the historic time period the structure is identified.

D. In the event the proposed historic preservation structure is located in a fire district with which its materials of construction are incompatible application, via the Commission, shall be made to the legislative body to change

the boundaries of the fire district so that the Historic Preservation Zone is designated as outside fire limits in terms of the State Building Code. The proposed Historic Preservation structure shall not be less than thirty (30) feet from any structure in a contiguous fire district.

44.08.27 BANKING DRIVE-UP FACILITIES
are permitted uses in R-4 zones if granted a Special Exception by the Commission's determination of findings according to this Section. The facilities are limited as follows:

A. Height limited to two (2) stories.

44.08.28 BANKING DRIVE-UP FACILITIES
are permitted uses in the B-3 zones if granted a Special Exception by the Commission's determination of findings according to this Section. The facilities are limited as follows:

A. Off-street approach lane of 200 feet required for each teller window, not to conflict with parking spaces, must be provided.

44.08.29 CARE/NURSING HOME AND COMMUNITY RESIDENTIAL TREATMENT FACILITY USES are permitted uses in R-2, R-3, R-4, and TD, and B-3 zones if granted a Special Exception by the Commission's determination of findings according to this Section. The uses are limited as follows:

A. The location of the facility shall be compatible with the neighborhood in terms of traffic, noise, and number of patients/clients cared for. The facility shall also be compatible with its setting in scale, material and design.

B. Each applicant must submit a description of its purpose and patient/client group.

C. All care/nursing homes and community residential treatment facility uses must connect to public water/sewer.

D. The site of the care/nursing home or community residential treatment facility must conform to the following requirements:

LOT AREA: R-2.....1,000 square feet per person
R-3..... 750 square feet per person
R-4..... 500 square feet per person
TD, and B-3 same as R-4

FRONTAGE AND YARDS: Same as in Residence zone which determines the lot area.

44.08.30 ROOMING HOUSE USES
are permitted uses in R-2, R-3, R-4, and TD zones if granted a Special Exception by the Commission's determination of findings according to this Section. The uses are limited as follows:

A. The facility must connect to public water and sewer.

B. The size of the rooming house must conform to the following requirements:

LOT AREA: R-2.....1.000 square feet per person
R-3..... 750 square feet per person
R-4..... 500 square feet per person
TD ..... same as R-4

FRONTAGE AND YARDS: Same as in Residence zone which determines the lot area.

44.08.31 HOME OCCUPATION

are permitted uses in R-1 and TD Zones if granted a Special Exception by the Commission's determination of findings according to this Section. The facilities are limited as follows:

A. There shall not be a separate entrance from outside the building.

B. There shall be no external evidence of operation. The character of the dwelling or the neighborhood shall not be changed. Commercial vehicles shall not be parked on the lot.

C. The use shall be operated solely by the persons maintaining the dwelling. There shall be no employees or regular assistants.

D. Equipment is limited to that normally used for domestic purposes. No equipment shall be used in a home occupation which creates noise, vibration, glare, fumes, or electrical interference off the property. No equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in the line voltage off the premises.

E. Signs are permitted as per sign regulations (Section 48 of the Zoning Code).

F. The area utilized must not be more than twenty (20) per cent of the gross floor area, not to exceed three hundred (300) square feet in a single dwelling unit.

G. There shall not be created greater vehicle traffic than would be normal for the district in which it is located.

H. Goods, wares, or merchandise shall not be commercially created, exchanged, stored, or sold on the premises.

I. The number of persons coming to the residence shall not exceed four (4) at any one time.

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SECTION 45 STREAMBELT REGULATIONS

45.01 Boundaries

Streambelts shall be all land so designated on a map prepared by the U.S. Department of Agriculture, Soil Conservation Service. The so designated streambelts have also been shown on the Zoning Map.

45.02 PURPOSE OF REGULATIONS

In Streambelts Components, as herein defined, no land shall be used or occupied, even as permitted in the zone in which such use is proposed, and no structure shall be erected or any change of grade or alignment made unless it is specifically authorized by the Commission. These regulations do not nor are they intended to, conflict with the regulations under the National Flood Insurance Program.

45.03 USES AND THEIR EVALUATION

In its evaluation for authorization the Commission shall consider the proponents evidence that:

1) The proposal will not be in conflict with the Plan of Development, open space plan, or Master Drainage Plan.

2) The development will not obstruct natural drainage courses or hinder their ability to carry abnormal flow of storm water in periods of heavy precipitation.

3) The development will not discharge sediment or other pollutants which will impair public health or safety, into the water course.

4) The development will not involve areas subject to flooding.

5) The development will not adversely affect fish or wildlife habitats.

6) The development will not destroy unique areas and/or not disturb areas valuable for scientific or educational purposes.

45.04 CONSULTATION WITH OTHER AGENCIES

A. In the event that a proposed project is not located in a geographic area under the jurisdiction of the Inland-Wetland and Water Course Agency the Commission may refer a proposed project to that Agency for its review, recommendation and assistance in field control if the project is approved.

B. If a proposed project is given tentative approval the Commission may require an erosion and sedimentation control plan which meets the minimum requirements set forth in the "Erosion and Sediment Control Handbook" published by the Soil Conservation Service. Such erosion and sedimentation control plan shall be referred to the Middlesex County Soil and Water Conservation District for its technical review and advisory opinion.

C. If a project which proposes alignment changes, both horizontal and/or vertical, is given tentative approval, the Commission may require all hydraulic information for the proposed change be submitted for review and approval by the proper agency before final approval of the project.

45.05 EVALUATION PROCEDURE

The evaluation of any proposed project shall follow the Site Plan Approval Requirement (Section 55) of this Code.

Proposals shall be considered as being Category 4.

45.06 STREAMBELT COMPONENTS

For the purposes of this Code the main components of streambelts, as setforth in the SCS study, are:

1. The watercourse of a defined stream, including banks, bed and water.

2. Lands subject to frequent stream overflow.

3. Associated marshes and wetlands.

4. Contiguous lands with special beneficial and environmental values, i.e., wildlife habitat, aesthetic, public recreations, scenic, historic, etc.

5. Shorelines of lakes and ponds associated with the stream.

6. Potential water development sites of public significance.

7. Areas in proximity to streams where certain developments or land uses would have probable adverse environmental effects, i.e., pollution and health hazards, erosion and sedimentation, destruction of ecological systems.

8. Other areas necessary as links to form a continuous streambelt system.

SECTION 46 FLOOD PLAIN LAND REGULATIONS

46.00 In the Flood Plain lands no land shall be used or occupied and no structure shall be erected, constructed, reconstructed, altered or used or filled, except in conformance with this subsection and all other requirements of the applicable zone.

46.01 BOUNDARY
The Flood Plain shall be all land which falls below the Intermediate Regional Flood level as established by the U.S. Army Corps of Engineers as measured from datum established by the U.S. Coastal and Geodetic Survey.

46.02 PERMITTED USES
No land shall be used or occupied other than as permitted in the zone in which such use is proposed except that no buildings, other than utilitarian structures including parking facilities, shall be erected in the Flood Plain.

46.03 BUILDINGS
Any structure for human use shall have the lowest floor at an elevation of not less than one foot (1') above the Flood Plain.

46.04 FILLING
No land within the Flood Plain shall be filled unless the Commission has granted its approval.

46.04.01 Application for approval shall be made to the Commission in writing seven (7) days prior to a regular meeting and shall be accompanied by plans prepared by a registered Civil Engineer showing the existing and proposed contours; the effect upon flooding and drainage conditions on adjacent properties; and the location and elevation of all proposed buildings. Said plans shall indicate the exact elevation of any encroachment line established by the Connecticut Water Resources Commission and shall be approved by an endorsement thereon, by the Connecticut Water Resources Commission.

46.04.02 No application shall be approved which will retard the flow of the stream or significantly reduce the volume of the storage which alleviates flooding elsewhere.

46.05 ACTION
The Commission shall act on the application in accordance with the General Statutes.

SECTION 47 SWIMMIMG POOLS

47.00 No swimming pool shall be constructed or operated in any zone, whether as an accessory use or as a principal use, unless it complies with the following conditions and requirements.

47.01 EXCLUSIVE PRIVATE USE IN ALL RESIDENTIAL ZONES
If a swimming pool is located in any Residential Zone, the pool shall be intended and used solely for the enjoyment of the occupants of the principal building of the property on which it is located and their guests.

47.02 DISTANCE REQUIREMENTS
The swimming pool, if accessory to a residential use, may be located anywhere on the premises except in a required front yard, provided it shall not be located closer than ten (10) feet to any property line of the property on which located; provide further that pump and filter installations shall be located not closer than ten (10) feet to any property line.

47.03 FENCING
The swimming pool, or the entire property on which it is located, shall be so walled or fenced as to prevent uncontrolled access by children from the street or from adjacent properties. Gates must be self latching with latches place four (4) feet above the underlying ground or otherwise made inaccessible from the outside to small children.

47.04 LIGHTING
Any lighting used to illuminate the swimming pool area shall be so arranged as to deflect the light from adjoining properties.

47.05 ZONING CERTIFICATE REQUIRED
No person, firm or corporation shall construct or install a swimming pool or make any alterations thereon or in the appurtenances thereof without having first submitted an application and plans therefor for approval.

SECTION 48 SIGNS

48.00 GENERAL REQUIREMENTS

The following regulations and standards are established to assure compatibility of signs with surrounding land usage, to conserve property values in all zones, and to strengthen the economy of the City. All signs hereafter erected or maintained, except official, traffic and street signs, shall conform with the provisions of this section.

48.01 DEFINITION AND REGULATIONS

For the purposes of this section, certain terms or words used herein shall be interpreted in accordance therein in the regulation of signs.

48.01.01 SIGNS

Any letters, figures, design, symbol, trademark, or illuminating device intended to attract attention to any place, subject, person, firm, corporation, public performance, article, machine or merchandise whatsoever and painted, printed or constructed and displayed in any manner whatsoever out of doors for recognized advertising purposes. However, this shall not include any official court or public notices nor the flag, emblem or insignia of a government, school or religious group when displayed for official purposes.

48.01.02 SIGN, AREA OF

The entire area within a continous perimeter, including the extreme limits of actual copy area. It does not include any structural or framing elements lying outside the limits of such sign and not forming an integral part of the display. Only one side of a double-faced sign shall be used in computing the total area of said double-faced sign.

The area of a sign composed of characters or words attached directly to a large, uniform building wall surface shall be the smallest rectangle which encloses the whole group.

48.01.03 SIGN, ANIMATED

A sign which rotates, moves or in any way simulates motion; except for clocks.

48.01.04 SIGN, BUSINESS

A sign which directs attention only to a business, commodity, service, activity, or product sold, conducted or offered upon the premises where such sign is located.

48.01.05 SIGN, FLASHING

An illuminated sign on which the artificial light is not kept stationary or constant in intensity at all times when in use. Illuminated signs which indicate the time, temperature, date or similar public service information shall not be considered "flashing signs."

48.01.06 SIGNS, OUTDOOR ADVERTISING
A sign which directs attention to a business, product, activity or service which is generally conducted, sold or offered elsewhere than upon the premises where such sign is located.

48.01.07 SIGN, PROJECTING
A sign which is attached to the building wall and which extends more than fifteen (15)inches from the face of such wall.

48.01.08 SIGN, TEMPORARY
A banner, pennant, poster or advertising display constructed of cloth, canvas, plastic sheet, cardboard, wallboard or other like materials and intended to be displayed for a limited period of time.

48.01.09 SIGN, WALL
A sign which is attached to the wall of a building, with the face in a plane parallel to such wall, and not extending more than fifteen (15) inches from the face of such wall

48.01.10 SIGN, DIRECTORY
A sign which is intended to direct attention to non-residential land-uses conducted or offered on different premises than those on which such sign is located.

48.02 EXEMPTIONS
The following types of signs are exempted from all provision of this section, except for construction and safety regulations and the following requirements:

48.02.01 PUBLIC SIGNS
Signs of a non-commercial nature and in the public interest erected by, or on the order of, a public officer in the performance of his public duty, such as safety signs, danger signs, trespassing signs, traffic signs,memorial plaques signs of historical interest and the like.

48.02.02 INSTITUTIONAL SIGNS
Signs setting forth the name or any simple announcement for any public, charitable, educational or religious institution located entirely within the premises of that institution, up to an area of twenty-four (24) sq. ft. Such signs may be illuminated in accordance with the regulations contained hereinafter. If building mounted, these signs shall be flat wall signs and shall not project above the roof line. If ground mounted, the top shall be no more than six (6) feet above ground level.

48.02.03 INTEGRAL SIGNS
Names of buildings, dates of erection, monumental citations, commemorative tablets and the like when carved into stone, concrete or similar material or made of bronze, aluminum or other permanent type construction and made an integral part of the structure.

48.02.04 PRIVATE TRAFFIC DIRECTION SIGNS
Signs directing traffic movement onto a premise or within a premises, not exceeding three (3) sq. ft. in area for each sign. Illumination of these signs shall be permitted in accordance with the regulations contained hereinafter. Horizontal directional signs on and flush with paved areas are exempt from these standards.

48.02.05 SMALL SIGNS
Signs not exceeding two (2) sq. ft. in area, attached flat against the building, stationary and not illumanated, announcing only the name and occupation of building tenant.

48.02.06 RENTAL SIGNS
Signs on the premises announcing rooms for rent, table board, apartment or house for rent and not exceeding four (4) square feet in area.

48.02.07 VEHICLE SIGNS
Signs on vehicles of any kind, provided the sign is painted or attached directly to the body of the original vehicle and does not project or extend beyond the original manufactured body proper of the vehicle.

48.02.08 POLITICAL SIGNS
Signs on residential premises associated with political campaigns within a time period of ninety(90) days before and thirty (30) days after an election.

48.03 TEMPORARY SIGNS
The following signs shall be permitted anywhere within the City and shall not require a permit:

48.03.01 CONSTRUCTION SIGNS
Signs which identify the architects, engineers, contractors and other individuals or firms involved with the construction, but not including any advertisement of any product, and signs announcing the character of the building enterprise for which the building is intended, during the construction period, to a maximum area of twelve (12) sq. ft. for each firm. The signs shall be confined to the site of the construction and shall be removed within thirty (30) days of the beginning of the intended use of the project.

48.03.02 REAL ESTATE SIGNS
Signs advertising the sale, rental or lease of the premises or part of the premises on which the signs are displayed, up to a total area of twelve (12) square feet. Such signs shall be removed within fourteen days of the sale, rental or lease.

48.03.03 STREET BANNERS
Banners advertising a public entertainment or event, if specially approved by the Commission and only for locations designated by the Commission during fourteen days (14) before and seven (7) days after the event

48.03.04 SHOW WINDOW SIGNS
Signs in a window display of merchandise when incorporated with such a display. They need not be related in content with the display.

48.04 SIGN STANDARDS

USE	NUMBER PERMITTED	MAXIMUM AREA	LOCATION	ILLUMINATION
Single Family Dwelling	1	2 sq. ft.	On building or free standing	External
Home Occupation	1	2 sq. ft.	On building or free standing	External
Attached Dwelling up to 10 Units	1	6 sq. ft.	On building or free standing	Internal or External
Attached Dwellings 11 or more Units	1	12 sq. ft.	On building or free standing	Internal or External
Institutional (Church, School Library, Museum Hospital, Club, Similar Uses)	1 per street frontage	24 sq. ft. per sign	On building or free standing	Internal or External
Office (Commercial or Professional)	1 per street frontage	1sq.ft.per. bldg.length on street up to 200 sq. ft. maximum	On building or free standing	Internal or External
Commercial (Internal Use)	3 per street frontage	2 sq. ft. per bldg. length on street up to 300sq.ft. maximum	On building or free standing	Internal or External
Commercial (Exterior Use i.e. Auto Sales Gas Stations)	6	2 sq. ft. lot frontage up to 300 sq. ft. maximum	On building or free standing	Internal or External
Industrial	2 per st. frontage	2 sq. ft. per bldg. length on street up to 300sq.ft. maximum	On building or free standing	Internal or External

48.04.01 OUTDOOR ADVERTISING SIGNS

Outdoor Advertising Signs are permitted in B-2, General Business Zones, I-1, Service Industrial Zones and I-2, Restricted Industrial Zones on lots having not less than fifty (50) linear feet of street frontage. Such signs shall not contain over two (2) signs per facing, neither sign exceeding an area of three hundred (300) sq. ft; provided that in lieu of two (2) signs, one sign per facing shall be permitted, in which event no such sign shall exceed an overall length of forty-eight (48) feet nor a vertical dimension of fourteen (14) feet, exclusive of cutouts and/or embellishments.

No outdoor advertising sign shall be permitted to be erected within fifty (50) feet of an adjoining Residence Zone if designed to face directly into such zone and be visible therefrom.

No outdoor advertising sign structure to be located within six hundred sixty (660) feet of and to be visible from any interstate highway (including I-91) shall be permitted to be erected within five hundred (500) feet of any other such structure on the same side of the road.

48.05 STRUCTURAL REQUIREMENTS

All signs shall comply with the pertinent requirements of the Public Works Ordinance of the City of Middletown.

48.06 NON-CONFORMING SIGNS

Signs existing at the time of the enactment of this ordinance and not conforming to its provisions but which were constructed in compliance with previous regulations shall be regarded as non-conforming signs. No non-conforming sign shall be altered by increasing its overall dimensions. If damaged to the extent of one-half of its fair market value, no non-conforming sign shall be reconstructed; provided that nothing contained herein shall prevent customary maintenance, repainting or posting of such signs or structures.

48.07 SIGN PROHIBITIONS AND GENERAL REQUIREMENTS

The construction of any type of sign shall conform to the requirements of the State Building Code and to any other municipal regulation governing the construction of signs. In addition, the following prohibitions and general requirements shall apply in all zones:

A. No sign shall be attached to or obstruct any window, door, stairway or other opening intended for ingress or egress or for needed light and ventilation. Nor shall any sign be attached to any tree, fence or utility pole or be permitted to be painted directly upon the wall or roof of any building.

B. All signs and components thereof shall be kept in good repair and in a safe, neat, clean and attractive condition.

C. Any sign now or hereafter existing which no longer advertises a bona fide business conducted, product sold or activity or campaign being conducted shall be taken down and removed by the owner, agent or person having the beneficial use of the building, structure or lot upon which such signs may be found within thirty (30) days of such cessation.

Upon failure to comply within the time specified, the Building Inspector is hereby authorized to order removal of such sign, within thirty (30) days of a written notification, and expense incident thereto shall be paid by the owner of the building, structure or lot to which such sign is attached.

D. Illuminated signs, including outdoor advertising signs, shall be so designed and arranged that any external illumination is so effectively shielded that no direct light is cast into residential areas or public streets. External lighting fixtures shall be permitted on indirectly illuminated signs, provided such fixtures do not extend more than six (6) feet beyond the sign structure and are so attached that such illumination is directed upon the face of the sign and does not reflect directly into adjoining property of public streets.

E. The exposed back of every outdoor advertising sign shall be effectively shielded from view from a public street by: an adjacent building; other substantial structure or evergreen planting; by another sign facting on the same structure of comparable size; or by the painting of such exposed back by the sign owner in a neutral color. Unless topographically impractical, new or rebuilt outdoor advertising ground structures shall be of the cantilever type to lessen possibility of unsightly "A" frame construction.

F. Neon lighting and tubing may be used on permitted signs, but it is not permitted to outline buildings or structures or ornamental features by use of exposed neon tubing, strings of lights or otherwise.

G. No flashing lights, moving parts, or animated signs are permitted.

H. Signs may be located in the vertical faces of marquees but shall not project below the lower edge of the marquee. The bottom of marquee signs shall be no less than ten (10) feet above the sidewalk or grade at any point. No part of the sign shall project above the vertical marquee face.

I. No wall or projecting sign shall be located in such a manner as to obstruct the light and vision of a window, nor extend higher than forty-eight (48) inches above the roof or parapet line of the building to which attached,

J. No signs shall be attached to the roof, or painted on the roof, of any building.

K. Free standing signs shall not exceed twenty-five (25) feet in overall height above ground level.

L. All signs related to premises on which the sign is located shall be within the parcels property lines.

M. One projecting sign shall be permitted for each street frontage, for a commercial use, but the sign shall not project more than twenty-four (24) inches from the face of the building to which it is attached.

N. Directory signs may display a horizontal panel area not to exceed 1' X 4' for each land-use and may be placed between two vertical columns. Maximum height shall be 12 feet, maximum width 8 feet.

The establishment of each directory sign shall require approval of the Commission with regard to location, design and height within the standards herein set.

ARTICLE V ADMINISTRATION AND ENFORCEMENT

SECTION 53 COMMISSION

53.01 COMMISSION

53.01.01 DUTIES
The Commission shall exercise and discharge the duties provided for it by this Code and are necessary to carry out the provisions of this Code.

53.01.02 POWERS LIMITED
Nothing contained in this Code shall be deemed to authorize the Commission to modify any requirements of this Code, except as provided in specific cases in this Code.

53.02 SPECIAL EXCEPTIONS
Where provided for elsewhere in this Code, the Commission may, in appropriate cases, grant a special exception.

53.02.01 AUTHORIZATION
The Commission shall hear and decide only such special exception as the Commission is specifically authorized to pass on by the terms of this Code; to decide such questions as are involved in determining whether special exceptions should be granted; and to grant special exceptions with such conditions and safeguards as are appropriate under this Code, or to deny special exceptions when not in harmony with the purpose and intent of this Code.

53.02.02 FINDINGS
A special exception shall not be granted by the Commission unless and until:

A. A written application for a special exception is submitted indicating the subsection under which the special exception is sought; and such application is accompanied by the appropriate fees and documents listed in subsection 44.03.01 of this Code.

B. The Commission shall make a finding that granting of the special exception will not adversely affect the public interest; that such special exception is authorized under a special subsection of this Code; and that satisfactory provisions and arrangements have been made concerning each of the findings listed under subsection 44.04 of this Code.

53.02.03 PROCEDURES
The procedures required for granting a special exception are provided for in subsections 44.02, 44.03, 44.04, 44.05, and 44.06 of this Code.

53.03 CONTINUOUS REVIEW OF CODE
The Commission and its staff shall carry on a continuous review of the effectiveness and appropriateness of the Zoning Code and recommend such changes as seem fit.

53.04 ADVICE OF OTHER AGENCIES

The Commission and its staff shall give such technical advice as they deem appropriate to the Zoning Board of Appeals and other agencies.

53.05 NEW LOTS

The Commission shall hear and decide an application for subdivision approval, as provided for by the General Statutes of Connecticut. In passing upon any such application, the Commission shall be cognizant of the provisions of this Code.

53.06 MAINTENANCE OF ZONING MAP

The Commission and its staff shall keep up to date the official Zoning Map and shall keep the Town Clerk supplied with a current copy of such map.

53.07 APPEAL FROM DECISION OF COMMISSION

Appeals from decisions of the Commission may be made in accordance with the General Statutes.

SECTION 54 ZONING CODE ENFORCEMENT OFFICER

54.00 The Chief Building Inspector of the City of Middletown, is hereby designated as the City's Zoning Enforcement Officer. The Chief Building Inspector shall consult with the Director of Planning and Zoning in the interpretation of the requirements of the Zoning Code. Any enforcement problems that cannot be handled through routine administrative procedures shall be referred to the City's Code Enforcement Authority.

SECTION 55 SITE PLAN APPROVAL REQUIREMENTS

55.01 GENERAL

It shall be unlawful to construct, erect, enlarge, alter, or rebuild any structure or modify any site or change any land-use or to apply for any required municipal permit unless such proposed development shall have received site plan approval as herein provided.

For the purposes of this Code a site plan is a drawing which shows the location of a parcel of land in relationship to its contiguous territory in sufficient detail to locate it on the City Zoning Map and also meets the specification herein set forth.

55.02 PURPOSE

The purpose of the site plan review is: (1) to provide an opportunity to assure that the requirements of this Code, and other pertinent City regulations, ordinances, inspections and procedures are met and; (2) where required to provide an opportunity for participation in any proposal by various technical personnel and to also incorporate the value judgement of the Commission.

55.03 PROCEDURE

Proposals shall be considered in the following four categories which are arranged in terms of increasing complexity.

Category (1) includes interior alterations which do not change the size or use of a building or structure or the site. Examples include re-roofing or residing a building or changing interior partitions. Proposals in this category may be approved by the Building Inspector without an actual site plan being presented.

Category (2) includes all single detached dwellings or any addition or accessory uses thereto which meet all Code requirements. After receipt of a complete application the site plan shall be reviewed and acted on within two working days by the Director or a legal representative.

Category (3) includes any proposal not in categories 1 or 2 which meet all Code requirements and does not require the granting of a Special Exception. Examples of this category include new buildings and additions to existing buildings in a proper zone. After receipt of a complete application the site plan shall be reviewed and acted on within 14 days by the Director or a legal representative.

Category (4) includes any proposal not in categories 1, 2, or 3 and further any proposal about which there is disagreement among any of the participants in categories

1, 2, or 3. Examples of this category include requests for Special Exceptions and expansion of non-conforming uses. After processing as herein setforth the site plan shall be considered for approval by the Commission.

55.04 PROPOSAL INFORMATION REQUIRED FOR REVIEW

55.04.01 Proponents for proposals in categories 2,3,and 4 as herein before designated shall submit legible prints of a site plan, four prints for category 2 and eight prints for categories 3 and 4, to the office of the Commission or the office of the Building Inspector which meet the following specifications and show the information noted.

A. Sheet sizes
(a) 12"X 18" (b) 18"X 24" (c) 24"X 36"

B. Graphic scale
1" =40' or other suitable scale for information shown

C. North arrow

D. Title block in lower right corner of sheet showing:
(a) name of project
(b) names of owner and/or developer
(c) date and subsequent date of possible revisions
(d) legible signature of person responsible for drawing the plan. Note that a proper category of professional person will be required to prepare, sign and seal all site plans except minor additions to single family detached dwellings

E. Property boundaries

F. Location of existing and/or proposed building(s), structure(s) additions.

G. All applicable requirements of this Code pertaining to off-street parking and loading, including driveway entrances and exists, storm water drainage systems, locations and size of parking and loading spaces and diagram of proposed traffic flow and locations of traffic islands and barriers

H. Type of incinerator if any is proposed.

I. Location, type and size of signs if any are proposed. Proposals concerning additions to single detached dwellings may be excepted from the remaining requirements

J. Areas to be utilized for the exterior storage of materials and type of architectural screen provided therefore;

K. Location, material and width of sidewalks.

L. Location, type, size and species of shrubs, trees or other planting and landscaping materials.

M. Source of water supply and location, size and approximate pressure of the nearest public water supply pipes.

N. Location and size of nearest sanitary sewer or other proposed method of sewage disposal;

O. Topography and method of storm drainage;

P. Other site information as may be deemed necessary to meet the objectives of this section.

55.04.02 OTHER INFORMATION REQUIRED

A. A statement explaining:
   (a) the proposed use of the facility;
   (b) the projected number of persons to be employed if an industrial use;
   (c) the building area of a business or institutional use;
   (d) the number of dwelling or housing units and a tabulation of units by number of bedrooms if a residential use;

B. Two legible prints showing building(s) or structure(s) elevation identifying the general type proposed and materials of construction for projects other than detached single family dwellings.

55.05 REVIEW PROCEDURE

The review procedure for proposals in Categories 2,3, and 4 may include requests for comments from any of the following departments or agencies:

(1) Public Works including Building Division;
(2) Water and Sewer;
(3) Health;
(4) Police Department Traffic Division;
(5) Applicable Fire District;
(6) Other technical agencies or organizations who may undertake additional studies and investigations.

55.05.01 SCOPE OF REVIEW

In reviewing a site plan the following shall be taken into consideration:

A. Compliance with the Zoning Code and general intent of the Plan of Development;

B. Efficient provision of all public utilities;

C. Effect of the proposal upon the public health and orderly growth of the community;

D. Provision of adequate public safety devices and access as determined by the Fire and Police Departments;

E. Effect of the proposal on area traffic patterns;

F. Compliance with the applicable Building and Housing Codes.

55.06 FINAL ACTION

After receipt of a complete application action on the site plan shall be taken within the time limitation specified herein or as designated in the General Statutes for Commission actions on formal applications, requests and appeals which ever is the lessor time.

55.07 FILING

Upon approval final site development plans and pertinent documents will be filed in the office of the Commission.

55.08 TIME LIMITATIONS

Building and any other required City construction or development permits must be applied for within one (1) year after site plan approval or such approval shall be null and void. Upon written request stating specific reasons for delay the Commission may grant additional time beyond the initial one (1) year period.

55.09 VIOLATIONS

Whenever the Commission shall find that any of the terms, conditions or restrictions upon which proposed site plan development approval was granted are not being complied with, the Commission may rescind and revoke such approval, after giving due notice to all parties concerned, and require performance as otherwise provided for in this Code.

ARTICLE VI USE SCHEDULE

SECTION 60 RESIDENTIAL ZONES AND PARK ZONE USE SCHEDULE

60.00 No land shall be used or occupied and no structure shall be erected, constructed, reconstructed, altered or used, except for any use of the following permitted uses, special exception uses, accessory use, permitted home occupation uses, or uses by temporary uses.

In any case where a use is alleged to be similar to a specified use referred to in the following schedule, its status shall be determined by the Commission by reference to the most clearly similar use or uses that are specifically referred to in the use schedule or declared that the use is not similar. When the status of a use has been so determined, such determination shall thereafter have general applicability to all uses of the same type.

The uses listed in this schedule are also listed in alphabetical order in the INDEX at the end of this CODE, for the convenience of those using this Code. Whenever there is any difference in meaning or implication between this schedule and the INDEX, this schedule shall prevail.

60.01 PERMITTED USES
The following uses may be operated as Permitted uses:

		ZONES				
60.01.01	Single-family dwelling, detached	R-1	R-2	R-3	R-4	TD*
60.01.02	Two-family dwelling		R-2	R-3	R-4	TD*
60.01.03	NONE					
60.01.04	NONE					
60.01.05	Cemeteries and other places of burial of the human dead.		R-2	R-3	R-4	
60.01.06	Churches and other places of worship, including parish houses.		R-2	R-3	R-4	TD*
60.01.07	Convents, monasteries and similar uses		R-2	R-3	R-4	TD*
60.01.08	Dormitories			R-3	R-4	TD*

		ZONES					
60.01.09	Educational Institutions		R-2	R-3	R-4	TD*	
60.01.10	Farming or other agriculture uses--any green house that brings the total of such ground area to 1,000 sq. ft. or more shall be a Special Exception.	R-1	R-2	R-3			
60.01.11	Fraternity and sorority houses			R-3	R-4	TD*	
60.01.12	Libraries, museums and similar institutions of a non-commercial nature.		R-2	R-3	R-4	TD*	
60.01.13	NONE						
60.01.14	Publicly owned or operated buildings and uses including schools, parks, playgrounds and recreational areas.		R-2	R-3	R-4	TD*	RF
60.01.15	Housing for the elderly or physically handicapped persons			R-3	R-4	TD*	
60.01.16	Outdoor municipal recreational uses such as: parks, playgrounds, playfields, golf courses, boating areas, community buildings and similar recreational uses.		R-2	R-3	R-4		RF
60.01.17	Natural open spaces such as conservation lands, wild life and forest preserves.	R-1	R-2	R-3	R-4	TD	RF
60.01.18	Developed open space, such as arboreta, botanical and zoological gardens.						RF
60.01.19	Public facilities, such as hospitals, public housing, children's homes, correctional institutions; fire houses, civic center.			R-3	R-4	TD*	
60.01.20	Mortuaries and funeral homes, not including ambulance service.			R-3	R-4	TD*	
60.01.21	Home Occupation		R-2	R-3	R-4		

* TD Transitional Development Zone

All Proposals treated as Special Exception Uses.

Revised 10/79

60.02 SPECIAL EXCEPTION USES

The following uses by Special Exception may be permitted in accordance with the provision of SECTION 44:

		ZONES				
60.02.01	Ambulance Service(44.08.01)		R-2	R-3	R-4	TD
60.02.02	Child Care Facilities (44.08.02)	R-1	R-2	R-3	R-4	TD
60.02.03	Education publishing organizations (44.08.03)		R-2	R-3		
60.02.04	Fraternity and sorority houses (44.08.04)	R-1	R-2			TD
60.02.05	Golf courses, country clubs, private clubs, service organization, including community buildings and similar recreational uses privately owned and/or operated (44.08.05)		R-2	R-3	R-4	TD
60.02.06	Hospital, medical and dental clinics. (44.08.06)		R-2			TD
60.02.07	Housing for elderly or physically handicapped persons (44.08.07)	R-1	R-2			TD
60.02.08	Professional and business offices (44.08.08)			R-3	R-4	TD
60.02.09	Neighborhood stores (44.08.09)	R-1	R-2	R-3	R-4	TD
60.02.10	Office and Studio(44.08.10)		R-2	R-3	R-4	TD
60.02.11A	Public Utility buildings and structures (44.08.11)		R-2	R-3	R-4	TD
60.02.11B	Public Utility Transmission system (44.08.11)	R-1				
60.02.12	Garden Apartments and Town House (44.08.21)		R-2	R-3	R-4	TD
60.02.13	Multi-family Dwellings (44.08.21)			R-3	R-4	TD

Revised 10/79

		ZONES					
60.02.14	Extraction of Natural Resources in accordance with the provisions of Section 41	R-1	R-2	R-3	R-4		
60.02.15	Planned Residential Development (PRD) (44.08.22)	R-1					
60.02.16	Adaptive historic preservation use harmonious with the physical characteristics and originally designed use of the structure (44.08.26)	R-1	R-2	R-3	R-4	TD	RF
60.02.17	Banking Facilities with drive-up-windows (44.08.27)				R-4	TD	
60.02.18	Restaurants, providing service for customers either at counters or at tables including sale of alcoholic beverages (44.08.19)						RF
60.02.19	Marina, boatyard for building, storage or repair of boats, docks, wharf or slip, including sale or rental of boats (44.04)						RF
60.02.20	Cemeteries and other places of burial of the dead (44.04)	R-1					
60.02.21	Churches and other places of worship, including parish houses	R-1					
60.02.22	Convents, monasteries and similar uses	R-1					
60.02.23	Educational institutions	R-1					
60.02.24	Farming or other agriculture uses--any green house bring total of green house ground area to 1,000 sq. st. or more	R-1					
60.02.25	Libraries, museums and similar institutions of a non-commercial nature	R-1					
60.02.26	Publicly owned or operated buildings and uses including schools, parks, playgrounds and recreational areas	R-1					

		ZONES				
60.02.27	Outdoor municipal recreational uses such as: parks, playgrounds, playfields, golf courses, boating areas, community buildings and similar recreational uses	R-1				
60.02.28	Developed open space, such as arboreta, botanical and zoological gardens	R-1				
60.02.29	Care/Nursing Homes, Community Residential Treatment Facility		R-2	R-3	R-4	TD
60.02.30	Rooming House		R-2	R-3	R-4	TD
60.02.31	Home Occupation	R-1				TD

60.03 ACCESSORY USES

The following accessory uses shall be permitted in accordance with the provisions of subsection 10.07 of this Code.

		ZONES				
60.03.01	Uses customarily incidental to the main or principal building or land use	R-1	R-2	R-3	R-4	TD
60.03.02	Required off-street parking and loading space	R-1	R-2	R-3	R-4	TD
60.03.03	Business office, provided that there is conducted in said office only business incidental to the rental, operation, service and maintenance of the dwelling		R-2	R-3	R-4	TD
60.03.04	Incidental services for the convenience of occupants, such as news stands, snack bars, personal service shops, provided that not more than five(5) percent of the total floor area of the building is used		R-2	R-3	R-4	TD

Revised 10/79

60.04 VOID

60.05 USES BY TEMPORARY PERMIT
The following are permitted as temporary uses.

60.05.01 Temporary buildings or yard for construction material or equipment both incidental and necessary to construction within the immediate area, provided, however that each permit shall be valid for a period of not more than six (6) months and shall not be renewed for more than four (4) successive periods at the same location. R-1 R-2 R-3 R-4 TD

60.05.02 Temporary office or model house, both incidental and necessary for sale or rental of real property within the immediate area provided, however, that each permit shall be valid for a period of not more than six (6) months and shall not be renewed for more than four(4) successive periods at the same location. R-1 R-2 R-3 R-4 TD

Revised 10/79

60.06 PROHIBITED USES

	ZONES					
	R-1	R-2	R-3	R-4	TD	RF
Any use not specified as a permitted use, special exception use, accessory use, permitted home occupation use or use by temporary permit are prohibited uses.						

SECTION 61 BUSINESS ZONES AND INDUSTRIAL ZONES USE SCHEDULE

61.00 No land shall be used or occupied and no structure shall be erected, constructed, reconstructed, altered or used, except for any use of the following permitted uses, special exception uses, accessory uses, permitted home occupation uses or uses by temporary uses.

In any case where a use is alleged to be similar to a specified use referred to in the following schedule, its status shall be determined by the Commission by reference to the most clearly similar use or uses that are specifically referred to in the use schedule or declare that the use is not similar. When the status of a use has been so determined, such determination shall thereafter have general applicability to all uses of the same type.

The uses listed in this schedule are also listed in alphabetical order in the INDEX at the end of this Code, for the convenience of those using this Code. Whenever there is any difference in meaning or implication between this schedule and the INDEX, this schedule shall prevail.

61.01 PERMITTED USES
The following uses may be operated as permitted uses:

61.01.01 Agriculture, including nurseries and farms. ZONE I1 I2 I3

61.01.02 Animal hospitals, veterinary clinics, etc. Animal hospitals kennels, display and housing and board of pets and other domestic animals, provided that any enclosures or buildings in which animals are kept shall be at least two hundred (200) feet from any residential zone and at least one hundred (100) feet from any B3 zone, and exercise runs shall be enclosed on four (4) sides by a sight-obscuring unpiered fence or wall at least five (5) feet in height.

ZONE I1

61.01.03 Automobile, truck, repair garages to provide services such as rebuilding, body and paint work, overhauling, tire retreading or recapping, but not to include commercial wrecking, dismantling or junk yards-all parking and storage areas shall be paved with concrete, asphalt or comparable hard surface.

ZONE I1

61.01.04 Automobile services, farm implements --automobile, truck, trailers, farm implements, for sale, display, hire or repair, including sales lots, used car lots, trailer lots, repair garages, body and fender shops, paint shops, but not within fifty (50) feet from any residential zone.

ZONE I1

61.01.05 Banks--savings and loan companies, finance companies and similar services. ZONES B2 B3 TD#

61.01.06 Blacksmith shop, welding or other metal working shop and machine shops. ZONES I1 I2

61.01.07 Building and related trades--including carpenter shops, electrical, plumbing, paint shops, heating shops, paper hanging shops, furniture upholstering and similar enterprises, but not within one hundred (100) feet from any residential zone.

ZONES I1 I2

61.01.08 Commercial schools and art studios--including automobile driving schools, business colleges, trade schools, dancing studios, photographic studios, radio and telecasting studios

ZONES B2 B3

61.01.09 Commercial Parking Lots, need not be enclosed.

ZONES B2 B3

61.01.10 Contractor's yard and related establishments--including building material yards (excluding concrete mixing, contractor's equipment storage yard or plant); or storage yard for rental of equipment commonly used by contractor's; trucking or motor freight stations or terminals; retail lumber yards, including incidental millwork; storage and sale of grain, live stock feed or fuel; carting, express or hauling establishments, including storage or vehicles; dump when operated by a duly authorized public agency; provided such uses are conducted either (1) wholly within a completely enclosed building or buildings, except for storage of vehicles, which building shall be distant at least one hundred (100) feet from any residential zone or (2) when conducted within an area completely enclosed on all sides with a solid wall or uniformly painted solid board fence not less than six (6) feet high, but not within two hundred (200) feet of any residential zone; provided further that all storage yards related to the uses in this paragraph shall be enclosed.

ZONE I1

61.01.11 Eating and drinking establishments--including eating and drinking places, summer gardens, and roadhouses (Excluding drive-in-restaurants); provided that such use is not within two hundred (200) feet of any residential zone.

ZONES B2 TD*

61.01.12 Eating and drinking places--including soda fountains, ice cream parlors, tea rooms, private dining rooms and restaurants, banquet halls, and clubs,subject to all applicable regulations and such permits and licenses as may be required by, but not including drive-in-restaurants.

ZONES B2 B3 TD*

61.01.13 Entertainment--drive-in theaters, provided the screen shall be so located as not to be visible from adjacent streets or highways and said screen shall be set back not less than two hundred (200) feet from the established right-of-way line of any such street or highway.

ZONE I1

61.01.14 Entertainment--including theaters, radio and television studios, bowling alleys, assembly halls, or similar places of assembly or entertainment.

ZONES B2 B3

61.01.15 Fuel and feed yards--including bulk fuel oil storage.

ZONE I1

61.01.16 Hospitals, medical and dental clinics.

ZONES B2 TD*

61.01.17 Hotels and Inns--but not including Motels.

ZONE B3

61.01.18 Laboratories--including experimental, photographic or testing laboratories, dental and medical, provided no operation shall be conducted or equipment used which would create hazards, noxious or offensive conditions.

ZONES I1 I2 I3

61.01.19 Manufacturing, including but not limited to (except for uses and processes prohibited by this Code) --the manufacturing, compounding, processing, packaging, and assembling of: bakery goods, candy, cosmetics, pharmaceutical, toiletries, and food products (except fish or meat products sauerkraut, vinegar, yeast and the rendering of fats and oils); products from the following previously prepared material: bones, canvas, cellophane, cloth, cork, feathers, fiber, fur, glass, hair, horn, leather, paper, plastics,

precious or semi-precious metals or stones, sheet metal, shell, textiles, tobacco, wax and yarns; pottery and figurines using previously pulverized clay, and kilns fired only with gas or electricity; musical instruments, toys, novelties, rubber or metal stamps and other small rubber products; electrical and electric appliances, instruments and devices, television sets, radios, phonographs, refrigerators, stoves; electric and neon signs, light sheet metal products including heating and ventilating equipment, cornices, eaves and the like.

ZONES I-1 I-2 I-3 TD*

61.01.20 Mortuaries or funeral homes--including ambulance service.

ZONES B-2 B-3 TD*

61.01.21 Newspaper and job printing.

ZONES B-3 I-1

61.01.22A Non-commercial uses such as churches and other places of worship; libraries, museums, and similar institutions; medical and dental clinics, private clubs or lodges.

ZONES B-2 B-3 TD*

61.01.22B Housing for the elderly or handicapped within 1,000 feet of public transportation and shopping; single family dwelling detached; two family dwelling.

ZONES B-3 TD*

61.01.23 Office buildings--including general and professional tenants as well as banking, savings and loan and other financial institutions.

ZONES B-2 B-3 TD*

61.01.24 Printing and related trades-including publishing, job printing, lithographing; blueprinting, etc., but not within one hundred (100) feet of any residential zone.

ZONE B-2 I-1 I-2 I-3 TD*

61.01.25 Public building--including post office; fire and police stations; bus passenger terminal, telephone exchange or office or other public utility office; and governmental buildings.

ZONES B-2 B-3 TD*

61.01.26 Public utilities buildings and structures--including storage yards and vehicle parking area.

ZONES I-1 I-2 I-3 TD*

Revised

61.01.27 Recreation (commercial)--including baseball fields, swimming pools, skating rinks, golf driving ranges, stadiums or arenas and similar open air facilities; livery stables or riding academies, amusement parks, or similar recreational uses; provided such recreational establishments shall be at least two hundred (200) feet from any residential zone.

ZONES B2 I1

61.01.28 Recreation (commercial)--including billiard parlors and pool halls; bowling alleys; night clubs; theaters and other assembly halls; subject to all applicable regulations and such permits and licenses as may be required by law, and expressly prohibiting drive-in theaters.

ZONES B2 B3

61.01.29 Restaurants--where customers are served only when seated at tables or counters within an enclosed building or structure, provided there is no sale of alcoholic beverages.

ZONES B2 B3 I1 TD#

61.01.30 Restaurants--serving alcoholic beverages.

ZONES B2 B3 TD#

61.01.31 Retail business-whose principal activity is the sale of merchandise in an enclosed building (except automobile sales, boat sales, mobile home sales; etc., which tend to detract or interfere with a high intensity of pedestrian shopping activity).

ZONES B2 B3

61.01.32 Retail sales or rental--including lumber, paints, hardware and other building supplies; automobiles, trucks, trailers, boats, motorcycles, new or used; construction equipment agricultural equipment, power tools, new or used; scientific and laboratory supplies.

ZONES B2 I1

61.01.33 Retail sales-in which both a workshop and a retail outlet are required, such as interior decorating, dressmaking, upholstering, printing, photographic reproducing, radio and home appliances, provided that no more than fifty (50) percent of the total usable floor area of the establishment shall be used for servicing, repair or processing activities.

ZONES B2 B3 TD#

61.01.34 Retail services--including grocery stores; supermarkets; fruit, meat and vegetable stores; drug stores; garden stores; barber shops; beauty parlors; clothes cleaning and laundry pick-ups; art and antique shops, artists supply stores; repair shops, self-service laundries; department stores including discount houses; variety and dime stores; dry goods and apparel stores; mail-order houses; and similar uses.

ZONES B2 B3 TD*

61.01.35 Service establishments, including barber shops and beauty parlors; dry cleaning and laundry pickup stations for work to be done elsewhere; dry cleaning, using non-inflammable cleaning agents only, for work accepted on the premises; locksmith; radio and television repair shop; shoe repair; tailoring, dressmaking and pressing, newspaper stand; automobile services and repair except body repair and paint work (limited to 3 automobiles per bay on the site at any one time) in enclosed buidling; and similar uses.

ZONES B2 B3

61.01.36 Studios--motion picture, recording, television and radio production studios, transmitters and related equipment.

ZONES I1 I2

61.01.37 Wholesale and warehousing--including wholesale or storage or sale of items manufactured on the premises, or the warehousing of commodities such as hardware, packaged or fresh foods, clothing, drugs, lumber (except live fowl or animal, commercial explosives, or above or below ground bulk storage of flammable liquids or gasses unless and only to the extent that such storage of liquids or gasses is directly connected to energy or heating on the premises).

ZONES I1 I2

61.01.38 Office buildings--including general and professional tenants. ZONES I1 I2

61.01.39 Corporate Office
The use of the zone shall be limited to offices and closely associated accessory uses such as conference/meeting facilities, data processing/storage, personnel services (i.e. dining facilities, medical services), research laboratories and air transportation facilities (i.e. helicopter landing area).

ZONE CO

61.01.40 Rooming Houses ZONE B-3

61.01.41 Institutions ZONE I-D

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*TD Transitional Development Zone-all proposals treated as Special Exception Uses

Revised 10/79

61.02 SPECIAL EXCEPTION USES

The following uses by special exception may be permitted in accordance with the provisions of Section 44.

61.02.01 Automobile filling station,(44.08.13)

ZONES B2 I1 TD

61.02.02 Automobile filling station when it is an integral part of a major parking facility. (44.08.14)

ZONE B3

61.02.03 Automobile filling station when it is an integral part of a major shopping area. (44.08.14)

ZONES B2 B3

61.02.04 Drive-in establishment, such as a drive-in restaurant, drive-in bank, car wash, etc. (44.08.12)

ZONES B2 TD

61.02.05 Eleemosynary or philanthropic institutions--need not be enclosed. (44.08.15)

ZONES B2 B3

61.02.06 General retail use not expressly prohibited by this Code. (44.04)

ZONES B2 B3

61.02.07 Junkyards and building material salvage yards. (44.08.16)

ZONES I1 I2 I3

61.02.08 Light manufacturing of light industrial use not expressly prohibited by this Code. (44.04)

ZONE I1

61.02.09 Motel, tourist courts, tourist home, auto lodge--not including a trailer camp or trailer court--need not be enclosed. (44.08.17)

ZONES B2 B3

61.02.10 Public utility structures. (44.08.11)

ZONES B2 B3 TD

61.02.11 Readymix concrete plant. (44.08.18)

ZONES I-1

61.02.12 Restaurant or lunch room. (44.08.19)

ZONES I-1 I-2 TD

61.02.13 Taxi cab stand--need not be enclosed. (44.02.20)

ZONES B-2 B-3

61.02.14 Garden Apartments, Town Houses, and Multi-family dwellings. (44.08.21)

ZONES B-3 TD

61.02.15 Extraction of Natural Resources in accordance with the previsions of Section 41.

ZONES B-3 I-1 I-2 I-3

61.02.16 Alcoholic Liquor Package Store. (44.08.23)

ZONES B-2 B-3

61.02.17 Automobile, truck, trailer, farm implements and similar automotive equipment sales, new and used. (44.08.24)

ZONES I-1 I-2

61.02.18 A major horse racing facility for thoroughbred and harness racing together with all the necessary appurtentant uses including, but not limited to, living quarters for employees required to be in residence at the track, fire station, incinerator and restaurants. (44.08.25)

ZONES I-2

61.02.19 Adaptive historic preservation use harmonious with the physical characteristics and originally designed use of the structure. (44.08.26)

ZONES B-2 B-3 I-1 I-2 I-3 TD

61.02.20 Banking facilities with drive-up windows. (44.08.28)

ZONES B-3

61.02.21 Child Care Facilities (44.08.02)

ZONES B-3 I-1 I-2 I-3 TD

61.02.22 Care/nursing homes, community residential treatment facility. (44.08.29)

ZONES B-3 TD

Revised 10/79

61.03 ACCESSORY USES

The following Accessory uses shall be permitted in accordance with the provisions of subsection 10.07 of this Code.

61.03.01 Uses customarily incidental to the main or principal building or land use.

ZONES B2 B3 I1 I2 I3 TD

61.03.02 Required off-street parking and loading space.

ZONES B2 B3 I1 I2 TD

61.03.03 Business office, provided that there is conducted in said office only business incidental to the rental, operation, service and maintenance of the dwellings.

ZONES B2 B3 TD

61.03.04 Incidental service for the convenience of occupants such as new stands, snack bars, personal service shops provided that not more than five (5) percent of the total floor area of the building is used.

ZONES B2 B3 TD

61.03.05 Closely associated accessory uses such as conference/meeting facilities, data processing/storage, personnel services(i.e. dining facilities, medical services), research laboratories and air transportation facilities (i.e. helicopter landing area).

ZONES CO

61.04 USES BY TEMPORARY PERMIT

The following are permitted as temporary uses.

61.04.01 Temporary building or yard for construction material of equipment both incidental and necessary to construction within the immediate area; provided, however, that each permit shall be valid for a period of not more than six (6) months and shall not be renewed for more than four (4) successive periods at the same location.

ZONES B2 B3 I1 I2 I3 TD

61.04.02 Temporary office, or model house, both incidental and necessary for the sale or rental of real property within the immediate area provided, however, that each permit shall be valid for a period of not more than six (6) months and shall not be renewed for more than four (4) successive periods at the same location.

ZONES B2 B3

61.05 PROHIBITED USES

The following uses shall be prohibited:

acetylene gas manufacture and storage; acid manufacture; alcohol manufacture; ammonia; bleaching powder or chlorine manufacture; arsenal; asphalt manufacture or refining; blast furnace; bag cleaning; boiler works; cement, lime, gypsum; or plaster of paris manufacture; coke ovens; creosote manufacture or treatment; disinfectants manufacture distillation of bones, coal or wood; dyestuff manufacture; explosives or fireworks manufacture or storage; fat rendering; fertilizer manufacture, excepting dry blending and packaging of chemical salts; offal or dead animals reduction gas manufacture, or storage; glue, size or gelatin manufacture; oilcloth or linoleum manufacture; paint, oil, shellac, turpentine or varnish manufacture; paper and pulp manufactur petroleum or its products, refining or wholesale storage of; rolling mill; shoe-polish manufacture; smelting of tin, copper, zinc or iron ores; stockyard or slaughter of animals or fowls; tanning, curing or storage of raw hides or skins; tar distillations or manufacture; tar roofing or waterproofing manufacture; yeast plant.

ARTICLE VII LEGISLATIVE

SECTION 70 REFERENCE

This Code shall be know and cited as the "ZONING CODE of the City of Middletown, Connecticut."

SECTION 71 AMENDMENTS

71.01 GENERAL

71.01.01 Such regulations, restrictions and boundaries established by this Code may from time to time be amended, supplemented changed, modified or repealed by the Commission of the City of Middletown.

Applications for amendment of this Code may be either proposed for amendment of the Code text or proposals for amendment of the Zoning Map. A proposed map amendment may be for a more or less intensive use and shall cover a single tract, all portions of which are proposed to be classified in one of two alternative zones.

71.02 FILING

71.02.01 Petition for amendment of this Code text and/or map may be made by any interested person or government agency by submitting for filing an application for the proposed amendment with the Director of the Commission; or may be submitted by the Commission by filing such an application on their own motion. An application shall not be accepted for filing by the executive officer if the application fails to conform to any of the applicable requirements of this section, including the payment of any fee as shall be established by the Commission nor if the application is for the reclassification of the whole or any part of land, the reclassification of which has been approved or denied by the Commission on the merits within twelve (12) months prior to the date of submission of the application for filing. After acceptance for filing, an application for a map amendment shall not be modified or amended as to the area proposed to be reclassified or as to the class of zone requested. All applications shall be subscribed by the applicant. In case of a text amendment, the application shall set forth new text to be added and existing text to be deleted.

71.02.02 In the case of an application for amendment to the Zoning Map, the application shall be in duplicate and in such form as the Commission shall prescribe and shall include:

A. A written statement specifying the following:
   (1) the street number, if any, or if none, the location with respect to nearby public roads in common use of the land which is proposed to be reclassified;
   (2) a description by metes and bounds, courses and distances of the land, or if the boundaries conform to lot boundaries within a subdivision for which a plat is recorded in the Land Records of the City of Middletown, then a lot, block,and subdivision designation with appropriate plat reference;
   (3) the present classification and the classification proposed for such land;
   (4) the name and address of the owner of the land;
   (5) the area of the land proposed to be reclassified, stated in sq. ft. if less than one (1) acre and in

acres if one (1) acre or more;

(6) all owners of assessment record of real property within a radius of two hundred (200) feet of the lot boundary of the property proposed to be reclassified.

B. An identification plat prepared by a civil engineer, land surveyor, or other competent person, and certified thereon by him to be correct and in conformity with this section, showing by metes and bounds, courses and distances the land proposed to be reclassified, or if the boundaries conform to lot boundaries within a subdivision for which a plat is recorded among the Land Records of the City of Middletown, then a copy of such plat, the land proposed to be reclassified appearing in a color distinctive from that of other lands shown on the plat.

C. A vicinity map shall be furnished by the petitioner covering the area within at least one thousand (1,000) feet of the boundaries of the land proposed to be reclassified, showing the existing classification of all land appearing on the map as shown by the official Zoning Map on file in the office of the Commission.

D. On the plat and maps required under the above paragraphs, the land proposed to be reclassified shall appear in a color distinctive from that of other land shown thereon. The scale of the plat and map required by the above paragraphs shall be noted thereon and shall be not less than one hundred (100) feet to the inch of the land proposed to be reclassified if an area of ten (10) acres or less, and not less than two hundred (200) feet to the inch if an acre of more than ten (10) acres. A north direction arrow shall appear on such plat and map. All maps shall be on a good quality of transparent paper, plastic, or cloth, and shall be one of the following sizes:
(a) 12"X 18" (b) 18"X 24" (c) 24"X 36"

E. A check payable to the City of Middletown for fifty dollars ($50) shall accompany the application.

71.03 HEARINGS

Before making its decision, the Commission shall hold a public hearing thereon and called in the manner provided in the General Statutes of Connecticut.

71.03.01 Any interested person shall have the right to submit oral or written testimony at the hearing. There shall be a complete stenographic report of the testimony at the hearing, including the application, which shall promptly be incorporated by the executive officer in the application file and shall be considered a part of the record on the application. The hearing may be adjourned from time to time and resumption date, place, and time publicly announced.

71.03.02 An application for a Map or Text Amendment shall be decided on the basis of the evidence on record. Such application shall be either approved or denied on the merits, or dismissed, or allowed to be withdrawn. The Commission may dismiss any such application if it finds that:

A. The application does not conform to any stated procedure requirement of this section;

B. The application is not acceptable for filing because filed within twelve (12) months, as herein above provided; or

C. The application is frivolous or filed for purposes of harassment.

If the application is not dismissed or allowed to be withdrawn as herein provided, it shall be either approved or denied on the merits, in which case no application for the reclassification of all or any part of the land which is the subject of the application shall be accepted for filing for twelve (12) months following the date of such approval or denial on merits. No application for a Map amendment shall be approved conditionally for the erection on the land of a structure at a particular location, or within a particular manner, or on any other condition. No application for a Map amendment shall be approved for a class of zone other than that applied for. No application for a Map amendment shall be approved for a greater or smaller area than that applied for.

71.03.03 In passing upon any such petition, the Commission shall take into account the various factors favoring and dis-favoring a change, such as but not limited to the following:

A. Errors in the existing Code; changes that have taken place in the City in patterns of development and land use; the supply of land and its peculiar suitability for various purposes; the effect of a map change on the surrounding area, the purposes of zoning; the objectives of the Plan of Development ; neighborhood acceptance weighed against community needs; and legality;

B. Whether some other method or procedure under the Zoning Code is more appropriate; and

C. In case of a map change, the size of the area involved. As a general policy, the Commission shall not consider favorably any petition which would result in a total contiguous zone (separated only by streets and excluding the area of streets) of less than twenty (20) acres.

SECTION 72

REPEALER

The Zoning Code of 1927, as amended. of the City of Middletown, passed and adopted by the Zoning Commission of the City of Middletown on the 7th day of February, 1927, is hereby repealed, provided that nothing herein contained shall be deemed to repeal or amend any law of said City requiring a permit or license or both to carry on any business, trade or occupation.

SECTION 73

CONTROLLING REGULATION

If this Code requires a greater width or size of yards, courts or other open spaces or a lower height of building or a fewer number of stories or a greater percentage of lot area to be left unoccupied or imposes other and higher standards than are required in any other stature, bylaw, ordinance or regulation the provisions of this Code shall govern. If the provisions of any other stature, bylaw, ordinance or regulation require a greater width or size of yards, courts or other open spaces or a lower height of building or a fewer number of stories or a greater percentage of lot area to be left unoccupied or impose other and higher standards than are required by this Code the provisions of such statute, bylaw, ordinance or regulation shall govern.

SECTION 74

EFFECTIVE DATE

The effective date of this revision shall be June 1, 1976.

INDEX

"A"

ACCESSORY USE OR STRUCTURE

Definition	16.01.01	
Accessory Building	12.03	
Building Accessory	16.02.08	
Building Accessories	13.04.08	
Non-Conforming Accessory	14.02	
Limitations on Accessory Uses	10.07	
Residential Zone Use	60.03	
Business & Industrial Zone Use	61.03	

AGRICULTURE

Definition	16.01.02	
Residential Zone Use	60.01.10	60.02.24
Special Exception	44.04	
Business & Industrial Zone Use	61.01.01	
Farm Buildings	13.02.02	

AIRPORT

Definition	16.01.03
Business & Industrial Zone Use	61.01.39

ALCOHOLIC LIQUOR PACKAGE STORE

Parking	40.04.04
Special Exception	44.08.23
Business & Industrial Zone Use	61.02.16

AMBULANCE SERVICES

Definition	16.01.04
Special Exception	44.08.01
Residential Zone Use	60.02.01
Business & Industrial Zone Use	61.01.20

AMENDMENTS

	SECTION 71
General	71.01
Filing	71.02
Hearing	71.03

APARTMENT

Definition	16.01.05	
Multi-family	16.01.18	
Garden & Town House	60.02.12	61.02.14
Multi-Family	60.02.13	61.02.14
Special Exception	44.08.21	
Parking-Multi-Family	40.04.14	

Efficiency Apartment Definition	16.01.06		
Apartment Hotel Definition	16.01.07		
Apartment Hotel Parking	40.04.13		
Multi-Family Structures	12.11		

AUTOMOBILES

Automobile Body Shop-Definition	16.01.09		
Business & Industrial Zone Use	61.01.03	61.01.04	
Parking	40.04.22		
Automobile Driving School	61.01.08		
Automobile Repair & Service Sta.-Def.	16.01.10		
Business & Industrial Zone Use	61.01.04	61.01.35	61.02.17
Parking	40.04.02		
Special Exception	44.08.24		
Sign Standards	48.04		
Retail Sales-Business & Industrial Zone Use	61.01.32	61.02.17	
Parking	40.04.04		
Special Exception	44.08.14		
Sign Standards	48.04		
Service Station or Filling Station-Def.	16.01.12		
Business & Industrial	61.02.21	61.02.02	61.02.03
Parking	40.04.01		
Special Exception	44.08.13	44.08.14	
Sign Standards	48.04		
Automobile Trailer-Definition	16.02.02		
Parking and Storage	12.09	12.09.02	12.10
Automobile or Trailer Sales Lot-Def.	16.01.11		
Parking	40.04.04		
Special Exception	44.08.24		
Sign Standards	48.04		
Business & Industrial Zone Use	61.01.04	61.01.32	61.02.17
Washing or Automatic Washing-Def.	16.01.13		
Business & Industrial Zone Use	61.02.04		
Special Exception	44.08.14 (B)		
Automobile Wrecking-Definition	16.01.14		
Business & Industrial Zone Use	61.02.17		
Special Exception	44.08.16		

AWNINGS

Awnings, Storm Doors, Etc.	13.04.09

BANKS

Business & Industrial Zone Use	61.01.05	61.01.23	
Residential Zone Use-Drive-Up	60.02.17		
Business & Industrial Zone Use-Drive-Up	61.02.04	61.02.20	
Special Exception	44.08.28		
Banking Facilities	60.02.17	61.01.05	61.01.23
Parking	40.04.15		
Special Exception	44.08.27		
Sign Standards	48.04		

BASEMENT

Definition	16.02.01

BAY WINDOWS

Exceptions and Modifications	13.04.03

BEGINNING OF CONSTRUCTION

Definition	16.02.02

BILLBOARD OR SIGNBOARD

Submission Requirements (G)	14.07.02
Non-Conforming Use	14.07.06.07
General Requirements-Signs	SECTION 48
Site Plan Review Requirements (I)	55.04.01
Business & Industrial Use Zone	61.01.19

BLOCK

Definition	16.02.04
Subdivision Section - Use	2C, 3C

BOARD OF APPEALS (ALSO SEE ZONING BOARD OF APPEALS)

Definition	16.02.05	
Conversion of Dwellings	SECTION 42	
Automotive Filling Stations	44.08.13	44.08.14

BOARDING OR LODGING HOUSE

Definition	16.02.06
Parking	40.04.04
Permitted Home Occupation	60.04.04

BUFFER

Definition	16.02.07	
Buffer Strips	12.08	
Change of Non-Conforming Use	14.07.06.09	
New Uses of Non-Conforming Use	15.03.05	15.03.04
Off-Street Parking & Off-Street Loading Regulations for Use in Commercial or Industrial Zone abutting a Residential Zone	40.03.07	

BUFFER

General Residence R-2 Zone	22.06
R-3 Zone	23.06
General Business B-2 Zone	32.06
Service Industrial I-1 Zone	35.06
Restricted Industrial I-2 Zone	36.06 Perimeter
I-2 Zone	36.07 Interior
Special Industrial I-3 Zone	37.06
Parking and/or loading	40.03.07

BUILDING

Definition	16.02.08
General Provisions	Section 10
Zoning Regulations	10.03
Buildable Lots-General Provision	12.05
Lots or Record	13.01
Height Modifications	13.02 13.02.02 13.02.03 13.04.08
Frontage and Yard Modifications	13.04
Conversion of Dwellings	Section 42
Permitted Use-Residential Zones	Section 60
Permitted Use-Business and Industrial Zones	Section 61
Flood Plain Regulations	46.03
Non-Conforming Buildings & Uses	Section 14

BUILDING ACCESSORY

Definition	16.02.09
Accessory Buildings	12.03
Building Accessories	13.04.08
Accessory Use	16.01.01
Accessory Uses-Residential Zones	60.03
Accessory Uses-Business and Industrial Zones	61.03

BUILDING, PRINCIPLE OR MAIN

Definition	16.02.10
Supplementary Provision	12.04

BUILDING COVERAGE

Definition	16.02.11
Coverage R-1 Zone	21.04
" R-2 Zone	22.04
" R-3 Zone	23.04
" R-4 Zone	24.04
" RF Zone	31.04
" B-2 Zone	32.04
" B-3 Zone	33.04
" CO Zone	34.04
" I-1 Zone	35.04
" I-2 Zone	36.04
" I-3 Zone	37.04
" HP Zone	38.04
" TD Zone	39.04

Definition	16.02.12
Height Modifications	13.02
Building Height Zones:	
R-1	21.03
R-2	22.02
R-3	23.02
R-4	24.02
RF	31.02
B-2	32.02
B-3	33.02
CO	34.02
I-1	35.02
I-2	36.02
I-3	37.02
TD	39.02

BUILDING LINE

Definition	16.02.13

BUILDABLE LOT AREA

Definition	16.02.14
Buildable Lots	12.05
Requirements: Zones	
R-1	21.03
R-2	22.03
R-3	23.03
R-4	24.03
RF	31.03
B-2	32.03
B-3	33.03
CO	34.03
I-1	35.03
I-2	36.03
I-3	37.03
HP	38.03
TD	39.03

BUSINESS ZONES AND INDUSTRIAL ZONES USE SCHEDULES

	SECTION 61
General Business Zones	B-2, B-3

"C"

CARE/NURSING HOMES, COMMUNITY RESIDENTIAL TREATMENT FACILITIES

Definition	16.03.01, 16.03.08
Off-Street Loading & Parking Regulations	40.04.25
Special Exception	44.08.29
Residential Zone Use	60.02.29
Business and Industrial Zone Use	61.02.22

CARPORT

Definition, Garage (Private)	16.07.01
Exceptions and Modifications	13.04.10

Revised 10/79

CELLARS

Definition	16.03.02

CEMETARY

Definition	16.03.03
Residential Zone Use	60.01.05
" " "	60.02.20
Special Exception	44.04

CENTRAL BUSINESS ZONE

Description of Zone, Use, Height, Lot Area, Lot Coverage, Off-Street Parking and Off-Street Loading Requirements (8-3)	Section 33
Business Zones and Industrial Zones Use Schedule	Section 61

CHILD CARE FACILITIES

Definition	16.03.12
Off-Street Parking	40.04.24
Special Exception	44.08.02E
Business and Industrial Zone Use	61.02.21

CHIMNEYS

Exceptions & Modifications	13.04.07

CHURCHES

Definition	16.03.11
Exceptions and Modifications	13.02.03
Parking	Section 40
Special Exception	44.04
Residential Use Zone	60.01.06 60.02.21
Business and Industrial Zone Use	61.01.22
Sign Standards	48.04

CITY

Definition	16.03.04

CLINICS

Definition	16.03.05
Parking	40.04.03
Special Exception	44.08.06
Residential Zone Use	60.02.06
Business Zones and Industrial Zones	61.01.16 61.01.22
Sign Standards	48.08

CLUBS

Definition	16.03.06
Parking Regulations	40.04.05
Special Exception	44.08.05
Sign Standards	48.04
Residential Zone Use	60.02.05
Business Zones and Industrial Zones Use Schedule	61.01.12 61.01.22 61.01.28

COMMERCIAL USE

Parking Regulations	40.04.04		
Sign Standards (Internal & External	48.08		
Schools	61.01.08		
Parking Lots	61.01.09		
Non-Commercial	61.01.22		
Recreation	61.01.27	61.01.28	

COMMISSION

Definition	16.03.07		
Action on Home Occupation	10.08.09		
Authority on Zoning Map	11.03	11.02.04	
Authority for Frontage Reduction	13.03.02		
Non-Conforming Building & Uses	14.07.04	14.07.05	
Performance Standards	15.02.04		
Parking Regulation	40.07	40.07.01	40.07.02
Natural Resources Removal	SECTION 41		
Special Exception	SECTION 44		
Procedure for Planned Development	44.08.22		
Action of Flood Plain Land	46.05		
Sign Regulations	SECTION 48		
Administration and Enforcement	SECTION 53		
Site Plan Approval Requirement	55.06		
Amendment to Zoning Code Map	SECTION 71		

CONTROLLING REGULATIONS

Amendment	SECTION 71
Regulations	SECTION 73

CONVALESCENT HOMES (REST)

Definition	16.03.08
Parking Regulation	40.04.09
Special Exception	44.08.06
Sign Standards	48.04
Residential Zone Use	60.02.06
Business & Residential Zone Use	61.01.16

CONVERSION OF DWELLINGS

SECTION 42

CORNER LOT

Definition	16.12.03
Supplementary Provision	12.01
Side Yard-Corner Lot	13.03.05 C

CORNICES, EAVES, & GUTTERS

Exceptions & Modifications	13.04.02
Business & Industrial Zone Use	61.09.19

CORPORATE OFFICE BUILDING

SECTION 34

Business & Industrial Zone Use	61.01.39

Continued

"C" Cont'd.

COUNCIL

Definition	16.03.09

COURT

Definition	16.03.10

CURBING

Parking/Loading spaces	40.03.03

"D"

DEFINITIONS

A thru Z	SECTION 16

DENTAL CLINICS

Definition	16.04.01
Parking Regulations	40.04.03
Special Exception Uses	44.08.06
Sign Standards	48.04
Residential Zone Use	60.02.06
Business & Industrial Zone Use	61.01.16 61.01.22

DENTAL & MEDICAL PRACTIONER OFFICES

Parking-Private Residence	40.04.17
Special Exception	44.08.08
Residential Zone Use	60.02.08

DISPLAY SIGN

Permitted Home Occupation Use	10.08.07
Non-Conforming Use	14.07.06.07
Sign Regulations	SECTION 48

DORMITORY

Definition	16.04.03
Parking	40.04.06
Residential Zone Use	60.01.08
Drainage Policy	10.09.04

DRIVE-IN ESTABLISHMENTS

Definition	16.04.04
Parking	40.04.19
Special Exception	44.08.12
Business & Industrial Zone Use	61.01.13 61.02.04

DRIVE-UP ESTABLISHMENTS

Special Exception	44.08.28
Business & Industrial Zone Use	61.02.20
Residential Zone Use	60.02.17

Removed 10/79

DUMPS

Definition	16.04.05
Business & Insutrial Zone Use	61.01.10

DWELLING

Definition	16.04.06
Lots of Record	13.01.01
Lot area, width & Yard Requirements:	
R-1 Restricted Residence Zone	21.03
R-2 General Residence Zone	22.03
R-3 General Residence Zone	23.03
R-4 General Residence Zone	24.03
Conversion of Dwellings	Section 42

DWELLING-SINGLE FAMILY

Definition	16.04.07
Parking Regulations	40.04.16
Residential Zone Use	60.01.01

DWELLING-TWO FAMILY

Definition	16.04.08
Parking Regulations	40.04.16
Residential Zone Use	60.01.02

DWELLING-MULTI FAMILY

Definition	16.04.09
Supplementary Provisions Structures	12.11
Parking Regulations	40.04.14
Special Exception	44.08.21
Residential Zone Use	60.02.12 60.02.13

DWELLING UNITS

Definition	16.04.10

DWELLING GROUP

Definition	16.04.11

DWELLING (TOWN) HOUSES

Definition	16.04.12
Business & Industrial Zone Use	61.02.14

"E"

EDUCATIONAL INSTITUTIONS

Parking Regulations	40.04.07
Sign Standards	48.04
Residential Zone Use	60.01.09

EDUCATIONAL-PUBLIC

Special Exception	44.08.03
Residential Zone Use	60.02.03

ENVIRONMENTAL RESPONSIBILITY

General Provisions 10.09

ELEEMOSYNARY OR PHILANTHROPIC INSTITUTION

Definition 16.05.02
Parking Regulations 40.04.08
Special Exception 44.08.15
Business & Industrial Zone Uses 61.02.05

ESSENTIAL SERVICES

Definition 16.05.01
Lighting 40.03.08
Environmental Responsibility 10.09

ESTABLISHMENT OF ZONES

Zones 11.01
Zoning Map 11.02
Replacement of Official Zoning Map 11.03
Rules for Interpretation of Zone Boundaries 11.04

EXCEPTIONS & MODIFICATIONS

Lot of Record 13.01
Height Modifications 13.02
Frontage & Yard Modifications 13.03
Projection of Architectural Features 13.04

"F"

FAMILY

Definition 16.06.01

FENCES

Fences, Walls, Hedges 12.02
Heights & Side Yards 13.04.04
New Uses - Performance Standards 15.03

FIRE ESCAPES

Exceptions & Modifications 13.04.06

FLOOD PLAIN

Flood Plain Regulations Section 46

FRATERNITY OR SORORITY

Special Exception 44.08.04
Parking 40.04.06
Residential Zone Use 60.01.11 60.02.04

FRONTAGE

Definition 16.06.02

FRONTAGE, WHERE MEASURED

Definition	16.06.03
Frontage & Yard Modifications	13.03
Requirements: Zones	
R-1	21.03
R-2	22.03
R-3	23.03
R-4	24.04
RF	31.03
B-2	32.03
B-3	33.03
CO	34.03
I-1	35.03
I-2	36.03
I-3	37.03
HP	38.03
TD	39.03

"G"

GARAGE, PRIVATE

Definition	16.07.01
Exception & Modification	13.04.10
Accessory Building	12.03

GARAGE, PUBLIC

Definition	16.07.02

GARDEN APARTMENT BUILDING

Definition	16.07.03
Parking	40.04.14
Special Exception	44.08.21
Residential Zone Use	60.02.12
Business & Industrial Zone Use	61.02.14

GASOLINE STATION

Definition	16.01.12
Parking	40.04.01
Special Exception	44.08.13 44.08.14
Sign Standards	48.04
Business & Industrial Zone Use	61.02.01 61.02.02 61.02.03

GENERAL PROVISIONS

General	10.00
Purpose	10.01
Intent	10.02
Application of Zone Regulations	10.03
Separability Clause	10.04
Provisions Declared to be Minimum Req.	10.05
Site Plan Approval	10.06
Limitations on Accessory Uses	10.07
Limitation on Permitted Home Occupation Uses	10.08
Environmental Responsibility	10.09

GRADE

Definition	16.07.04	

GOLF COURSES

Special Exception	44.08.05	
Residential Zone Use	60.01.16	60.02.05
Business & Industrial Zone Use	61.01.27	

"H"

HEIGHT MODIFICATION

	13.02

HISTORICAL AND/OR ARCHITECTURAL PRESERVATION SITES

	SECTION 38	
Establishment of Zone	11.01c	
Special Exception	44.08.26	
Residential Zone Use	60.02.16	
Business & Residential Zone Use	61.02.19	

HOME OCCUPATION

Definition	16.08.01	
Limitations on Permitted Uses	10.08	
Residential Zone Use	60.01.21	60.02.31
Sign Standards	48.04	
Special Exception	44.08.31	

HORSE RACING FACILITIES

Parking Regulations	40.04.22
Special Exception	44.08.25
Business & Industrial Zone Use	61.02.18

HOSPITAL

Definition	16.08.02	
Parking Regulations	40.04.09	
Sign Standards	48.04	
Residential Zone Use	60.01.19	60.02.06
Business & Industrial Zone Use	61.01.16	
Animal Hospital	61.01.02	
Special Exception	44.08.06	

HOTEL

Definition	16.08.03
Parking Regulations	40.04.13
Business & Residential Zone Use	61.01.17

HOUSE TRAILERS - MOBILE HOMES

Definition	16.20.02		
Parking & Storage	12.09	12.09.02	12.10

Removed 10/14

HOUSING FOR ELDERLY OR PHYSICALLY HANDICAPPED PERSONS

Definition	16.08.04
Parking Regulations	40.04.10
Special Exception	44.08.07
Residential Zone Use	60.01.15 60.02.07

"I"

INDUSTRY

Definition	16.09.01
Industrial Zones I-1	SECTION 35
I-2	SECTION 36
I-3	SECTION 37
Parking Regulations	40.04.11
Business & Industrial Zone Use	SECTION 61
Signs I-1	48.04.06
I-2	48.04.07
I-3	48.04.08

INNS

Business & Industrial Zone Use	61.01.07
Institutional Development	SECTION 30

"J"

JUNK & SALVAGE YARDS

Definition	16.10.01
Special Exception	44.08.16
Business & Industrial Zone Use	61.02.07

"K"

KENNEL

Definition	16.11.01
Business & Industrial Zone Use	61.01.02

KITCHEN

Definition	16.11.02

"L"

LOADING SPACE (OFF-STREET)

Definition	16.12.01
General Provisions	10.03.03 10.03.05
Development Standards for Off-Street Loading Spaces	40.05
Quantity of Loading Spaces	40.06
Special Exception	44.04.07
Residential Zone Use-Accessory	60.03.02
Business & Industrial Zone Use-Accessory	61.03.02
Non-Conforming Use	14.07.06.06

LOT

Definition	16.12.02
Application of Zone Regulations	10.03.02 10.03.03 10.03.04
Lots of Record	13.01
Non-Conforming	14.02
Subdivisions-Procedural Matters	Section 1A
Preliminary Plat	Section 1B
General Notes	Section 4C.1
	Section 13C

Related Definitions:

Lot Corner	
Definition	16.12.03
Regulations	13.03.05C
Lot Interior	
Definition	16.12.04
Lot Depth	
Definition	16.12.05
Lot Lines	
Definition	16.12.06
Front	16.12.07
Rear	16.12.08
Side	16.12.09
Street or Alley	16.12.10
Lot Width	
Definition	16.12.11
Lot Area	
Definition	16.12.12
Lot Area per Dwelling Unit	
Definition	16.12.13
Lot-Through	
Definition	16.12.14

LOT, WIDTH AND YARD REQUIREMENTS

R-1 Zone	21.03
R-2 Zone	22.03
R-3 Zone	23.03
R-4 Zone	24.03
RF Zone	31.03
B-2 Zone	32.03
B-3 Zone	33.03
CO Zone	34.03
I-1 Zone	35.03
I-2 Zone	36.03
I-3 Zone	37.03
HP Zone	38.03
TD Zone	39.03

LOT COVERAGE

(See Building Coverage)

MARINA-BOATYARDS

Riverfront-Recreation	SECTION 31
Special Exception	44.04
Residential Zone Use	60.02.19
Business & Residential Zone Use	61.01.32

MEDICAL CLINIC BUILDING

Definition	16.13.02
Parking Regulations	40.04.03
Special Exception	44.08.06
Residential Zone Use	60.02.06
Business & Industrial Zone Use	61.01.16 61.01.22

MINERAL

Definition	16.13.01
Natural Resources Extraction Reg.	SECTION 41
Approval Time Period	41.11
Special Exception	44.04
Residential Zone Use	60.02.04
Business & Industrial Zone Use	61.05

MOBILE HOME OR TRAILER

Definition	16.20.02
Parking, Storage or Use	12.09

MORTUARY OR FUNERAL PARLORS

Parking Regulations	40.04.02
Residential Zone Use	60.01.20
Business & Industrial Zone Use	61.01.20

MOTEL OR MOTOR HOTEL

Definition	16.13.03
Parking Regulations	40.04.13
Special Exception	44.08.17
Business & Industrial Zone Use	61.02.09

NATURAL RESOURCES

	SECTION 41
Special Exception	44.04
Residential Zone Use	60.02.14
Business & Industrial Zone Use	61.02.15

NEIGHBORHOOD STORES

Parking Regulations	40.04.04
Special Exception	44.08.09
Sign Standards	48.04
Residential Zone Use	60.02.09

NON-CONFORMING USE

Definition	16.14.01
Non-Conforming Buildings and Uses	SECTION 14
Non-Conforming Uses:Performance Standards-Existing	15.02

NURSERY AND KINDERGARTEN

Special Exception	44.08.02
Residential Zone Use	60.02.02

"O"

OFFICES

Special Exception	44.08.10
Residential Zone Use	60.04.03
Studio-Residential Zone Use	60.02.10
Business and Industrial Zone Use	61.03.03
Sign Standards	48.08

OFFICE BUILDINGS

Corporate Office Building	SECTION 34
Parking Regulations	40.04.15
Special Exception	44.08.08 44.08.10
Sign Standards	48.04
Business & Industrial Zone Use	61.01.23 61.01.38 61.01.39

OPEN SPACE

Special Exception	44.08.21
Residential Zone Use (Developed)	60.01.18 60.02.28
Residential Zone Use (Natural)	60.01.17
Subdivision Reg. other than streets	16-C
See also (Usable open space)	

OUTLOT

Definition	16.15.01

"P"

PACKAGE STORE

Definition	16.18.02
Special Exception	44.08.23
Business & Industrial Zone Use	61.02.16

PARKING AREA

Definition-Private Parking Area	16.16.01
Definition-Commercial Parking Lot	16.16.02
Business & Industrail Zone Use	61.01.09
Definition-Public Parking Area	16.16.03
Definition-Parking Spaces	16.16.04
Parking Storage or Use of Major Recreational Equipment	12.09
Parking and Storage of Certain Vehicles	12.09
Off-Street Parking and Off-Street Loading Regulations	SECTION 40
Accessory Use	61.03.02
Parking-Conversion of Dwellings	42.02.05
Parking-Planned Residential Development	44.08.22
Standards for Hierarchy of Vehicular Streets, etc., Sub. Regulations	4-C

PEDESTRIAN WALKS

Supplementary Provisions	12.12
Sub. Standards for Hierarchy of Vehicular of Vehicular Streets, etc.	14-C
Planned Residential Development	44.08.22 (17)

PERCENTAGE OF LOT COVERAGE

Definition	16.16.05
Percentage of lot	
" R-1 Zone	21.04
" R-2 Zone	22.04
" R-3 Zone	23.04
" R-4 Zone	24.04
" RF Zone	31.04
" B-2 Zone	32.04
" B-3 Zone	33.04
" CO Zone	34.04
" I-1 Zone	35.04
" I-2 Zone	36.04
" I-3 Zone	37.04
" HP Zone	38.03
" TD Zone	39.04

PERFORMANCE STANDARDS

Definition	16.16.06
Requirements & Regulations	SECTION 15

PLANNED RESIDENTIAL DEVELOPMENT

Requirements & Regulations (See Special Exceptions)	44.08.22
Residential Zone Use	60.02.15

PLANNING & ZONING COMMISSION

See COMMISSION

PRIVATE CLUB

Special Exception	44.08.05
Sign Standards	48.04
Residential Zone Use	60.02.05
Business & Industrial Zone Use	61.01.22
Parking	40.04.05

PROFESSIONS

Definitions	16.16.07

PROFESSIONAL OFFICES

Definition	16.16.08
Special Exception	44.08.08
Sign Standards	48.04
Residential Zone Use	60.02.09
Business & Industrial Zone Use	61.01.23
Parking	40.04.15

PROJECTION OF ARCHITECTURAL FEATURES

Projections	13.04

PUBLIC HEARINGS

Public Hearing-Special Exception	44.05
Non-Conformity	14.07.03
Amendments-Hearings	71.03.01

"R"

READY MIX CONCRETE PLANT

Special Exception	44.08.18
Business & Industrial Zone Use	61.02.11

RECREATIONAL (COMMERCIAL)

Parking	40.04.23
Residential Zone Use	60.01.16
Business & Industrial Zone Use	61.01.27 61.01.28

RESIDENTIAL PRINCIPAL BUILDINGS

Definition	16.18.01

RESIDENTIAL USES

(See Dwellings)

RESTRAURANTS

Parking	40.04.19
Special Exception	44.08.19
Residential Zone Use	60.02.18
Business & Industrial Zone Use	61.01.11 61.01.12 61.01.28 61.01.29 61.02.04 61.02.12

RETAIL BUSINESS

Business & Industrial Zone Use	61.01.31

RETAIL PACKAGE STORE PERMIT

Definition	16.18.02

(See Alcoholic Liquour Package Store)

RETAIL SALES OR RENTAL

Parking	40.04.04
Business & Industrial Zone Use	61.01.32 61.01.33

RETAIL SERVICES

Business & Industrial Zone Use	61.01.34

REZONING

SECTION 71

ROOMING HOUSE

Definition	16.18.03
Parking Requirements	40.04.20
Residential Zone Use	60.01.40 60.02.30

"S"

SERVICE ESTABLISHMENT

Parking	40.04.04
Business & Industrial Zone Use	61.01.35

Revised 10/79

SERVICE ORGANIZATION

Special Exception 44.08.05
Business & Industrial Zone Use 60.02.05

SHOPPING CENTER

Definition 16.19.02
Business & Industrial Zone Use 61.01.34 61.01.36

SIGNS

SECTION 48

SPECIAL EXCEPTION

SECTION 44
Residential Zone Use 60.02
Business & Industrial Zone Use 61.02

STEPS, STOOPS, PORCHES

Exceptions & Modifications 13.04.05

STORY

Definition 16.19.04
First Floor Definition 16.19.06
Half Story Definition 16.19.05
Mezzanine 16.19.07

STREAMBELT REGULATIONS

SECTION 45

STREET

Definition 16.19.08
Subdivision Regulations-Preliminary Plat Section 1 B
Requirements-Subdivision Reg. Section 1 C
Standards for a Hierarchy of Vehicular Streets, etc.-Subdivision Reg. Section 4 C
Intersections-Subdivision Reg. Section 12 C
Street Storm Water-Subdivision Reg. Section C-1-3
Street names and Street Signs-Sug. Reg Section C-1-8
Final Plat-Subdivision Reg. Section 2D (d) - 1)
Off-Street Parking & Off-street Prkg. SECTION 10

STRUCTURE

Definition 16.19.09

STRUCTURAL ALTERATION

Definition 16.19.10
Non-Conforming Building and Uses SECTION 14

STUDIO

Special Exception 44.08.10
Residential Zone Use 60.02.10
Business & Residential Zone Use 61.01.36

SUPPLEMENTARY PROVISIONS

SECTION 12

SWIMMING POOLS

Definition 16.19.11
SECTION 47

"T"

TAXI CAB STANDS

Special Exception 44.08.20
Business & Industrial Zone Use 61.02.13

THOROUGHBRED AND HARNESS RACING FACILITIES

(See Horse Racing)

TOURIST HOME

Definition 16.20.01
Parking 40.04.13
Special Exception 44.08.17
Business & Industrial Zone Use 61.02.09

TOWN HOUSE

Definition 16.04.12
Parking 40.04.14
Special Exception 44.08.21
Residential Zone Use 60.02.12
Business & Industrial Zone Use 61.02.14

TRAILER OR MOBILE HOME

Definition 16.20.02
Parking & Storage 12.09

TRAILER OR MOBILE HOME PARK OR CAMP

Definition 16.20.02
Special Exception 44.08.17
Business & Industrial Zone Use 61.02.09

"U"

USABLE OPEN SPACE

Definition 16.21.01

USE

Definition 16.21.02
Definition, Use Accessory 16.21.03
Residential Zone Use 60.03
Business & Industrial Zone Use 61.03
Definition, Use Permitted 16.21.04
Residential Zone Use 60.01
Business & Industrial Zone Use 61.01

Uses, Temporary
- Residential Zone Use 60.05
- Business & Industrial Zone Use 61.01

Uses, Home Occupation 10.08
- Residential Zone Use 60.04.01 60.04.02 60.04.03 60.04.03 60.04.05

Uses, Non-Conforming SECTION 14

Uses, Prohibited
- Residential Zone Use 60.06
- Business & Industrial Zone Use 61.05

"V"

VARIANCE

Definition 16.22.01

VISIBILITY

Supplementary Provisions 12.01

Parking 40.13.12

"W"

WALKING DISTANCE

Definition 16.23.01

WALLS-FENCES

New Uses 15.03.01 15.03.02 15.03.03 15.03.04 15.03.05

"X"

"Y"

YARD

Definition 16.25.01

Modification 13.03

Front: Definition 16.25.02
- How Measured 16.25.03

Rear: Definition 16.25.04

Side: Definition 16.25.05
- Least Width-How Measured 16.25.06

"Z"

ZONE

Definition 16.26.01

Establishment of Zones SECTION II

Zone R-1 Restricted Residence SECTION 21

Zone R-2 General Residence SECTION 22

Zone R-3 General Residence SECTION 23

Zone R-4 General Residence SECTION 24

Zone RF Riverfront Recreation SECTION 31

Zone	B-2	General Business	SECTION 32
Zone	B-3	Central Business	SECTION 33
Zone	CO	Corporate Office	SECTION 34
Zone	I-1	Service-Industrial	SECTION 35
Zone	I-2	Restricted Industrial	SECTION 36
Zone	I-3	Special Industrial	SECTION 37
Zone	HP	Historic Preservation	SECTION 38
Zone	TD	Transitional Development	SECTION 39

ZONING BOARD OF APPEALS (ALSO SEE BOARD OF APPEALS)

Definition	16.02.05
Boundary Lines	11.04.08
Change of Use-Non-Conforming	14.04.03
Conversion of Dwellings	14.06
Findings & Decision	42.02
Automobile Filling Stations	44.08.13 - 44.08.14

ZONING CODE

General Provisions	SECTION 10
Establishment of Zones	SECTION 11
Supplementary Provisions	SECTION 12
Exceptions & Modifications	SECTION 13
Non-Conforming Buildings & Uses	SECTION 14
Performance Standards	SECTION 15
Definitions	SECTION 16
R-1 Restricted Residence	SECTION 21
R-2 General Residence	SECTION 22
R-3 General Residence	SECTION 23
R-4 General Residence	SECTION 24
I D Institutional Development	SECTION 30
RF Riverfront Recreation	SECTION 31
B-2 General Business	SECTION 32
B-3 Central Business	SECTION 33
CO Corporate Office	SECTION 34
I-1 Service Industrial	SECTION 35
I-2 Restricted Industrial	SECTION 36
I-3 Special Industrial	SECTION 37
HP Historic Preservation	SECTION 38
TD Transitional Development	SECTION 39
Off-Street Parking & Loading	SECTION 40
Natural Resource Extraction Reg.	SECTION 41
Conversion of Dwellings	SECTION 42
Special Exception	SECTION 44
Flood Plain Land Regulations	SECTION 46
Swimming Pools	SECTION 47
Sign Regulations	SECTION 48
Commission	SECTION 53
Zoning Code Enforcement Officer	SECTION 54
Site Plan Approval Requirements	SECTION 55
Residential Zone Use Schedule	SECTION 60
Business Zones & Industrial Zones Use	SECTION 61
Reference	SECTION 70
Amendments	SECTION 71
Repealer	SECTION 72
Controlling Regulation	SECTION 73
Effective Date	SECTION 74

ZONING CODE ENFORCEMENT OFFICER

SECTION 54

ZONING COMMISSION

Definition	16.26.04
Commission	SECTION 53

ZONING MAP

Definition	16.16.05
Zoning Map	11.02
Replacement of Official Zoning Map	11.03
Maintenance of Zoning Map	53.05

REVISED 10/3/79