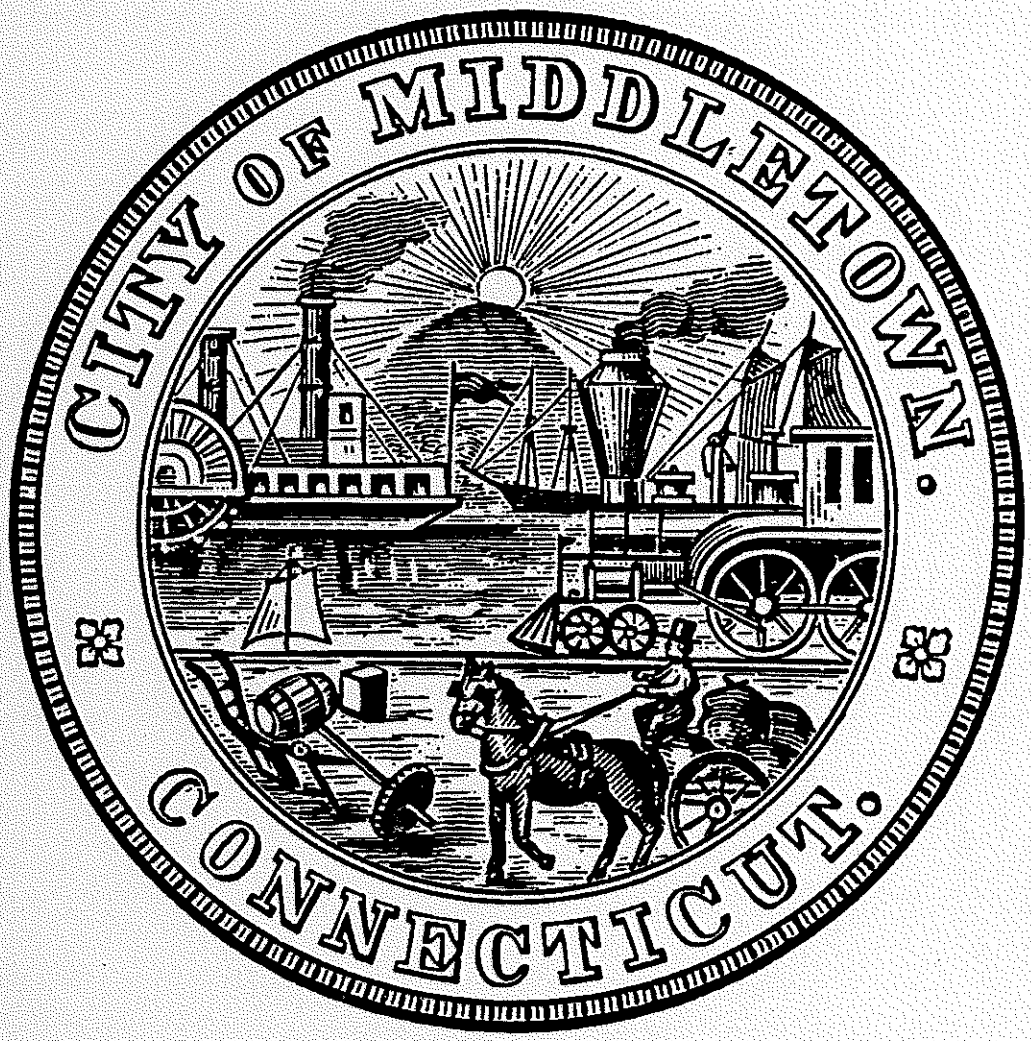
Eff 8/25/88

superseded 9/15/88

ZONING CODE



PLANNING & ZONING COMMISSION

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

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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 excessive concentration of population — and, on the other hand; to prevent sparse and uncoordinated development; and to regulate and 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 economic 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 the 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 accomodate 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 hereafter be relinquished or reduced in 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 parts of sections and the application of such provision to any person or circumstances 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 convenants, the most restrictive or that imposing the higher standards 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.

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) percent of the area of the lot.

0.07.06 ATTACHED STRUCTURES
If operated partially or entirely within the structure containing the Permitted Uses, the gross floor area within such structures utlilized by Accessory Uses (except garages and off-street loading facilities) shall not be greater than twenty (20) percent of the gross floor area, but not to exceed three hundred (300) square feet of a single unit dwelling; ten (10) percent of the gross floor area of a structure containing any Permitted Uses other than a single unit dwelling.

10.08 **Residential Unit Business Pursuit**
The purpose of permitting this accessory activity is to allow certain small scale quasi-business undertakings by the dwelling occupant that will not influence the immediate neighborhood and would not be economically feasible if conducted in a totally business setting.

I. The activity offered shall meet the following criteria:

A) Be conducted solely by an occupant of the dwelling unit without any non-resident assistants or employees and entirely within the dwelling unit, specifically excluding any area designed as a garage.

B) Not present any external evidence of the activity including a separate entrance or the parking of any vehicle which displays any evidence, however, a sign shall be permitted no larger than that specified in the sign regulation identifying the activity.

C) Not utilize more than twenty (20) percent or more than three hundred (300) square feet of the gross floor area of the dwelling unit.

D) No equipment or process used for the activity shall create: noise, vibration, glare, fumes, hazardous waste, electrical interference (visual or audible) with any radio, television, or telephone; or causes fluctuations in electrical line voltage off the premises.

E) Not generate greater vehicular traffic than would ordinarily be associated with the dwelling location or attract more than four (4) persons to the dwelling at any one time.

F) Only individual or unique physical items or services shall be created or provided and no item shall be sold at the dwelling.

G) Not involve repairing any item which would be brought to the dwelling.

II. Following is a list of business pursuit categories which may be pursued in residential units provided they do not violate any of the above criteria.

1) Office activity such as: consulting, writing, computer programming, tutoring, telephone answering and drafting.

2) Fine Arts such as: painting, sculpturing, photography, model making, crafts and weaving.

3) Culinary activities such as: baking, cooking and preserving food.

A Residential Unit Business approval shall be issued for a 90 day trial period during which time the activity may be observed to make an initial evaluation possible. After the 90 day period aproval **may be** made permanent.

10.08.01 **FINDINGS**
A Residential Unit Business Pursuit shall be granted when the Director of the Planning and Zoning Department finds that the proposed Residential Unit Business Pursuit will not violate any provision of this Code.

10.08.02 **APPROVED USE**
No substantial deviation from an approved Residential Unit Business Pursuit shall be permitted without the approval of the Director of the Planning and Zoning Department. Any deviation without approval is grounds to revoke the Residential Unit Business Pursuit. Amended 6/1/85

10.09 ENVIRONMENTAL RESPONSIBILITY

10.09.01 Purpose: Pursuant to Public Act No. 83-388 "Soil Erosion and Sediment Control Act", all developers, contractors, and builders in any capacity of construction, whether public or private, shall be responsible and liable for correcting soil erosion and sedimentation drainage on their own parcel and to contiguous property, roads, street drainage systems, and natural water bodies and waterways whether caused directly or indirectly by their operations.

All developers shall:
1. Provide proper provisions for soil erosion and sediment control, and
2. Provide a soil erosion and sediment control plan for any development when the disturbed area is more than one half (½) acre.

10.09.02 DEFINITIONS

"Certification" means signed approval on a filed map or written approval by the Planning and Zoning Commission. The Commission may petition the Middlesex County Soil and Water Conservation District, Inc. for a study to establish that a soil erosion and sediment control plan complies with the requirements set forth in this Section.

"Development" means any construction requiring grading activities to any parcel of land in the City of Middletown over one-half (½) acre in size. A single family dwelling not part of a subdivision of land shall be exempt.

"Disturbed area" means an area where the land cover is destroyed or removed leaving the parcel under development subject to accelerated erosion, both from on and off the site.

"Erosion" means the detachment and movement of soil or rock fragments by ground water runoff, wind, ice and gravity due to excessive slopes.

"Grading" means any excavating, grubbing, filling, hydraulic filling, or stock piling of earth or any combination thereof, including the land in its excavated or filled condition.

"Inspection" means the periodic review of sediment and erosion control measures shown on a certified plan.

"Regulations" mean the Zoning Code of the City of Middletown, as amended.

"Sediment" means solid material, either mineral or organic, that is in suspension, is transported, or has been moved from its side of origin by erosion.

"Soil" means any unconsolidated mineral and organic material, more commonly known, but not limited to, land or earth.

"Soil Erosion and Sediment Control Plan" means a plan that identifies the method by which soil erosion and sedimentation is minimized in the parcel to be developed. The "Plan" shall include a map or site plan showing topography, existing cleared and graded areas, proposed areas to be cleared and graded, detailed graphic information concerning erosion and sedimentation measures and facilities to be undertaken. In addition a narrative, if required by the Planning and Zoning Commission shall describe the project, schedules design criteria, construction details and the maintenance for any erosion and sediment control facilities that are installed.

10.09.03
In addition to the requirements of Section 55.04 of this Code, relative to Site Plan Requirements of the City of Middletown, the developer shall also provide the following:

1. A narrative describing
   a. The development and its proposed use;

   b. Schedule and sequence for grading and construction activities, starting and completion dates, installation and application of soil erosion and sediment control measures, and schedule of final stabilization of the project site.

   c. Design criteria, construction details, installation and/or application procedures, and the operations and maintenance program for the proposed and sediment control measures and storm water management facilities.

2. In addition to data required on the site Section 55.04 the developers shall provide:
   a. In graphic form all the information required in Item 1 above and,

   b. Topography on adjacent properties for a distance of one hundred (100) feet,

   c. Proposed structures, utilities, and roads,

   d. Any other information deemed necessary and appropriate by the Applicant, requested by the Department of Public Works, or the Commission's designated agent as mentioned above.

10.09.04 MINIMUM STANDARDS

The developer is requested to use the publication, **Connecticut Guidelines for Soil Erosion and Sediment Control (1985),** as amended, as a tool in providing all the minimum information required for soil erosion and sediment control, peak flow rates and volumes of water runoff if the Commission through its agent and other City departments do not provide an alternative method.

10.09.05 ISSUANCE OF DENIAL OF CERTIFICATION
1. The Planning and Zoning Commission shall either certify that the soil erosion and sediment control plan, as filed and approved complies with the requirement and objectives of these Section; or deny certification when the development does not comply. The affirmative certification shall be written on any map to be filed in the Town Clerk's office and the Commission Chairman's signature shall appear as part of the certification. If no map need be filed, affirmative certification shall be given in writing. Negative decisions shall be given to the developer in writing.

2. Nothing in this regulation shall be construed as extending the time limits for the approval of any application under Chapters 124, 124A, and 126 of the General Statutes.

3. If the Commission submits any plan to the Middlesex County Soil and Water Conservation District for recommendations, the review shall be completed with thirty days of receipt of such plan by MSCWCD.

4. The plan shall be submitted to the Inland Wetlands Commission, by the developer, for review if environmentally sensitive areas are involved.

10.09.06 CONDITIONS

1. No site development shall begin unless the soil erosion and sediment control plan is certified and those control measures and facilities in the plan scheduled for installation prior to site development are installed, functional and maintained until the development is complete.

10.09.07 INSPECTION

The Planning and Zoning Commission through its appointed agent, Public Works, shall cause periodic inspections to be made to ensure compliance with the certified plan and that control measures and facilities are properly performed or installed and maintained. The Commission may ask for progress reports from the developer.

Amended 6/1/85

10.10 STORMWATER DETENTION REQUIREMENTS

10.10.01 All land development projects that would increase stormwater run-off from its site shall provide for on site detention of the increase unless specifically excluded herein.

10.10.02 Excluded development projects are:

(a) single family dwellings on lots of record,

(b) single family dwellings on lots larger than one (1) acre in size that are not built in conjunction with a new subdivision of land involving any new City streets,

(c) those on sites of one (1) acre or less.

10.10.03 The design of detention facilities may follow recommendations of the Soil Conservation Service in the publication titled, "Urban Hydrology for Small Watersheds", Technical Release No. 55-SLS, January, 1975 or the latest revision thereof.

The design criteria for detention shall be a fifty (50) year storm.

10.10.04 All calculations, designs, plans and specifications, shall be prepared by a State licensed professional engineer. The stormwater detention design proposal shall be shown as part of the site plan review information required in Section 55.

10.10.05 A special review fee schedule for projects shall be:

1 -10 acres	$ 50.00
10+ -25 acres	$100.00
25+ - acres	$250.00

10.10.06 A detention facility serving an area of ten (10) or more acres shall be eligible for City ownership.

For such a facility a surety performance bond equal to 100% of the estimated construction cost, as determined by the applicant subject to approval by the Commission, shall be posted when preliminary approval is granted but prior to actual construction of the facility.

The performance bond shall be released by the Commission in accordance with Section 26-7 (c) of the City Code provided that the facility is in sound, usable condition as determined by the Commission and that all other requirements related to the construction and dedication of the facility have been fully and faithfully performed by the applicant.

Chapter 15

Secs. 15-5. to 15-9. Reserved.

Sec. 15-10. Fees to be Paid for Processing of Applications by the Planning and Zoning Commission.

(a) Effective June 1, 1987, in addition to the fee hereinafter set forth, there shall be an additional fee of thirty dollars ($30.00) for each time a hearing is continued for which a legal notice is readvertised. Payment is to be made upon receipt of notice from the City of the payment due.

(b) Effective June 1, 1987, the following fees shall be paid with the following applications:

1.	RESIDENTIAL UNIT BUSINESS PURSUIT	$25.00
2.	LOT CERTIFICATION Decision-Legal Ad	$30.00
3.	SPECIAL EXCEPTION*	
	a. Residential Use	$50.00 fee up to ten family units and $1.00 per each family unit after ten
	b. Non-Residential Uses	$50.00 for projects up to one acre plus $5.00 per acre after one
	c. Change of Non-Conforming Use	Over 25% expansion $50.00 for gross land use area
4.	SUBDIVISION	$75.00 plus $25.00 per lot for each lot in excess of three lots
5.	ZONING MAP AMENDMENT*	$100.00
6.	ZONING TEXT AMENDMENT*	$100.00 for one section plus $25.00 for each additional section or subsection
7.	SITE PLAN REVIEW	
	Additions to Single Family	$10.00
	Single and two family residential (if permitted use)	$25.00
	Other	$50.00 for projects up to one acre plus $5.00 per acre after one
8.	CHANGE OF NON-CONFORMING USE	
	Under 25% expansion	$25.00
	Over 25% expansion*	$50.00 for gross land use area
9.	NATURAL RESOURCE EXTRACTION*	$100.00 for each year of operation
10.	ENGINEERING FEES-EXPERT ANALYSIS	
	Cost of investigation fees as set forth in Section 15.02 of the Zoning Code.	

*These Applications are subject to the provisions of Sec. 15-10. (a) supra.

5/13/87

(5/4/87)

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;

RPZ Residential Prezoning
R-15, R-30, R-45, R-60, R-1, ~~(R-3~~ eliminated meeting 1/6/88 eff.1/13/88)
M Multi-Family Dwelling Units
MX Mixed Use
PRD Planned Residential Development
B-1 Central Business
B-2 General Business
I-1 Service Industrial
I-2 Restricted Industrial
I-3 Special Industrial
TD Transitional Development
IOP Interstate Office Park
HP Historic Preservation
RF Riverfront Recreation
ID Institutional Development
IT Interstate Trade
PL Park Land
IRA Industrial Redevelopment Area

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 cerfity 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 boundaries 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 Official 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 Commission 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 PRINCIPAL STRUCTURE ON A LOT

Every principal 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, or authorized complex of buildings, hereafter erected or moved shall be on a lot adjacent to a public 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 STATUS OF APPROVED PLANNED RESIDENTIAL DEVELOPMENTS AND APPLICATIONS FILED PRIOR TO SEPTEMBER 2, 1972.

A. Planned Residential Development Plans approved and all applications submitted for approval prior to September 2, 1972, shall be subject to, completed and processed under the requirements of Section 45 as it existed on the above date. Copies of Zoning Code Section 45, pertaining to Planned Residential Development are available in the Office of the Commission and the Office of the Town Clerk.

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

12.08 BUFFER STRIPS

12.08.01 Buffer Between Different Land-Uses

When a new land-use (including different housing types) is proposed to be located adjacent to an existing use there shall be no less than ten (10) feet in width a landscaped buffer strip at the edge of the new site in addition to any required yards. The new use shall be screened from the abutting existing use by: (a) hedges or coniferous planting having a height of at least four (4) feet at the time of planting, not more than two (2) feet on center or (b) solid fencing at least six (6) feet in height or a combination of these as shown and approved on the site plan. (Addition effective 11/1/85.) (Revision effective 7/1/86.)

12.08.02 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. (Revision effective 7/1/86.)

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.

12.13 SUBDIVISION, RESUBDIVISION AND LOT SPLIT
Land may be apportioned into lots in accordance with the requirements of this Code and Subdivision Regulations. (Effective 9/24/86.)

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, required 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 size 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 not be 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 minor street lot line of a corner lot in any zone, shall have a depth fronting the side street of not less than one-half (1/2) the depth of the front yard required for the zone in which the corner lot is situated.

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, vestible 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 BUILDING 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 that 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 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.

14.02A 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.

14.02B NON-CONFORMING PARCEL OF LAND WITH STRUCTURES

In any zone where there may have been structures built on parcels of land not in conformance with these regulations, it is in the best interest of this Code to attempt to mitigate the irregularites. For this purpose the Commission may accept a recommendation from the Planning Director for a rearrangement of the parcel which will eliminate as many non-conforming features

as circumstances permit. No new structures shall be authorized by the parcel rearrangement nor shall violations of previous Zoning Code requirements or Subdivision Regulations as they existed prior to December 1, 1984 be excused. The Commission shall recognize that there may be circumstances for which there is no mitigating arrangements possible.

revised 12/15/84 addition 12/15/84

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

If 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 except use destroyed by fire or natural causes which may be rebuilt within a one (1) year time period.

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 structure or site shall be permitted except. with the approval of the Commission.

14.04.03 CHANGE OF USE
Legally established uses that have become non-conforming by subsequent changes of the Zoning Regulations may continue and a use may be substituted for by a similar use from time to time. In the event of any disagreement of the similarity of proposed inter-change uses the Commission shall determine the suitability of the proposed substitute use.

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) 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 shall not be deemed a non-conforming use in such a 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;
G. Location and size of loading spaces;
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.
J. Location on site plan of Zoning Application Sign as required under Section 48.03.05.

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:

14.07.06.1
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

14.07.06.2
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

14.07.06.3
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 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 structures 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.

15.03.04 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.

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 disassembling of used motor vehicles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

16.01.15 AQUIFER
Underground geologic unit capable of yielding usable amounts of potable water.

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 "cellar" 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 the 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 not 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.

16.02.15 BUSTOP PASSENGER SHELTERS
A structure designed to give potential bus passengers refuge from the elements for a short period of time.

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 CELLAR
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 NONE

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.

16.04.08 DWELLING, TWO FAMILY
A building designed for or used exclusively by two (2) families or housekeeping units.

16.04.09 DWELLING, MULTI-FAMILY
A building designed for or used by three (3) or more families or housekeeping units.

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 the 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) 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 HAZARDOUS WASTE
See Solid Waste (Item 16.19.06)

16.08.02 HOME OCCUPATION
See Residential Unit Business Pursuit
Amended 6/1/85

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

16.08.04 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 a fraternity or sorority house, school or college dormitory, tourist home or motel.

16.08.05 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, except for authorized rear lots, and for two family dwellings in an RPZ zone as a Special Exception.

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 at the public street frontage.

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.

16.12.15 LOT, REAR
A parcel of land generally located in back of lots with required street frontage and meeting all the specific requirements set forth elsewhere in this Code.

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 cooking or kitchen facilities, said units having convenient access to off-street parking spaces, for the exclusive use or 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 construed on an outlot so long as such conditions exist.

see also 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 accomodation for clients or customers.

16.16.04 PARKING SPACE
A permanently established area either within a structure or in the open, exclusive of driveways, designated for 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.

16.18.04 **RESIDENTIAL UNIT BUSINESS PURSUIT**
A business activity, incidential to the residential function of a dwelling unit, which is offered to persons who do not reside in the dwelling unit.
Amended 6/1/85

16.19 "S"

16.19.01 **Subdivision**
The division of a tract or parcel of land into three or more parts or lots made subsequent to the adoption of Subdivision Regulations by the Commission, for the purpose, whether immediate or future, of sale or building development.

Resubdivision
A change in a map of an approved or recorded subdivision or resubdivision if such change (a) affects any street layout shown on such map, (b) affects any area reserved therein for public use or (c) deminishes the size of any lot shown thereon and (d) creates an additional building lot, if any of the lots shown thereon have been conveyed after the approval or recording of such map.

Lot Split
Any division of land which is not a subdivision or resubdivision.
Effective 9/24/86.

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 SOLID WASTE
Unwanted or discarded materials, including solid, liquid, semi-solid or contained gaseous material.

16.19.04 SOLID WASTE FACILITY
Any solid waste disposal area, volume reduction plant or resource recovery facility operated by anyone, including a municipal or regional authority.

16.19.05 SOLID WASTE DISPOSAL AREA
A location utilized for ultimate disposal of wastes.

16.19.06 HAZARDOUS WASTE
(a) Any solid waste which when improperly treated, stored, transported, processed, disposed of, or otherwise managed poses a present or potential hazard to human health or the environment;
(b) Any solid waste which is ignitable, corrosive, reactive, explosive or toxic and therefore may pose a present or potential hazard to human health or the environment;
(c) Any substance identified and listed as hazardous pursuant to or in accordance with federal or state law or regulations.

16.19.07 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.

16.19.08 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.

16.19.09 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.

16.19.10 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 residency purposes, other than for a janitor or caretaker or his family, shall be deemed the first story.

16.19.11 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 underneath said mezzanine story.

16.19.12 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.

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

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

16.19.15 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.

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 used or may be used, occupied or maintained.

16.21.03A 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.

16.21.03B USE, PERMITTED
A use which is permitted outright in a zone in accordance with Sections 60 or 61.

16.21.04 URBAN CORE LIVING UNIT
A dwelling unit located in the B-1 or T.D. zone.

(amended 7/15/85)

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, more 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 DELETED

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 RESIDENTIAL ZONES

Section 21.00 Residential zones are RPZ, R-15. R-30, R-45. R-60, R-1, and R-3 (See Sections 21a and 23b) for R-1 & R-3 zones. Uses in these zones are limited to those shown in the Use Schedule, Section 60. The geographic locations of the zones are shown on the official zoning maps.

21.01 Height The maximum height of a structure in these zones shall not exceed three stories or thirty-six feet.

21.02 Minimum Lot Sizes for new lots and yards Shall be in accordance with the following chart.

ZONE	LOT FRONTAGE (FT)	LOT AREA (SQ FT)	FRONT YARD (FT)	SIDE YARD (FT)	REAR YARD (FT)
RPZ	100*	15,000	25	10	30
R-15	100**	15,000	25	10	30
R-30	150**	30,000	40	15	30
R-45	200	45,000	50	20	30
R-60	200	60,000	50	20	30

*Modification of lot sizes and uses in the RPZ zones.

1) New lots along existing City streets and new streets may be approved by the Commission to have substantially similar frontage and areas as existing lots within 1,000 feet if those lots were established prior to 1982, if the new lots have both City water and sewer or City sewer and a separate City approved private water supply for each new lot, provided that (A) no new lot shall have a frontage of less than fifty (50) feet nor an area of less than seven thousand five hundred (7500) square feet, and (B) in the case of new lots having City Sewer and a private water supply, the City Health Department shall approve the location of the private water supply on each lot prior to final subdivision approval.

2) The Commission may approve a two (2) family dwelling on a lot of record as a Special Exception. (See Section 44.08.28)

** See individual lot size variation under water & sewerage requirements

21:03 Lot Coverage. The ground covered by the principal structure and its accessory buildings or structure shall not be greater than twenty-five (25) per cent of the lot area.

21:04 Off-Street Parking Off street parking spaces and related provisions shall be in accordance with Section 40.

**21.05 Water and Sewerage Requirements
All new subdivisions of lots shall be served by city water and sewer unless specifically excluded herein after. Lots in the R-45 and R-60 zones may have uses served by on site well and septic systems if the Department of Health certifies, at the time the lots are authorized by the Commission, that the soil of the lots is suitable for on site water and sewer facilities. However, at the discretion of the Commission, lots in the R-15 and R-30 zone may be established without city water and sewer availability provided they meet the size criteria and on site water & sewer criteria for lots in the R-45 zone. (Effective 5/15/88)

NOTE: Rear Lots are a Special Exception use unless included as part of a new subdivision (See Section 44.08.27)

ARTICLE II RESIDENCE ZONES

SECTION 21 R-1 RESTRICTED RESIDENCE ZONE

21.00A 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.

21.01A 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.

21.02A HEIGHT

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

21.03A 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.
Without S & W	40,000	200ft.	25ft.	10ft.	30ft.	30ft.
Rear Lots*	40,000	25ft.	50ft.	20ft.	60ft.	60ft.
Other Permitted Uses						
With S & W	20,000	100ft.	25ft.	10ft.	30ft.	30ft.
Without S & W	40,000	200ft.	25ft.	10ft.	30ft.	30ft.

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

*Rear Lots are a Special Exception use unless included as part of a new subdivision. (See Section 44.08.27)

21.04A REQUIREMENTS FOR LOTS WITHOUT EITHER WATER AND/OR SEWER

The requirements for lots with neither water and/or sewer facilities shall apply to all zones which permit detached single family dwelling and further, the requirements for lots without public sewer or water facilities for 200ft. of width may 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.

21.05A 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.

21.06A 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.

21.09A MODIFICATION OF FRONTAGE AND AREA REQUIREMENTS

New subdivisions along existing City streets may be approved by the Commission to have substantially similar frontage and areas as existing lots within 1,000 feet if those lots were established prior to 1982, if the neew lots have both City water and sewer or City sewer and a seperate City approved private water supply for each new lot, provided that (1) no new lot shall have frontage of less than fifty (50) feet nor an area of less than seven thousand five hundred (7500) square feet, and (2) in the case of new lots having City sewer and a private water supply, the City Health Department shall approve the location of the private water supply on each new lot prior to final subdivision approval.

Effective 9/30/85

Section 22 M ZONE

Section 22.00 Multi-Family Dwelling Units zone.
Uses in these zones are limited to those shown in the Use Schedule, Section 60. The geographic locations of the zones are shown on the official zoning map.

22.01 Height
The maximum height of a structure in these zones shall be 8 stories which shall not exceed 100 feet.

22.02 Minimum Lot Sizes shall be in accordance with the number of bedrooms per unit in a proposed project as shown below:

one or no bedrooms:	4356 Sq. Ft./Unit (10 units/acre)
2 bedrooms :	5445 Sq. Ft./Unit (8 units/acre)
3 or more bedrooms :	7260 Sq. Ft./Unit (6 units/acre)

The minimum lot frontage shall be 75 feet.

22.03 Yards
Front yard setback 25 feet; Other yards: one foot for each foot of wall height except that no yard shall be less than 10 feet.

22.04 Lot Coverage
The ground covered by the principal structures, accessory buildings and all paving shall not be greater than 50 percent of the lot area.

22.05 Off-Street Parking
Off-street parking spaces and related provisions shall be in accordance with Section 40.
36.)

Section 23 A MX Zone

Section 23.00A Mixed Use Zone

Multi-Family and Miscellaneous Uses as shown in the Use Schedule, Section 60. The geographic locations of the zones are shown on the official zoning map.

23.01A Lot Sizes

Multi-Family Uses proposals shall comply with the requirements of the M zones.

Other uses, authorized in the Use Schedule, shall comply with the requirements in the Special Exception Provisions or as below, whichever is most restrictive.

Lot Frontage (minimum)	Lot Area (minimum)
75 feet	10,000 sq. ft.

23.02A Yards

Front yard setback 25 feet; Other yards: one foot for each foot of wall height except that no yard shall be less than 10 feet.

23.03A Height

Maximum height of a structure in this zone, unless specifically permitted elsewhere herein, shall be three stories or thirty-six feet.

23.04A Lot Coverage

The ground covered by the principal structure and its accessory building shall not be greater than 30 percent of the lot area.

23.05A Off-Street Parking

Off-street parking spaces and related provisions shall be in accordance with Section 40.

(Addition effective 2/1/87.)

Section 24 <u>P.R.D. Planned Residential Development Projects</u>
Presently designated P.R.D.'s (see Zoning Code item 12.07) may be completed in accordance to previously filed plans of development except that subsequently adopted environmentally sensitive area regulations (wetlands) and requirements and limitations related to public safety and health shall be adhered to.

SECTION 25 IT INTERSTATE TRADE ZONE

25.00 DESCRIPTION OF ZONE
The zone is designated for development of certain industrial and business uses in close proximity to the Interstate Highway.

25.01 USES
Permitted uses are those indicated in Section 61 of this Code.

25.02 HEIGHT
Maximum height of structure shall not exceed fifty feet in height except office buildings and conference center complexes which may be up to six (6) stories in height. Other height modifications are noted in Section 13.02. (Effective 8/1/84.)

25.03 LOT AREA, WIDTH, AND YARD REQUIREMENTS
The following minimum requirements shall apply:

NET LOT AREA	LOT WIDTH	FRONT YARD	SIDE YARD	REAR YARD
2 Acres	200 Ft.	75 Ft.	20 Ft.	25 Ft.

(Eff. 9/15/85)

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

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

25.07 INTERIOR BUFFER AREA
Within this 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 26 PL PARK LAND

26.00 DESCRIPTION OF ZONE
All uses of Park Land to be controlled by the Park and Recreation Department provided that no alterations shall be made to land involving flood plain areas or streambelts without approval of the Planning and Zoning Commission.

SECTION 27 NONE

SECTION 28 NONE

PAGE 51 NONE

SECTION 29 INDUSTRIAL REDEVELOPMENT AREA ZONE

29:00 DESCRIPTION OF ZONE

The IRA zone will preserve Middletown's existing and limited industrial development areas, and encourage the rehabilitation and re-use of the land and buildings for job and tax generating industrial uses. The zone is composed of longstanding industrial uses, and is adjacent to residential and commercial uses. The area(s) are self-contained and well-defined by existing roadways and railroad ROW'S. In the zone, older industrial buildings occupy the site(s) and pose industrial rehabilitation opportunities.

29:01 USES

Permitted uses are those indicated in Section 61 of this Code

29:02 HEIGHT

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

29:03 LOT AREA, WIDTH AND YARD REQUIREMENTS

The following minimum requirements shall apply:

NET LOT AREA	LOT WIDTH	FRONT YARD	SIDE YARD	REAR YARD
None	100 Ft.	None	10 Ft.	None

29:04 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.

29:05 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.

Added Effective 8/1/86

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, educational, 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 objective and includes its buildings. The facility should be compatible with its setting in scale and design.

Other land in the zone, not owned by the institution, shall meet the requirements of the MX zone.

30.03 SITE PLAN REVIEW - WHEN REQUIRED

(a) Site plan review under this section is required in all cases where a site plan is required under Section 55 of this Code.

(b) Application may be made for early review of a preliminary site plan at any time prior to submission of a site plan pursuant to Section 55.00 of this Code. The details and conditions of any preliminary site plan approved hereunder shall be included in any final site plan prepared and submitted according to Section 55 of this Code.

30.04 PRELIMINARY SITE PLAN - REQUIREMENTS AND CONTENTS

The Preliminary Site Plan shall include the following information:

1. Property and zone boundaries.

2. Location of existing and/or proposed building(s), structure(s) and additions with notation as to approximate square footage and number of stories of each building.

3. Proposed off-street parking and loading including driveway entrances and exits, and diagram of proposed traffic flow.

4. General location and type of proposed landscaping buffers.

5. General topography of the entire site.

6. Location of flood area and stream belts.

7. A location sketch showing the relationship for the site to the balance of property owned by the application in the Institutional Development Zone.

8. Statement describing the proposed use of the planned structure or facility.

9. Drawings of the proposed elevations of proposed buildings.

30.05 REVIEW PROCEDURE

(a) Any site plan or preliminary site plan subject to review under this section shall be submitted to the Planning and Zoning Office.

Within 30 days of such submission the Office shall: (1) reject such plan if it does not contain all the information requried herein or otherwise does not meet the clear requirements of this Code; or (2) refer said plan to the Commission; or (3) approve such plan if it clearly meets the requirements of this Code, and the conditions of this section do not require submission to the Commission.

(b) The submission of any plan pursuant to this section shall be reported to the Commisssion at its next meeting immediately following such submission. Any disposition of said submission by the Office shall also be reported to the Commission.

(c) Any plan submitted pursuant to this section must be referred to the Commission for its review if the plan shows or indicates:

1. New construction in excess of 3,000 square feet and/or two stories; or
2. An increase in the gross square feet of an existing structure in excess of 25%; or

3. Any building and/or structure within 125 feet of the boundary line of the zone or' within 100 feet of the boundary line of any property within the zone, which property is not governed by this section pursuant to subsections 30.03 and 30.05 hereof.

(d) Where a plan is referred to the Commission, it shall hold a public hearing on any said plan prior to acting on it where the proposed project will have significant impact or major effect on the zone; properties within the zone not owned by the applicant, abutting zones, or the Plan of Development. For the purpose of this section, significant impact of major effect shall include, but not be limited to:

1. New construction in excess of 4,000 square feet and/or two stories;or

2. An increase in the gross square feet of any existing structure in excess of 30%; or

3. Any change deemed likely to result in a significant increase in vehicular traffic in the zone and/or adjoining zones; or

4. Any change deemed likely to result in a significant increase in parking needs in the zone and/or adjoining zones or;

5. Any building and/or structure within 100 feet of the boundary line of the zone or within 75 feet of the boundary line of any property, within the zone, which property is not governed by this section pursuant to subsections 30.03 and 30.05 hereof or;

6. Any change which conflicts with the City's Plan of Development.

(e) In reviewing a site plan hereunder, the Commission shall consider: Whether the plan complies with the City's Plan of Development, the demonstrated adverse effect, if any, on the use and development of adjacent properties or adjacent zones; and the demonstrated adverse effects on the flow of traffic in and around the area of the proposed development. The Commission shall approve, disapprove, or modify said plan. Once a plan is approved or modified, only a final site construction plan under Section 55.00 shall be required, provided said construction plan is presented as part of the documents submitted for a building permit within two years of approval.

30.06 HEIGHT

The maximum building height is ten (10) stories.

30.07 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 the MX zones.

30.08 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.

30.09 SIGNS

Identifying graphics or signs shall be limited in accordance with requirements of Section 48 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 or 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 Silver Street, at River Road, the flood plain line becomes the boundary line continuing to the southern boundary.

31.01 USES

Permitted uses are limited to water oriented and other recreational uses and those uses permitted in the Flood Area Management 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 ft.	No Min.

31.04 LOT COVERAGE

Thirty percent (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-1 CENTRAL BUSINESS ZONE

32.00 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.

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-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.

32.02 HEIGHT

The maximum permitted stories shall be twelve (12).

32.03 LOT AREA, WIDTH AND YARD REQUIREMENTS

No minimum lot area or frontage required. Yard requirement is that any building shall return not less than the yard of its predecessor or except that for lots facing Main Street, no yards shall be required. (Revision effective 7/1/86).

32.04 VOID

32.05 OFF-STREET 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 33 B-2 GENERAL BUSINESS ZONE

33.00 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.

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-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.

33.02 HEIGHT

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

33.03 LOT AREA, WIDTH AND YARD REQUIREMENTS

The following minimum requirements shall apply:

NET LOT AREA	LOT FRONTAGE	FRONT YARD	SIDE YARD	REAR YARD
NONE	50 Ft. (See footnote #1)	50 Ft.	10 Ft.	10 Ft.

(Effective 9/15/85)

33.04 LOT COVERAGE

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

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.

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 34 INTERSTATE OFFICE PARK ZONE (IOP ZONE)

34.00 DESCRIPTION OF ZONE

The zone is designed for the development of business and professional offices along the existing interstate corridor in a park or campus type setting as a gradual transition from residential areas with the retention of open spaces and the preservation of natural features of the area.

34.01 USES

Business and professional offices. Business uses shall include, but not be limited to, any occupation or trade primarily of a clerical nature such as insurance company, corporate offices or sales offices, but shall not include commercial activities such as the manufacturing or assembling of wares.

34.02 ACCESSORY USES

In addition to the permitted uses set forth in SECTION 34.01, uses customarily incidental to the main or principal building or land use shall be permitted, including accessory uses for the convenience of employees within such buildings, such as, but not limited to, cafeterias and like facilities designed to serve only the occupants of the buildings in the zone. Conference and meeting facilities, data processing and storage shall be included within the definition of accessory uses.

34.03 HEIGHT AND AREA REQUIREMENTS

Minimum Lot Area:	6 Acres
Minimum Lot Width:	200 Feet
Minimum Front Yard:	50 Feet
Minimum Side Yard:	Minimum side yard 75 feet 50 feet which shall be landscaped 25 feet adjacent to a building may be used for parking or driveway if necessary (Effective 9/15/85)
Minimum Rear Yard:	50 feet, except that any rear yard abutting any portion of Interstate I-91 or land owned by the State of Connecticut as part of Interstate I-91 may be reduced to a minimum of 10 feet, and any rear yard abutting a residential zone shall be increased to a minimum of 75 feet.
Maximum Lot Coverage:	20%
Maximum Building Height:	3 Stories

34.04 LANDSCAPING

The purpose of landscaping requirements is to protect and preserve property values through the preservation of existing vegetation and planting of new materials to provide privacy from visual intrusion, light, dirt and noise, and to prevent the erosion of soil.

34.04.01 LANDSCAPED AREAS

Landscaped areas shall consist of open spaces and shall be maintained in lawn, natural ground cover, plantings and trees and may include walks and drives from a street.

34.04.02 FRONT YARDS

At least 25 feet of the front yard of each lot in the zone shall be landscaped with no less than one and one half inches (1 1/2) to two (2) inch caliper shade tree for each 50 feet of street frontage.

34.04.04 PARKING LOTS

Parking lots for more than 10 cars shall contain landscaped areas equal to at least ten per cent (10%) of the gross parking area with one and one half (1 1/2) inch to two (2) inch caliper shade tree for each 15 parking spaces.

34.04.04 LANDSCAPED BUFFER

No fewer than two (2) rows of suitable evergreens of one and one half (1 1/2) inch to two (2) inch caliper shall be planted 15 feet apart, staggered in adjoining rows, to provide a visual barrier wherever a lot in this zone adjoins a lot in an R-1 Residential Zone. Where appropriate in the judgement of the Commission, walls and fences may be used in lieu of new plantings. No pedestrian or vehicular access shall be permitted through a landscape buffer area.

34.04.05 EXISTING VEGETATION

Existing vegetation, plant material and trees may be used to meet all or part of the landscape requirements, and existing trees in good condition over twelve (12) inches caliper shall be preserved whenever it is practical to do so.

34.05 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.

34.06 SIGNS

Identifying graphics or signs shall be limited to one (1) per building, not more than two hundred (200) square feet in area, and subject to all other criteria in SECTION 48 of this Code. No roof graphics or signs are 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, 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 material yards, building agricultural and automobile sales and service, etc.

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	REAR YARD
None	100 Ft.	None	10 Ft.	None

(Effective 9/15/85)

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) per cent 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.

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.

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 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	REAR YARD
2 Acres	200 Ft.	75 Ft.	20 Ft.	25 Ft.

(Effective 9/15/85)

36.04 LOT COVERAGE

Each main building or structure hereafter erected, together with its accessory buildings or structures, shall not cover more than forty (40) percent 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 INTERIOR BUFFER AREA

Within the industrial Zone a buffer area shall be left between the 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	Rear Yard
5 Acres	200 Ft.	None	20 Ft.	None

(Effective 9/15/85)

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.

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	WIDE 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.

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, 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-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

Automobile parking spaces shall not be less than nine (9) feet in width and eighteen (18) feet in depth, except in Industrial Zones where the width may be eight (8) feet. Special size and arranged parking spaces may be proposed for employees of land-users. 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 not be less than twelve (12) 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 asphalt materials which will have a surface reasonably resistant to erosion. Driveway ramps between the curb and sidewalk shall be constructed of reinforced concrete. All workmanship shall be in accordance with details and specifications of the Public Works Department. Effective 9/24/86.

40.03.03 CURBING

All parking and/or loading spaces shall be separated from walkways, sidewalks 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-four (24) feet wide when used with seventy (70) to ninety (90) degree angle parking. Two (2) way traffic circulation shall be permitted in twenty-four (24) 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 Buffer Between Different Land-Uses

When a new land-use (including different housing types) is proposed to be located adjacent to an existing use there shall be a ten (10) foot landscaped buffer strip at the edge of the new site in addition to any required yards. The new use shall be screened from the abutting existing use by: (a) hedges or coniferous planting having a height of at least four (4) feet at the time of planting, not more than two (2) feet on center or (b) solid fencing at least six (6) feet in height or a combination of these as shown and approved on the site plan.

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 use, except as provided in Section 40.04.26. (Effective 8/1/84.)

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.

40.03.13 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, sidewalks, 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 (7) percent. If parking spaces are provided in areas which exceed five (5) percent 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. The number of parking spaces reserved for the handicapped shall be the number of accessible spaces required in the State Building Code. Special size and arranged parking spaces may be proposed for employees of land-users.

	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.

		REQUIREMENTS
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)	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 driving automobiles, and the requirements for stadium, gymnasium and auditorium use.

#1. "This requirement shall not apply to land-uses in the B-1 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 the residents and visitors, as the Commission shall deem 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 (Included in Multi-family dwellings) (Effective 5/15/88)	Deleted
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 (Including former category of Housing for Elderly) (Effective 5/15/88)	One or no bedrooms 2 Two or more bedrooms 3 (eff. 5/15/88) Building or buildings, parking spaces, driveway 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 three hundred (300) sq. ft. of gross floor area.

#1. "This requirement shall not apply to land-uses in the B-1 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	3 spaces per dwelling Effective 7/1/87
40.04.17	ADDITIONAL LIVING UNIT IN A BLDG. DESIGNED AS A ONE FAMILY DWELLING	2 spaces (Eff. 5/15/88)
40.04.18	URBAN CORE LIVING UNIT (Including former category of Rooming House)(Eff. 5/15/88)	One or no bedroom 1.00 space Two or more bedrooms 2.00 spaces (Amended 5/15/88)
40.04.19	RESTAURANT OR SIMILAR PLACES DISPENSING FOOD DRINKS OR REFRESHMENTS (See Footnote #1)	One (1) parking space for each fifty (50) square feet of floor area devoted to patron use, excluding restrooms, within the establishment, and one (1) parking space for each eighty (80) square feet 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	Included in Urban Core Living Unit (Eff. 5/15/88) Deleted
40.04.21	NONE	(Eff. 5/15/88)
40.04.22	NONE	
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 foot. **Add plus one space for each four seating capacity.** **(Effective 4/30/87)**

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-1 Zone.

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

40.04.26 CONFERENCE CENTER COMPLEX
One (1) space for each guest room in the hotel, plus (1) space for each two (2) employees located on the site, plus one (1) space for each fifty (50) square feet of restaurant dispensing food, drinks or refreshments calculated on the floor area devoted to patron use within the establishment, excluding restrooms. Parking spaces for uses such as ballroom functions, within the Conference Center Complex, whose peak attendance will be at night or on weekends, may be provided by the use of off-street parking facilities on the same or an adjacent lot, which also serve to satisfy parking requirements for daytime and non-weekend uses such as office building. (Effective 8/1/84.)

40.05 DEVELOPMENT STANDARDS FOR OFF-STREET LOADING SPACES
Plans and design standards for areas to be used of off-street loading spaces shall conform to the following:

40.05.01 LOADING AREA
Each off-street loading space 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 Addt'l. 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'l. 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.

40.06.04 CONFERENCE CENTER COMPLEX
A Conference Center Complex shall require one (1) loading space. (Effective 8/1/84)

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 NONE (Effective 5/1/86)

SECTION 42 AQUIFER AREA PROTECTION REGULATIONS

42.01 PURPOSE OF REGULATIONS

To provide for the protection of potable water which is or may be obtained from unique geologic units, capable of yielding usable amounts of water, called aquifers and areas in which surface water drains directly into Reservoirs. The boundaries of Middletown's major aquifers and watershed drainage areas are shown on the Zoning Map. Effective 9/24/86.

42.02 PERMITTED LAND USES

Within the designated aquifer and watershed areas no land shall be used, filled, excavated, or reshaped, no structure erected, constructed, reconstructed, altered or used except in conformance with this Section as well as all other requirements of this Code. Effective 9/24/86.

1. All uses which are permitted in designated zones in which aquifers are located are permitted except as follows:
   (a) Sanitary waste discharge from on site septic systems shall not exceed equivalent discharge from one single family dwelling unit per acre;
   (b) Street salt storage and loading sites;
   (c) Solid waste disposal facilities.
   (d) Underground storage of fuel or fuel transmission pipes unless special provisions are made, acceptable to the Commission, to prevent fuel spillage.
   (e) New or enlarged fertilizer storage facilities.

42.03 EVALUATION PROCEDURE

The evaluation of any proposed project shall follow the Site Plan Approval Requirement (Section 55) of the Code and in addition to those requirements shall be accompanied by a written report detailing:

1. The composition and quantity of any proposed non-residential waste to be generated, including fly-ash, and the proposed method of disposal of such waste outside the aquifer protection area.
2. Composition and quantity of any hazardous materials, including but not limited to those defined as hazardous waste in the definitions in this Code, that are proposed to be handled, transported, stored or discharged to the air or ground at the proposed site of development.
3. The local Health Department's evaluation of the proposed activity.

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 filed 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 and those of Section 48.03.05, Zoning Application Signs.

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

44.06.01 TIME LIMITATIONS
(amended) A Special Exception shall be valid for a period of one (1) year, unless a longer time period is specifically
5/1/86 established herein. The authorized activity must start during the time period as indicated by the granting of a building permit if building(s) are involved. Such exception shall continue in force and 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 one additional time period, equal to the original, without a complete new application or public hearing provided the Commission finds that all

requirements continue to be met. 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 contitute 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 subject to the regulations of the zone in which they are located 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 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 on 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.

F. A child care facility may include a residential unit for the owners/operators own use.

addition 2/1/85

44.08.03 EDUCATIONAL PUBLISHING ORGANIZATION USES

Educational Publishing Organization Uses are permitted subject to the regulations of the zone in which they are located, in addition to the conditions hereunder:

A. Operations are primarily editorial and administrative in its character;

B. Operations shall not be used for final production or manufacturing 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:

44.08.04 FRATERNITY AND SORORITY USES

Fraternity and Sorority uses are permitted 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 subject to the regulations of the zone in which they are located 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

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 subject to the regulations of the zone in which they are located 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

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 subject to the regulations of the zone in which they are located 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 PM to 7 AM); 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 NATURAL RESOURCE EXTRACTION

A 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) to provide a mechanism to assure the application of Code requirements related to the "Soil Erosion and Sediment Control Act" for land uses that have no actual construction involved and (3) for the reclamation, or restoring, of the land after extraction has taken place. (Note: See Sec. 10.09 Environmental Responsibility in Zoning Code for P.A. 83-388 " Soil Erosion and Sediment Control Act.)

B APPROVAL REQUIRED

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

C 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.

D EXTRACTIONS LEGALLY UNDERWAY AT TIME OF THESE REGULATIONS

Operations involving natural resource removal legally in existence 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.

E 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.

F APPLICATION

Twenty 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 which meet the specifications of Section 55 Site Plan Approval Requirements of this Code and other information required in these regulations. The site shall be shown on the City's map titled, "Topography Map of the City of Middletown, CT Showing Drainage Systems and Inland Wetlands Superimposed" at the scale of 1" = 100', date of photography April 17, 1980, or a later revision.

If necessary the contours shown in the City Map shall be corrected to reflect the current status from a field survey made by a CT registered land surveyor. The property boundary shall be drawn to the accuracy of Class A-2 as recommended by the Connecticut Association of Land Surveyors, Inc. as stated in that organization's most recent publication.

Photographs may be included, both vertical and oblique, annotated to show significant information.

The graphic presentation shall clearly show the conditions which exist at the time of an application including water course and impoundments, roads, buildings, wells, and construction, utility lines and right-of-ways and areas intended to be disturbed outlined in acre units. The proposal for reclamation, or restoring, of and land after extraction has taken place shall be clearly shown. Information may be shown on separate maps for clarity, if necessary.

The ownership of all parcels proposed to be involved in extraction and the ownership of all contiguous parcels shall be shown.

G 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 applicant's 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.

H CRITERIA FOR RECLAMATION

Disturbed areas shall be reworked and graded to a rolling topography with no slope greater than two feet horizontally to one foot vertically and conditioned to make suitable for productive use including forestry, grazing, cropping, wildlife, recreation and building sites according to an approved reclamation plan which shall include placement of vegetation species as practical as determined with the aid of the Soil Conservation Service.

The process of reclamation shall proceed concurrently where feasible or immediately following the completion of the extraction activity in an orderly manner.

I COMPLIANCE ASSURANCE

Approval shall not become effective until the applicant has provided a surety bond of $5,000 for each acre, or portion of an acre, of land to be disturbed by extraction or storage of soil or rock material. This bond shall be issued by a company located in Connecticut. The bond shall guarantee to the City of Middletown, as determined by the Commission, that upon termination of the extraction operation the surface of land shall be restored in conformity with the approved reclamation plan. Upon such satisfactory reclamation, as approved by the Commission, the bond shall be released to the applicant.

Any required report or the extension of a project approval period shall include assurance that any required bond is still in effect. The insurance company shall notify the City of Middletown in the event a surety bond is terminated for any reason other than Commission approval.

J BASIS FOR APPROVAL OR DENIAL OF APPLICATION

The Commission may approve an application upon finding that: (a) the requirements of the regulations set forth herein will not be violated by the proposed operation; (b) the applicant shall correct any and all violations and incomplete work remaining from any prior authorized activities.

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 the reuse of areas disturbed by such removal.

K APPROVAL TIME PERIOD

(a) Approval for extraction of natural resources may be granted for a length of time not to exceed two years.

(b) 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.

L APPLICATION FEE

Application fee shall be $100.00 multiplied by the number of acres, to the nearest whole acre, proposed to be disturbed by extraction or storage of soil or rock material as established for Compliance Assurance for up to ten (10) acres. The fee for areas beyond ten acres shall be $50.00 per acre up to twenty acres. The fee for more than twenty acres shall be $25.00 per acre.

The application fee shall be for the time approval period established and each application or extension shall require a separate fee.

44.08.11 PUBLIC UTILITY BUILDINGS AND STRUCTURE USES

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-UP FACILITIES

Drive up banks and car wash facilities require off-street approach lane of 200 feet for each teller window or wash stand not to conflict with parking spaces.

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 within 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 cemetery, 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 re-capping 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 barriers of such dimensions that occupants of adjacent and facing residential structures are not unreasonably 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) acre;
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 two hundred (200) foot 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 onto adjacent roadways;

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

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

44.08.21 Multi-Family Dwellings 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 (as defined in Item 16.21.01) shall be provided at the ratio of 400 square feet for each bedroom in the project or each unit without separate bedrooms. The open space shall be in a square configuration. The open space shall be ~~equipped~~ with recreational equipment specifically related to the proposal occupancy of the units, i.e. benches, game tables, sand boxes, swings, climbing apparatus etc.

G. Structures existing prior to 1976 may be converted to multi-family dwellings without providing the open space required for new structures.

H. 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.

I. Parking arrangement as required in Section 40.

44.08.22 <u>CONVERSION OF EXISTING RESIDENTIAL BUILDING TO A DIFFERENT NUMBER OF DWELLING UNITS</u>

(A) In addition to site plan requirements specified elsewhere is this Code the applicant shall submit preliminary drawings, prepared by a registered architect, showing the building plans and elevations as currently existing and as proposed after conversion.

(B) Off-street parking shall be provided in accordance with Section 40 of this Code as per specific spaces required for Urban Living Units.

(C) Requirements of the zone in which the building is located may be waived by the Commission if not specifically included herein above.

(D) Any proposed new addition to be constructed as part of the conversion proposal shall be limited to twenty-five percent of the gross floor area of the old existing building.

44.08.23 ALCOHOLIC LIQUOR PACKAGE STORE

are permitted uses only in B-1 and B-2 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, and 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 Bustop Passenger Shelters

(1) Shall be proposed by the Middletown Transit District.

(2) Shall not include any signs not directly related to the bus system unless located in a zone which permits outdoor advertising signs.

44.08.26 HISTORIC AND/OR ARCHITECTURAL PRESERVATION SITES AND STRUCTURES.

A. The site, building or structure proposed shall be included in the Middletown Survey of Historical and Architectural Resources conducted by the Greater Middletown Preservation Trust, dated 1979, as either inventoried or notable buildings". (Effective 8/1/84.)

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.

E. Off-street parking requirements for architecturally and historically significant buildings with adaptive uses may be modified when a proponent can show (a) needed off-street parking is or could be available in the vicinity and: (b) the economic feasibility of the project depends on the waiving of some or all of the off-street parking requirements.

44.08.27 REAR LOTS

are a Special Exception use provided that the applicant shall prove to the satisfaction of the Commission that the land characteristics and physical site conditions make such rear lot development practical, reasonable and desirable; and that such rear lot development will be in harmony with the purpose and intent of the Plan of Development and will comply with all applicable codes, regulations, and ordinances and shall meet the following specific requirements:

A. Be located in a residential zone with an R prefix.

B. Be used only for a single family residence.

C. Not less in area than twice the required size of a lot for the zone the proposed rear lot is located in except that no rear lot must be greater than 80,000 square feet.

D. An access strip, in the same ownership as the rear lot, shall have a width not less than twenty-five feet on a City street.

E. Not be separated from a City street by more than the depth of one front lot which is not less than the size of a lot required by the Code.

F. The shape shall be that a rectangle the required size of a front lot shall generally fit within the proposed rear lot configuation.

G. For building yard requirements the property line closest to the City street from which access is obtained, not including the acess strip, shall be designated as the front lot line.

H. Set-back requirements shall be twice those required in the zone for standard lots.

I. There shall not be more than two access strips adjacent to each other.

J. No non-conforming lot shall be created as a result of a proposed rear lot particularly in terms of remaining City street frontage and area.

K. Dwellings shall be connected to City water and sewer facilities, when constructed, if those facilities are not available the Department of Health must approve the proposed lot for an on site well and septic system prior to the lots approval by the Commission.

L. The grade of the access strip shall not be more than four percent for a distance of fifty feet from the City street.

M. Electric and other utility service lines shall be placed underground if they are underground along the City street.

44.08.28 Two (2) FAMILY DWELLINGS ON LOTS OF RECORD IN AN RPZ ZONE.

A two (2) family dwelling may be constructed on any lot in an RPZ zone provided that:

A) The lot has a frontage of at least fifty (50) feet and be established prior to 1986,
B) The lot has an area of at least 7500 square feet,
C) The lot is served by City water and sewer.

(Revised 3/9/88)

44.08.29 <u>CARE/NURSING HOME AND COMMUNITY RESIDENTIAL TREATMENT FACILITY USES</u>

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: 500 square feet per person

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

44.0830 <u>ROOMING HOUSE USES</u>

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: 1,000 square feet per person

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

44.08.31 NONE

44.08.32 SOLID WASTE DISPOSAL FACILITY AND AREA

(1) A Solid Waste Disposal Facility or Area shall meet all requirements of the Connecticut Department of Environmental Protection;

(2) The proponent shall submit the following information about the proposal;

(a) The waste types and quantity to be handled at the facility and/or placed in the area;

(b) Ground and surface water conditions;

(c) Geology, soils, and topographic features;

(d) Transportation methods and routes to the areas;

(e) Procedures for leachate, gas and runoff control and for operation and monitoring of the facility;

(f) The social, geographic and economic impact of the facility or disposal on the contiguous neighborhoods;

(g) Potential nuisance conditions.

(3) Solid Waste Facilities shall not be allowed over an aquifer or at any location where they might adversely affect an aquifer.

(4) The Commission may require evaluation reports from relevant professionals, including but not limited to geologists, hydrologists, and soil scientists.

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 for streambelts, as set forth 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 probably 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 AREA MANAGEMENTS REGULATIONS

46.01 PURPOSE

The purpose of these regulations is to provide for the identification of potential flood hazard areas and the control of any developmental activity within these areas.

46.02 IDENTIFICATION

Flood Hazard Boundaries are those shown on the latest revision of maps provided by the federal government through the Federal Emergency Management Agency. The latest version of the maps have an effective date of December 16, 1980, and are drawn at a scale of 1" = 1,000'. These maps are adopted as part of this Code.

Interpretation of the maps shall be by the Commission staff who may ask the assistance of the FEMA.

The flood areas are also shown in a simplified version on the Zoning Map for the purpose of alerting potential land-users to see the more detailed FEMA maps.

46.03 OBJECTIVE

To qualify the City for the National Flood Insurance Program as administered by the Federal Emergency Management Agency by following the provisions of this Section and other requirements of this Code.(Revised eff. 8/25/88.)

46.04 LAND USES

For land use purposes the flood areas are an overlay of the basic zones therefore uses and controls provided for elsewhere in this Code shall apply.

The following restrictions shall apply to the specific areas whose boundaries are shown in the Floodway Map.
(a) Floodway - no development permitted;
(b) One hundred year area, approximate 100 year area and 500 year area no development permitted except as specified herein below.

(A) STRUCTURES ALREADY LOCATED IN FLOOD PRONE AREAS MAY BE FLOOD PROOFED. Flood proofing means any combination of structural or non-structural additions, changes, or adjustments to structure which reduces or eliminates flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

And (B) any NON-RESIDENTIAL USE MAY BE PROPOSED and such proposed development shall be considered as a Special Exception (Sec.44)and be reviewed to determine potential impact on flooding and the suitability of the facility to withstand potential flooding in accordance with the proposed use.

All proposals shall be designed by a proper category of professional person as required by State Law.

Suitability of a proposal of a structure in a flood-prone area shall include design for adequately anchoring to prevent flotation, collapse, or lateral movement of the structure from hydrodynamic and hydrosatic loads, including the effects of buoyancy; also be constructed by methods and practices that minimize flood damages, and be constructed with electrical, heating ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

Revised
(Effective Aug. 25 ,1988)

SECTION 47 SWIMMING POOLS

47.00 No swimming pool shall be constructed or operated in any zone, whether 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 placed four (4) feet above the underlying grounds 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 continuous 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 stimulates 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 provisions 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 premise, 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 illuminated, announcing only the same 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) sq. ft. 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) sq. ft.. 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.

SECTION 48.03.05 ZONING APPLICATION SIGNS

For all applications filed for any reason authorized by this Code that involve holding a public hearing related to a specific geographic location the applicant shall cause a sign or signs to be posted which are visible from the street, notifying the public of said hearing. The signs shall be posted subject to the following conditions:

1. The sign(s) shall be posted seven (7) days prior to the day of the hearing. Eight (8) days if seventh day is a holiday. It shall be firmly secured to the ground, or structure to prevent vandalism. If there is more than one frontage of the parcel on a street or streets, one sign for each frontage shall be posted. The locations of the sign or signs shall be shown on all drawings with an application.

2. The composition of the sign (s) shall be of a durable material (wood or metal), 40 inches by 40 inches in size painted white with black lettering having a minium height of four (4) inches with a letter stroke of one (1) inch.

3. The sign (s) shall advertise the date, time, and place of the public hearing, of the subdivision or resubdivision.

4. Format of the sign shall be obtained at the Planning and Zoning office.

5. The Zoning Enforcement Officer shall file a report with the Commission that the sign was observed in place in accordance with the above.

6. A proponent who fails to display the sign shall be required to file an new application.

7. The sign (s) shall be taken down at least one (1) week after the Public Hearing is held.

8. This requirement shall not apply to any amendment proposed by the Commission itself.

Revised 9/16/87

48.04 SIGN STANDARDS

USE	NUMBER PERMITTED	MAXIMUM AREA	LOCATION	ILLUMINATION
SINGLE FAMILY DWELLING	1	2 sq. ft.	ON A BUILDING OR FREE STANDING	EXTERNAL
RESIDENTIAL UNIT BUSINESS PURSUIT	1	2 sq. ft.	ON A BUILDING OR FREE STANDING	EXTERNAL
ATTACHED DWELLING UP TO 10 UNITS	1	6 sq. ft.	ON BUILDING OR FREE STANDING	INTERNAL OR EXTERNAL
ATTACHED DWELLING 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	1 sq. ft. per bldg length on street up to 200 sq. ft. maximum	ON BUILDING OR FREE STANDING	INTERNAL OR EXTERNAL
COMMERICAL (INTERNAL USE)	3 per street frontage	2 sq. ft. per bldg length on street up to 300 sq. 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 street frontage	2 sq. ft. per bldg length on street up to 300 sq.ft. max.	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 illimination 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 facing 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 possiblity 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 sidewlak 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 twnety-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 subsection 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 congnizant 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 accorance with the General Statues.

SECTION 54.00 ZONING CODE ENFORCEMENT OFFICER

The Zoning and Inland Wetlands Enforcement Officer is designated as the enforcement officer of this Code. As a basis for executing enforcement the following duties shall be performed: (a) make on-site inspection as required to determine conformance with zoning regulations; (b) keep and maintain a log of all zoning approvals given or denied; (c) investigate all reports of zoning violations; (d) take appropriate actions to insure compliance with zoning regulations; (e) attend all meetings of the Commission; (f) give testimony or information to other commissions of the City when requested information is relative to zoning enforcement; (g) make a monthly report of activities to the Commission. (Effective date 4/16/87)

SECTION 55 SITE PLAN APPROVAL REQUIREMENT

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 specifications herein set forth.

55.02 PURPOSE

The purpose of the site plan 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 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.

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.

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 Exception 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 shall submit legible prints or site plans to the Office of the Building Inspector which meet the following specifications and show the information noted. The survey maps of property used as the basis for site plans shall be drawn to the accuracy of Class A-2 recommended by The Connecticut Association of Land Surveyors, Inc. as stated in that organization's most recent publication. (2/84)

In addition to other requirements the site plan for projects which involve new buildings and subdivisions, shall be shown on at least one (1) print of the "Topography Map of the City of Middletown, Connecticut, Showing Drainage Systems and Inland Wetlands Superimposed" at the scale of 1" = 100', sheet 24" X 36", date of photography April 17, 1980, or a later revision.

The location, site plan, and subdivision on the Topographic Map shall be drawn by the same registered Land Surveyor that prepares the project plan and shall be sealed and signed by that person. (11/82)

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, with north at the top of each sheet.

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 exits, 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. Location of Zoning Application Sign if required under Section 48.03.05.

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 and proposals to meet stormwater detention requirements setforth in Item 10.10 of the Code;

P. Location of flood area and streambelt information from designated map sources noted elsewhere in this Code.

Q. 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 indentifying the general type proposed and materials of construction for projects other than detached single family dwellings.

55.05 REVIEW PROCEDURE

The review procedure for porposals 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 Department;
(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 in the General Statutes for Commission actions, on formal applications.

55.07 FILING

Upon approval final site development plans and pertinent documents will be filed in the Office of the Commission.

55.08 (amended) 5/1/86 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 unless a different time limitation is specifically authorized in these regulations. 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 SOME T.D. ZONE USE SCHEDULES

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 Residential Unit Business Pursuit uses, or uses by temporary uses.

In any cases 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.

60.01 PERMITTED USES

The following uses may be operated as Permitted Uses:

60.01.01 Single-Family Dwelling, detached
ZONES: RPZ, R-30, R-45, R-60, TD*, M, MX, R-1, ~~R-3,~~* R-15

60.01.02 Two-Family Dwelling
ZONES: RPZ, TD*, M, MX, ~~R-3~~*

60.01.03 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.
ZONES: R-15, R-30, R-45, R-60

60.01.04 Residential Unit Business Pursuit
ZONES: RPZ, R-30, R-45, R-60, TD*, M, MX, R-1, ~~R-3~~*, R-15

60.01.05 Park Land
ZONES: PL

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*TD - Transitional Development Zone - All proposals treated as Special Exception Uses.

60.02 SPECIAL EXCEPTION USES

The following uses by Special Exception may be permitted in accordance with the provision of SECTION 44:

60.02.01 Ambulance Service (44.08.01)
ZONES: TD, MX.

60.02.02 Child Care Facilities (44.08.02)
ZONES: RPZ, R-30, R-45, R-60 TD, M, MX, R-1, ~~R-3~~*
R-15

60.02.03 Conversion of existing residential buildings to a different number of dwelling units. (44.08.22)
ZONES: MX, TD.

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* Eliminated Meeting 1/6/88 effective 1/13/88.

60.02.04 Fraternity and Sorority Houses (44.08.04)
ZONES: TD, MX

60.02.05 Private clubs, service organizations, including community buildings and similar recreational uses privately owned and/or operated (44.08.05) ZONES: TD, MX

60.02.06 Hospital, medical and dental clinics (44.08.06)
ZONES: TD, MX

60.02.07 Housing for elderly or physically handicapped persons (44.08.07)
ZONES: TD, MX

60.02.08 Professional and business offices (44.08.08)
ZONES: TD, MX

60.02.09 Neighborhood stores (44.08.09)
ZONES: TD, MX

60.02.10 Two (2) family dwellings on lots of record (44.08.28)
ZONE RPZ

60.02.11 Public Utility buildings and structures (44.08.11)
ZONES: TD, MX

60.02.12 NONE

60.02.13 Multi-family Dwelling (44.08.21)
ZONES: M, MX, TD, ~~R-3*~~

60.02.14 Natural Resource Extraction (44.08.10) (Effective 5/1/86)
ZONES R-45, R-60, R-1, R-15, R-30

60.02.15 NONE

60.02.16 Adaptive historic preservation use harmonious with the physical characteristics and originally designed use of the structure (44.08.26)
ZONES: ALL ZONES

60.02.17 Banking Facilities with drive-up windows (44.08.12)
ZONES: TD, MX.

60.02.18 Restaurants, providing service for customers either at counters or at tables including sale of alcoholic beverages
ZONES: 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)
ZONES: RF

60.02.20 Cemeteries and other places of burial of the dead (44.04)
ZONES: R-45, R-60, R-1 , R-15, R-30

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* Eliminated Meeting 1/6/88 effective 1/13/88.

60.02.21 Churches and other places of worship, including parish houses. Parish house shall include a one or two family house used by a Church as personal residence by members of its clergy and/or its full-time employees.
ZONES: RPZ, R-15, R-30, R-45, R-60, R-1

60.02.22 Convents, monasteries and similar uses
ZONES: RPZ, R-15, R-30, R-45, R-60, R-1

60.02.23 Educational Institutions
ZONES: RPZ, R-15, R-30, R-45, R-60, R-1

60.02.24 NONE

60.02.25 Libraries, museums and similar institutions of a non-commercial nature
ZONES: MX, TD

60.02.26 NONE

60.02.27 Outdoor Recreational uses such as; Parks, Playgrounds, Playfields, Golf courses, Boating areas, Community buildings, Developed open space, such as Arboreta, Botanical and Zoological gardens and similar recreational uses.
ZONES: R-15, R-30, R-45, R-60, RF, R-1 (Revised 2/15/88)

60.02.28 NONE

60.02.29 Care/Nursing Homes, Community Residential Treatment Facility (44.08.29)
ZONES: TD, MX

60.02.30 Rooming House (44.08.30)
ZONES: TD, MX.

60.02.31 NONE

60.02.32 Bus stop Passenger Shelter (44.08.25)
ZONES: ALL ZONES

60.03 ACCESSORY USES
The following accessory uses shall be permitted in accordance with the provisions of subsection 10.07 of this code.

60.03.01 Uses customarily incidental to the main or principal building or land use
ZONES: ALL ZONES

60.03.02 Required off-street parking and loading space
ZONESL ALL ZONES

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
ZONES: TD, M, MX.

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
ZONES: TD, M, MX

60.04 None

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 six (6) months and shall not be renewed for more than four (4) successive periods at the same location.
ALL ZONES

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.
ALL ZONES

60.06 PROHIBITED USES
Any use not specified as a permitted use, special exception, accessory use, permitted home occupation use or use by temporary permit are prohibited uses.
ALL ZONES

SECTION 61 BUSINESS ZONES, INDUSTRIAL ZONES AND OTHER NON-RESIDENTIAL 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.

61.01 PERMITTED USES
The following uses may be operated as permitted uses:

61.01.01 Agriculture, including nurseries and farms, hydroponics farming. ZONE I1 I2 I3 IT

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 B-1 zone, and exercise runs shall be enclosed on four (4) sides by a sight-obscuring unpierced 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 B1 B2 TD*

61.01.06 Blacksmith shop, welding or other metal working shop and machine shops.

ZONES I1 I2 IT IRA
(Revised 8/1/86)

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. In the B-2 Zone no exterior storage shall be permitted.

ZONES B2 I1 I2 IRA
(Revised 8/1/86)

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 B1 B2

61.01.09 Commercial Parking Lots, need not be enclosed.

ZONES B1 B2

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 contractors; trucking or motor freight stations or terminals; retail lumber yards, including incidental millwork; storage and sale of grain, livestock feed or fuel; carting, express or hauling establishments, including storage of vehicles; 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 B1 B2 TD*

61.01.13 Dry Cleaning Establishments ZONE I-2
(Addition, Effective 3/15/85)

61.01.14 Entertainment--including theaters, radio and television studios, bowling alleys, assembly halls, or similar places of assembly or entertainment.

ZONES B1 B2

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 B1

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 IT IRA
(Revised 8/1/86.)

61.01.19 Manufacturing, including, but not limited to, the manufacture, production, installation, assembly, processing, packaging, remanufacture, reconstruction, compounding, repair and servicing of goods, wares, merchandise, machinery, machine parts, tools, equipment, products, supplies, food or food products including, but not limited to, the manufacturing of products from the following previously prepared materials: 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 yarn; the manufacturing of pottery and figurines using previously pulverized clay and kilns fired only with gas or electricity; rubber or metal stamps and other small rubber products; electrical and electrical appliances, instruments and devices; computers, data processing equipment, television sets, radios, radio communication equipment, marine and automobile radio equipment, emergency lighting and alarm systems, phonographs, refrigerators and stoves; electric

and neon signs and lights; ferrous and nonferrous metal products, including heating and ventilating equipment, cornices, eaves and the like; provided, however, that no use or process otherwise specifically prohibited by any other section of this Code shall be permitted as a manufacturing use or process under this section.

ZONES I1 I2 I3 TD* IT IRA
(Revised 8/1/86.)

61.01.20 Mortuaries or funeral homes--including ambulance service.

ZONES B1 B2 TD*

61.01.21 Newspaper and job printing.

ZONES B1 I1

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 B1 B2 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; Urban Core Living Units. (amended 7/15/85) ZONES B1 TD*

61.01.23 Office buildings--including general and professional tenants as well as banking, savings and loan and other financial institutions.

ZONES B1 B2 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.

ZONES B2 I1 I2 I3 TD* IT IRA
(Revised 8/1/86.)

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 B1 B2 TD*

61.01.26 Public utilities buildings and structures--including storage yards and vehicle parking area.

ZONES I1 I2 I3 TD* IRA
(Revised 8/1/86.)

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

61.01.28A 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 B1 B2

61.01.28B Physical Fitness Centers

ZONES B-1, B-2, I-2 and IRA
(Effective 6/20/88)

61.01.29 Retail sales distribution facility for the processing of orders for and preparation of pharmaceutical and related products in the health care field but not to include sale and delivery of produc to customers on premises. (1/84)

ZONE IT

61.01.30 Restaurants--With or without alcoholic beverages.

ZONES B1 B2 I1 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 B1 B2

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 IRA (Revised 8/1/86.)

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 B1 B2 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 B1 B2 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 building; and similar uses.

ZONES B1 B2

61.01.36 Studios--motion picture, recording, television and radio production studios, transmitters and related equipment.

ZONES I1 I2 IT

61.01.37A Wholesale and warehousing of items manufactured on the premises. ZONES: I-1, I-2, IT (Revision effective 7/1/86.)

61.01.37B Warehousing of items or materials not produced or created on the premises (except items prohibited as shown elsewhere in this Code). ZONE: I-1 (Revision effective 7/1/86.) IRA (Revised 8/1/86.) I-2 (Addition 2/15/88)

61.01.38 Office buildings--including general and professional tenants.

ZONES I1 I2 IT IRA (Revised 8/1/86.)

61.01.39 Interstate Office Park Zone
The use of the zone shall be limited to business and professional offices and corporate business offices. Business uses shall include but not be limited to, any occupation or trade primarily of a clerical nature such as insurance company or sales offices but shall not include commercial activities such as the manufacturing or assembling of wares.

ZONE IOP

61.01.40 Rooming Houses ZONE B1

61.01.41 Institutions ZONE ID

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* Transitional Development Zone - all proposals treated as Special Exception Uses.

61.01.42 Repair, replacement and reconditioning of diesel engines, components, power trains and equipment, but not to include junkyards or permanent outside storage of dismantled or salvaged parts, equipment or vehicles.

Zone IT

61.01.43 Trucking company terminals for the storage, assembly, distribution, handling or transfer of freight from motor vehicles engaged primarily in the less than truck load (LTL) freight business, but not including bulk carrier trucking companies.

ZONE IT

61.01.44 Servicing, repair, installation and assembly of computers and communication equipment, including two-way marine and automobile radios, emergency alarms and lighting systems, but not to include the general retail sales thereof.

ZONE IT

61.01.45 Motor vehicle body and fender repair and paint shop, provided that no building or structure for said use is located within fifty feet of any residential zone and further provided that all outside storage of materials associated with said business be screened so as to not be observable from abutting properties.

ZONES I1 I2 IRA (Revised 8/1/86.)

61.01.46 Conference Center Complex. A hotel with a minimum area of 200,000 square feet on at least fifteen (15) acres and a minimum of two hundred fifty (250) rooms with multi-purpose public meeting and conference rooms, auditoriums, ballrooms and assembly halls, together with customary conference center-hotel accessory uses, including, but not limited to, eating establishments; dining facilities and entertainment areas, all serving food only as well as those serving both food and alcoholic beverages, gift and other shops; swimming pools, sauna and steam rooms; barber shops and beauty parlors; and secretarial and other services. (Effective 8/1/84.)

Zone IT

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 in an integral part of a major parking facility. (44.08.14)

ZONE B1

61.02.03 Automobile filling station when it is in an integral part of a major shopping area. (44.08.14)

ZONES B1 B2

61.02.04 Drive-in establishment, limited to drive-in banks, car wash and gas stations. (44.08.12)

ZONES B2 TD

61.02.05 Eleemosynary or philanthropic institutions--need not be enclosed. (44.08.15)

ZONES B1 B2

61.02.06 General retail use not expressly prohibited by this Code. (44.04)

ZONES B1 B2

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 IRA (Effective 8/1/86.)

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 B1 B2

61.02.10 Public utility structures. (44.08.11)

ZONES B1 B2 TD IT

61.02.11 Readymix concrete plant. (44.08.18)

ZONE I1

61.02.12 Restaurant or lunch room. (44.08.19)

ZONES I1 I2 TD

61.02.13 Taxi cab stand--need not be enclosed. (44.02.20)

ZONES B1 B2

61.02.14 NONE (Revision effective 7/1/86.)

61.02.15 Natural Resource Extraction (44.08.10)(Effective 5/1/86)

ZONES B1 I1 I2 I3

61.02.16 Alcoholic Liquor Package Store. (44.08.23)

ZONES B1 B2

61.02.17 Automobile, truck, trailer, farm implements and similar automotive equipment sales, new and used. (44.08.24)

ZONES I1 I2

61.02.18 Bustop Passenger Shelters (44.08.25)

ZONES B1 B2 I1 I2 I3 TD IT

61.02.19 Adaptive historic preservation use harmonious with the physical characteristics and originally designed use of the structure. (44.08.26)

ZONES B1 B2 I1 I2 I3 TD IT

61.02.20 Banking facilities with drive-up windows. (44.08.12)

ZONES B1 I2 IT

61.02.21 Child Care facilities (44.08.02)

ZONES B1 I1 I2 I3 TD IT

61.02.22 Care/nursing homes, community residential treatment facility. (44.08.29)

ZONES B1 TD B2 (revised 2/1/85)

61.02.23 Solid Waste Facility (44.08.32)

ZONES I1 I2 I3 ID

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 such as business office, conference/meeting facilities, data processing/storage, personnel services (i.e. dining facilities, medical services) and off-street parking and loading space

ZONES ALL

61.03.02 Closely associated accessory uses as an integral part of the principal or main use or the premises, conference/meeting facilities, data processing/storage, personnel services (i.e. dining facilities, child care facilities, medical and emergency services), off-street parking and loading space, research laboratories and solid waste facility. Dining facilities serving both food and alcoholic beverages shall be permitted in any office building housing any corporate headquarters or corporate branch office provided that the uses occupy a minimum of 500,000 square feet on a single parcel. Heliports or Helicopter landing areas shall be permitted as an accessory use only if the principal use is conducted on a single lot having an area of 20 acres or larger.

ZONE IOP IT Revised Effective 8/1/86

61.03.03 In addition to the proposed uses, other incidental uses included for the convenience of employees shall include but not be limited to cafeterias, conference and meeting facilities, data processing, and other affiliated laboratory uses.

ZONE RDT Added Effective 8/1/86

61.04 USES BY TEMPORARY PERMIT

The following are permitted as Temporary Uses.

61.04.01 Temporary office and building or yard for construction material of equipment and model all incidental and related 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 ALL

61.05 PROHIBITED USES

The following uses are 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 manufactures; explosive 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; oil-cloth or linoleum manufacture; paint, oil, shellac, turpentine or varnish manufacture; paper and pulp manufacture; petroleum or its products, refining or wholesale storage of; rolling mill; shoepolish manufacture; smelting of tin, copper, zinc, or iron ores; stockyard or slaughter of aminals or fowls; tanning, curing or storage of raw hides of skins; tar distillation or manufacture; tar roofing or waterproofing manufacture; yeast plant; fish and meat processing. 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.

ZONES ALL

ARTICLE VII LEGISLATIVE

SECTION 70 REFERENCE

This Code shall be known and cited as the "ZONING CODE OF THE CITY OF MIDDLETOWN, CONNECTICUT".

SECTION 71

AMENDMENT PROCEDURE

These Regulations and the Zones established hereunder may be amended, modified, changed, added to, or repealed by:

(A) initiative of the Commission or; (B) by the Commission approval of an application filed by any other person or entity.

Applications shall consist of three parts: (1) Completed applications form(s) provided by the Commission's Office; (2) Payment of the fee designated in Section 10; and (3) Text and/or maps identifying the proposed amendment including the present status of the Code, if existing regulations are involved in the proposed amendment. If a map amendment is involved, the scale of the map shall be adequate to clearly identify the boundaries of the zones. Prior to a decision, the Commission shall conduct a public hearing as specified in the General Statutes, as amended, No fee shall be collected on any Commission intiated application.

BASIS FOR DECISION

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 Regulations is available and more appropriate than the amendment proposed.

C. As a general policy, the Commission should not establish any zone with a geographic area less than twenty (20) acres.

(Revision effective 10/16/87)

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 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 statute, bylaw, ordinance or regulation the provisions of this Code shall govern. If the provisions of any other statute, 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 shall be March 21, 1984, amended effective November 3, 1987.

AMENDMENTS ADOPTED TO THE ZONING CODE
AFTER ITS EFFECTIVE DATE OF MARCH 21, 1984

NO.	TOPIC	SPECIFIC SECTIONS	MTG. DATE	EFF. DATE
1.	Map Amendment A	Parcel on Stoneycrest Dr. from R-2 to R-3	3/28/84	4/16/84
2.	Map Amendment B	Parcel on Country Club Rd. from R-1 to RR	6/13/84	7/1/84
3.	Text Amendments	Section 25.02, Section 40.03.10, Section40.06.04, Section 40.04.26, & Section 61.01.46 Conference Center	7/11/84	8/1/84
4.	Map Amendment C	Parcel on Newfield St. from R-1 to I-2	7/11/84	8/1/84
5.	Map Amendment D	Parcel on Miner St. from R-1 to IT	7/11/84	8/1/84
6.	Text Amendment	Section 44.08.26 A. Historic and/or Architectural Preservation sites & structures	7/25/84	8/1/84
7.	Solid Waste Facility Location	Section 61.02.23 -Solid Waste Facility permitted as Spec. Exc. in ID zone.	8/8/84	9/1/84
8.	Map Amendment E	CVH Property from R-1 to ID	8/8/84	9/1/84
9.	Text Amendments	Section 21.07 Modification of Frontage and Area Requirements	9/12/84	10/1/84
10	Zoning Application Signs for Public Hearings	Section 48.03.05 Zoning Application Signs	9/12/84	10/1/84
11.	Zoning Application Signs for Public Hearings	Section 14.07.02 Submission Requirements	9/12/84	10/1/84
12.	Zoning Application Signs for Public Hearings	Section 44.05 Public Hearing	9/12/84	10/1/84

AMENDMENTS ADOPTED TO THE ZONING CODE
AFTER ITS EFFECTIVE DATE OF MARCH 21, 1984

NO.	TOPIC	SPECIFIC SECTIONS	MTG. DATE	EFF. DATE
13.(a)	Zoning Application Signs for Public Hearings	Section 55.04.01 Proposal Information Required for Review	9/12/84	10/1/84
13.(b)	Zoning Application for Signs for Public Hearings	Section 71.02.02 Application for Amendment to the Zoning Map	9/12/84	10/1/84
14.	Zoning Application Signs for public hearing	Section 48.03.05 Zoning Application signs	11/28/84	12/14/84
15.	Non-conforming uses with structures	Section 14.02B Non-conforming Parcel of Land with Structures	11/28/84	12/15/84
16.	Child care facilities.	Section 44.08.02, F	1/23/85	2/1/85
17.	care/nursing community residential homes	Section 61.02.22	1/23/85	2/1/85
18.	Modification of frontage & area requirements	Section 21.07, 22.07,23.07 and 24.07 - Deleted	2/27/85	3/15/85
19.	Modification of frontage and area requirements	Section 21.08A - added	2/27/85	3/15/85
20.	Dry Cleaning Establishments	Section 61.01.13	2/27/85	3/15/85
21.	Zoning Application Signs	Section 48.03.05	3/13/85	4/1/85
22.	Zoning Map Amendment No. F	R-1 to IOP I-91/Preston Avenue	3/27/85	4/15/85
23.	Home Occupation revised to Residential Unit Business Pursuit	Sections 16.08.02, 16.18.04 10.08,10.08.01,10.08.02,48.04 44.08.31,60.02.31,60.01.21	5/22/85	6/1/85

AMENDMENTS ADOPTED TO THE ZONING CODE
AFTER ITS EFFECTIVE DATE OF MARCH 21, 1984

NO.	TOPIC	SPECIFIC SECTIONS	MTG. DATE	EFF. DATE
24.	Environmental Responsibility Amendment	10.09, 10.09.02, 10.09.03 10.09.04, 10.09.05, 10.09.06 10.09.07	5/22/85	6/1/85
25.	Environmental Responsibility Amendment	Section 10.09.07 - Inspection	6/12/85	On Passag
26.	Urban Core Living Units	Sections: 13.21.04, 40.04.13, 61.01.02B	6/26/85	7/13/85
27.	Lot Width and Yard Requirements	Sections 25.03, 33.03 34.03, 35.03, 36.03, 37.03	8/28/85	9/15/85
28.	Modification of Frontage and area requirements	Delete Section 21.08A	9/11/85	9/30/85
29.	Modification of Frontage and area requirements	Add Section 21.09	9/11/85	9/30/85
30.	Buffer Between Different Land-Uses	Add Section 12.08.04	10/9/85	11/1/85
31.				
32.	Natural Resource Extraction Section 41.11, Approval Time Period - Revised	Section 41.11	3/12/86	4/1/86
33.				

AMENDMENTS ADOPTED TO THE ZONING CODE
AFTER ITS EFFECTIVE DATE OF MARCH 21, 1984

NO.	TOPIC	SPECIFIC SECTIONS	MTG. DATE	EFF. DATE
33.	Natural Resource Extraction	Eliminate Section 41; revise Sections 44.06.01, 55.08, 60.02.14, 61.02.15, add Section 44.08.10(n)	4/23/86	5/1/86
34.	Miscellaneous changes	Sections 34, 12.08.01 12.08.02, 32, 33, 61.01.37A, 61.01.37B 61.02.14,	6/11/86	7/1/86
35.				
36.				
37.				
38.				
39.	Zoning Code text amendment - Add IRA Zone	Sections 29, 61.01.06, 61.01.07, 61.01.18, 61.01.19, 61.01.24, 61.01.26, 61.01.32, 61.01.37B, 61.01.45, 61.02.08, 61.01.38	7/23/86	8/1/86
40.	Zoning Code text amendment - Modified Accessory Uses	Section 61.03.02	7/23/86	8/1/86

AMENDMENTS ADOPTED TO THE ZONING CODE
AFTER ITS EFFECTIVE DATE OF MARCH 21, 1984

NO.	TOPIC	SPECIFIC SECTIONS	MTG. DATE	EFF. DATE
42.				
43.	Zoning Code text amendment - Subdivision, Resubdivision and Lot Split	Section 12.13	9/10/86	9/24/86
44.	Zoning Code text amendment - Subdivision, Re-Subdivision and Lot Split	Section 16.19.01	9/10/86	9/24/86
45.	Zoning Code text amendment - Surface	Section 40.03.02	9/10/86	9/24/86
46.				
47.	Zoning Code text amendment - Purpose of Regulations and Permitted Land Uses	Section 42.01 and Section 42.02	9/10/86	9/24/86
48.				
49.				

AMENDMENTS ADOPTED TO THE ZONING CODE
AFTER ITS EFFECTIVE DATE OF MARCH 21, 1984

	TOPIC	SPECIFIC SECTIONS	MTG. DATE	EFF. DATE	
52.	Zoning Code Text Amendment - Hearings	Section 71.02.01 Section 71.03.02	3/11/87	4/1/87	
53.	Zoning Code Text Amendment Zoning Code Enforcement Officer	Section 54.00	3/11/87	4/16/87	
54.	Institutional Development Zone	Section 30.01 to 30.09	3/25/87	4/15/87	
55.					
56.	Zone Code Modification Change off street parking requirements	Section 40.04.23	4/8/87	4/30/87	
57.	Zone Code Text Amendment- Parking Requirements	Section 40.04.14 Section 40.04.16	6/10/87 6/10/87	7/1/87 7/1/87	
58.					
59.					
60.	Application fees	Chapter 5		6/1/87	
61.	X zone, and MX Zone Use Schedule	Sections, 22A, 23A, 60.01.01, 60.01.02, 60.02.02, 60.02.04, 60.02.05, 60.02.06, 60.02.07, 60.02.08, 60.02.09, 60.02.11, 60.02.13, 60.02.16, 60.02.17, 60.02.29, 60.02.32	8/26/76	9/1/87	
62.	Signs	Section 48.03.05	9/9/87	9/16/87	
63.	Map Amendment Newfield St. to MX zone	Amendment Q	9/9/87	9/16/87	
64.	Parishes Houses	Section 60.02.21	9/23/87	10/1/87	

AMENDMENTS ADOPTED TO THE ZONING CODE
AFTER ITS EFFECTIVE DATE OF MARCH 21, 1984

NO.	TOPIC	SPECIFIC SECTIONS	MTG. DATE	EFF. DATE
65	Amendment Procedure	Section 71	10/14/87	10/16/87
66.	Rezoning of Residential lots Zoning Code & Map	Sections 11, 21, 21A, 23B, and 60	10/28/87	11/3/87
67.	Rezoning perimeter of the City and related changes to the Zoning Code.	Sections 23B, 11.01, 60.01 and 60.02	1/6/88	1/18/88
68	Warehousing in I-2 zone	Section 61.01.37B	1/27/88	2/15/88
69	Recreation	Section 60.02.27	1/27/88	2/15/88
70	Zoning Map Ammendment from R-30 to R-15 Margarite Rd.	Section A	1/27/88	2/15/88
71	Two Family Special Exception in the RPZ Zone	Section 44.08.28	2/24/88	3/9/88
72.	Water and Sewerage Requirements	Section 21.05	4/27/88	5/15/88
73.	Parking Requirements	Sections 40.04.10, 40.04.14, 40.04.17 40.04.18 and 40.04.20	4/27/88	5/15/88
74	Physical Fitness Centers	Section 61.01.28B	6/8/88	6/20/88
75.	Zoning map amendment B	Pleasant St.	7/27/88	8/10/88

AMENDMENTS ADOPTED TO THE ZONING CODE
AFTER ITS EFFECTIVE DATE OF MARCH 21, 1984

NO.	TOPIC	SPECIFIC SECTIONS	MTG. DATE	EFF. DATE
76.	Sec . 46 Flood Area Management Regulations	Sections 46.03 and 46.04	8/10/88	8/25/88