CITY OF HARTFORD
PLANNING AND ZONING COMMISSION

ZONING REGULATIONS

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CITY OF HARTFORD
PLANNING AND ZONING COMMISSION

ZONING REGULATIONS

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CITY OF HARTFORD
PLANNING AND ZONING COMMISSION

ZONING REGULATIONS

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CITY OF HARTFORD
PLANNING AND ZONING COMMISSION

ZONING REGULATIONS

Charter reference: Mandate to establish planning and zoning commission, and adopt planning and zoning provisions of the General Statutes, chapter VII, section 2 (d); zoning board of appeals, chapter VII, section 2 (e).

ARTICLE I. IN GENERAL

Sec. 1. History and purpose; plan of conservation and development.

(a) As of January 1, 2004, as provided in chapter VII, section 2 of its revised charter, the city established the planning and zoning commission by ordinance no. 54-03. Pursuant to the revised charter and said ordinance, the planning and zoning commission has the powers and duties of a combined planning and zoning commission under the Connecticut general statutes.
(b) The planning and zoning commission has adopted these zoning regulations, in accordance with the general statutes, in order to carry out its powers and duties and to provide for the public health, safety and welfare. These regulations are derived from, and continue unless inconsistent therewith, ordinance no. 5-68, adopted February 26, 1968, which zoning ordinance, as amended from time to time, constituted Hartford municipal code chapter 35.
(c) The achievement of goals by a community requires that many actions be undertaken; these zoning regulations are intended to help the city achieve its community development goals.
(d) It shall be the duty of the planning and zoning commission to prepare and recommend from time to time, but no less than every ten (10) years as required by the general statutes, a plan of conservation and development for the city. Said plan shall include all requirements of the general statutes pertaining to such plans as well as other elements set forth by the commission.
(e) In accordance with the municipal code section 28-6, the commission shall serve as the inland wetlands agency, exercising all powers accorded to inland wetlands agencies by law.
(f) The commission shall assume any and all of the powers previously granted to the design review board of the city, where such powers survived the dissolution of that board.

Sec. 2. Definitions.

The following words, terms and phrases, when used in these regulations, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Adult bookstore means an establishment having as a substantial or significant portion of its stock in trade motion pictures, video recordings, books, magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to obscene activities for observation by patrons thereof or an establishment with a segment or section devoted to the sale, rental or display of such material.

Adult cabaret means a nightclub, bar, restaurant or similar establishment that regularly features live performances that are characterized by the exposure of specific anatomical areas or by specified sexual activities, or films, motion pictures, video cassettes, slides or other photographic reproductions in which a substantial portion of the total presentation time is devoted to the showing of material that is characterized by any emphasis upon the depiction or description of specified activities or anatomical areas.

Adult day care center means a nonresidential facility in which custodial care is provided for up to twelve (12) adults, related or unrelated, who are in need of supervision and/or assistance with routine daily functions but who are not in need of regular medical attention (including drug or alcohol rehabilitation services), where the adults are receiving said care on a regular and recurring basis during a part of the twelve (12) hour period between 7:00 a.m. and 7:00 p.m., for not less than three (3) and not more than twelve (12) hours. Such a facility shall comply with all state and local statutes, codes and/or ordinances regarding licensing, zoning,

building, fire, health and housing. Adult day care centers shall not include boarding houses, rooming houses, or rehabilitation homes.

Adult establishment means adult bookstore, adult cabaret, adult mini-motion-picture-theater or adult motion picture theater, or any combination thereof.

Adult mini-motion-picture-theater means an enclosed building with a capacity for less than fifty (50) persons used for presenting material distinguished or characterized by an emphasis on matters depicting, describing or relating to obscene activities for observation by patrons therein.

Adult motion picture theater means an enclosed building with a capacity of fifty (50) or more persons used for presenting material distinguished or characterized by an emphasis on matters depicting, describing or relating to obscene activities for observation by patrons therein.

Alley means a public way which affords only a secondary means of access to abutting property.

Alteration means any change, addition or modification in construction or type of occupancy; any change in the structural members of a building, such as walls, partitions, columns, beams, girders, or any change which may be referred to in these regulations as "altered" or "reconstructed."

Animal care services means dog and cat grooming establishments and animal hospitals.

Animal hospital means any facility maintained by or for the use of a licensed veterinarian in the diagnosis, treatment, or prevention of animal diseases wherein the animals are limited to dogs, cats, or other comparable household pets and wherein the overnight care of said animals is prohibited except when necessary in the medical treatment of the animal.

Animal services means dog training schools, animal day care, animal husbandry, and kennels.

Apartment means a room or suite of rooms used as a dwelling unit for one (1) family who does its cooking therein.

Applicant means the owner of a legal or an equitable interest in property, or an agency of the city, who has submitted an application for any of the permits or approvals described in these regulations.

Artist means a person who is skilled and regularly engaged in one (1) or more art forms such as, but not limited to, visual, performing, literary, architectural, crafts, photographic, film and video.

Automobile means a motor vehicle, including cars and motorcycles, originally manufactured for the transport of eight (8) or fewer private, noncommercial passengers from one location to another, excluding large-sized motor vehicles such as motor homes, mobile homes, and recreational vehicles intended for living, not merely transport.

Automobile laundry means a building, or portion thereof, containing facilities for washing more than two (2) automobiles at one time using production line methods ordinarily with a chain conveyor, blower, steam cleaning device or other mechanical devices.

Automobile wash, self-service, means a structure containing facilities for owners of automobiles to wash with water, vacuum, and otherwise clean their automobiles, as distinct from an automobile laundry.

Bakery, with on-site baking, means a bakery that produces on the premises some or all of the products that are sold on the premises.

Bakery, without on-site baking, means a bakery that does not produce on the premises any of the products that are sold on the premises.

Banners, streamers and pennants are non-reflective signs or decorations made of cloth or plastic.

Bathroom means a room containing a water closet and lavatory and, bathtub or shower, or both bathtub and shower.

Basement means a story partly underground and having at least one-half (½) of its height aboveground.

Basic review set means a set of plans, elevations, specifications, and other material and exhibits, as identified in further detail in section 68.

Bazaar means a market characterized by shops and stalls along a pathway, usually for the sale of miscellaneous articles such as handmade arts and crafts.

Beekeeper means the person(s) responsible for the keeping of honey bees in a hive or hives or any person who owns or controls hives.

Block means the property abutting one (1) side of a street and lying between the two (2) nearest intersecting streets, or between the nearest such street and railroad right-of-way, unsubdivided acreage, river, or live stream, or between any of the foregoing and any other barrier to the continuity of development.

Boarder means someone who lives in a boarding house, or lives in a single-family dwelling in accordance with section 983, who is provided with lodging and meals for compensation by prearrangement for definite periods.

Boarding house means a residential structure where lodging and meals are provided for compensation to between three (3) and six (6) persons by prearrangement for definite periods. A boarding house is to be distinguished from a rooming house, hostel, hotel, motel, or rehabilitation home.

Bonus means the construction of floor area in excess of that permitted as of right in the B-1 downtown development district.

Bonus project means a project for which the applicant is seeking any one (1) or more of the bonuses provided in section 295 (relating to bonus eligibility).

Brew pub means any building where beer is manufactured, stored, and bottled, with retail sale of alcoholic liquor to be consumed on the premises with or without the sale of food, with retail sale of sealed bottles or other sealed containers of beer brewed on such premises for consumption off the premises, and with wholesale sales of sealed bottles or other sealed containers of beer brewed on such premises, and as otherwise defined and regulated by the Liquor Control Act of the general statutes.

Building means any structure having a roof, supported by columns or by walls and intended for the shelter, housing or enclosure of any person, animal or chattel. When any portion thereof is completely separated from every other portion by masonry or a firewall without any window, which wall extends from the ground to the roof, then such portion shall be deemed to be a separate building.

Building, accessory, means a subordinate building or a portion of a principal building, the use of which is incidental to that of the principal building and which is located on the same lot as the principal building.

Building, accessory (residential), means a subordinate building attached to or detached from the principal building and used for purposes customarily incidental to the residential occupancy of the principal building and not involving the conduct of a business or the sale of a service.

Building, height of, means the vertical distance from the established grade of the center of the front of the building to the highest point of the roof surface of a flat roof, to the deck line for a mansard roof, to the mean height level between the eaves and ridge for hip, gabled and gambrel roofs.

Building line means the building lines established by the city council, from time to time, records of which are kept by the city assessor.

Building, principal, means a building in which is conducted the principal use of the lot on which it is situated.

Café means space in a suitable and permanent building, kept, used, maintained, advertised and held out to the public to be a place where alcoholic liquor and food is served for sale at retail for consumption on the premises but which does not necessarily serve hot meals; it shall have no sleeping accommodations for the public and need not necessarily have a kitchen or dining room but shall have employed therein at all times an adequate number of employees. A cafe may be operated with or without incidental entertainment.

Campus means contiguous land owned by an educational, medical, business, or not for profit institution, including land that may be separated from other areas of the campus by streets or other public rights-of-way and that may include one or more lots or zoning lots.

Campus, RO-1, means any campus in the RO-1 district which contains ten (10) acres or more, contains two (2) or more principal structures, and fronts on two (2) or more public streets.

Carnivals means any carnival, circus, street celebration, or other similar event taking place in or upon any street, park or other public place. This definition is not intended to include public speeches, political rallies, political marches, protests, demonstrations or similar events.

Cellar means a portion of a building having more than one-half of its height belowground.

Charter means the current charter of the city of Hartford, as it may be revised and amended from time to time.

Check cashing means an establishment primarily engaged in the business of providing cash to patrons for, payroll, personal, and bank checks.

Child day care center (also known as day nurseries), means a public or private facility, including accessory tot lots, as defined in general statutes section 19a-77 (relating to child day care services) which offers or provides a program of supplementary care to more than twelve (12) related or unrelated children outside of their own homes on a regularly recurring basis for a part of the twenty-four (24) hours in one or more days in the week. Such a facility shall comply with all state and local statutes, codes and/or ordinances regarding licensing, zoning, building, fire, health and housing.

City means the city of Hartford.

Club means an association of persons, whether incorporated or unincorporated, which has been in existence as a bona fide organization for at least three (3) years prior to applying for a permit issued as provided by this chapter, or has been a bona-fide national or international fraternal or social organization or affiliation thereof which

has been in existence in this state for one year, for the promotion of some common object, not including associations organized for any commercial or business purpose the object of which is money profit, owning, hiring or leasing a building, or space in a building, or having substantial control of a building or space therein, of such extent and character as, in the judgment of the department, may be suitable and adequate for the reasonable and comfortable use and accommodation of its members and their guests. A club may be operated with or without incidental entertainment.

Clubhouse means a building to house a club or social organization not conducted for private profit, as documented by state or federal records, and which is not an adjunct to or operated by or in connection with a public tavern, cafe or other public place.

Code (or municipal code) means the municipal code of the city of Hartford, as it may be amended from time to time.

Coldframe means a temporary unheated outdoor structure, no higher than thirty-six (36) inches, consisting of a wooden or concrete frame and a top made of glass or clear plastic, used for protecting seedlings and plants from the cold, provided that the word "temporary" in this definition shall mean erected for a cumulative period of no more than six (6) months within any given calendar year.

Colony means a natural group of honey bees having a queen or queens.

Commission means the city planning and zoning commission established and operating pursuant to the general statutes and chapter VII of the charter.

Communications means any or all of the following means of transmitting information, sound, and images: radio, telecommunications, telegraph, telephone, and television.

Communications antenna means a device—such as a panel, a satellite dish, a microwave dish, or a single pole device known as a whip—used to collect or transmit communications signals, which is installed on a structure, instead of being integrated into a communications tower, and which may serve end users not located on the zoning lot on which the communications antenna is located.

Communications broadcasting studio means a facility used to create or produce radio, television, or other electronic media programming. A communications broadcasting studio may include studios, stages, editing facilities, production facilities, and equipment for program distribution and receipt via satellite, wire, or fiber optic cable. A communications broadcasting studio does not include a communications tower on the same zoning lot.

Communications facility means one (1) or all of the following located jointly on one (1) zoning lot: communications antenna, communications tower, and other communication equipment.

Communications tower means a structure, which is not a building, which is intended to support equipment used to transmit or receive communications signals, and all or part of which may be subject to Connecticut Siting Council review. Examples of such structures include monopoles and lattice construction steel structures.

Community center means a building to be used as a place of meeting, recreation or social activity and not operated for profit and in which neither alcoholic beverages nor meals are normally dispensed or consumed.

Community garden means space used to grow plants for personal use, education, recreation, community distribution, or beautification by members of the neighboring community.

Community health center means a medical care facility as defined by general statutes § 19a-490a (relating to community health centers): "a public or nonprofit private medical care facility which (1) is not part of a hospital and is organized and operated to provide comprehensive primary care service; (2) is located in an area which has demonstrated need for services based on geographic and economic factors; (3) serves low income, uninsured, minority and elderly persons; (4) makes its services available to individuals regardless of their ability to pay; (5) employs a charge schedule with a discount based on income; (6) provides, on an ongoing basis, primary health services by physicians and where appropriate, mid-level practitioners, diagnostic laboratory and x-ray or through firm arrangement; (7) has at least one-half (½) of the full-time equivalent primary care providers as full time members of its staff; (8) maintains an ongoing quality assurance program; (9) is a participating title XIX and Medicare provider; (10) has a governing board of at least nine (9) and no more than twenty-five (25) members with authority and responsibility for policy and conduct of the center, the majority of whom are active users of the center and of the nonuser board members, nor more than half may derive more than ten (10) percent of their annual income from the health care industry; (11) provides primary care services at least thirty-two (32) hours per week; and (12) has arrangements for professional coverage during hours when the center is closed." For purposes of these regulations, none of the medical institutions or organizations defined in general statutes section 19a-490 shall be considered a "community health center."

Complex project means the erection, facade alteration, or enlargement of a building on a lot or zoning lot where the floor area of such complex project exceeds one hundred fifty thousand (150,000) square feet, or which building height exceeds seventy-five (75) feet, or which lot area exceeds twenty thousand (20,000) square feet. All bonus projects shall be considered complex projects. A complex project shall not include the alteration or enlargement of an existing project by less than ten (10) percent, nor a facade alteration which affects less than ten (10) percent of the facade of an existing building or structure.

Compost means organic material resulting from the biological decomposition of solid waste that can be used as a soil amendment or as a medium to grow plants.

Compost bin means a structure used to contain organic wastes as they decompose to result in compost, which is constructed of metal, blocks, bricks, wood, or plastic,

Composting means the process of biological decomposition of solid organic wastes (e.g., yard trimmings, food scraps, manures) under controlled conditions resulting in compost. Controlled conditions include but are not limited to grinding, shredding, piling, physical turning, aerating, adding moisture, or other processing of solid wastes.

Convalescent, nursing or rest home means a private home for the care of five (5) or more children, aged or infirm persons or a place of rest for those suffering bodily disorders. Such home does not contain equipment for surgical care or for the treatment of injury.

Council means the court of common council of the city of Hartford, the city's legislative body, established and operating pursuant to chapter IV of the charter.

Court means an open unoccupied space other than a yard on the same lot with a building or group of buildings and which is bounded on two (2) or more sides by such buildings.

Day shall mean calendar day.

Density (of population on a particular lot) consists of the number of persons permitted to reside on an acre of land or the proportionate number of persons permitted to reside on a portion of an acre of land in the B-3, B-4, RO-1, RO-2, RO-3, R-1, R-2 and R-3 zoning districts; and shall consist of the number of dwelling units per lot in the R-4, R-5, R-6, R-7 and R-8 zoning districts, provided that the specific numbers for all of the proceeding calculations are identified in section 182. When, in determining the number of persons or families, whichever the case may be, permitted to reside on an acre of land or the proportionate number of persons or families, whichever the case may be, permitted to reside on a portion of an acre of land, the result is a fractional number (of persons or families), any fraction up to and including one-half shall be disregarded and any fraction over one-half shall be considered to be one (1) person or one (1) family, whichever the case may be. In determining the number of dwelling units which may be constructed to house the number of persons permitted to reside on an acre of land, or portion thereof in the B-3, B-4, RO-1, RO-2, RO-3, R-1, R-2 and R-3 districts, the following table I showing the average number of persons estimated to occupy a particular dwelling at the time of construction shall be used.

Table I

Dwelling Unit by Type	**Number of Persons**
Efficiency – Studio	1.5
1-Bedroom	2.0
2-Bedroom	3.0
3 or more Bedrooms	4.0

In the case of certain uses, table II shall be used in lieu of table I.

Table II

Use	**Number of Persons**
Boarding house or rooming house	One (1) person for each rooming unit
Group quarters	One (1) person for each bed
Residential or apartment hotel, hotel, or motel	One (1) person for each bed
Transient lodgings	One and one-half (1-1/2) persons for each guest-room or residence unit

Director of the department of public works refers to the director of the city department of public works, or his or her designate.

Distance is measured horizontally in a straight line.

District (also known as zoning district), means a portion of the city within which, on a uniform basis, certain uses of land and buildings are permitted and certain other uses of land and buildings are not permitted as set forth in these regulations, and within which certain setbacks and other open spaces are required and within which certain lot areas are established or within which a combination of such conditions are applied.

District, business, means any and all of the B-1, B-2, B-3, and B-4 districts.

District, commercial, means the C-1 district.

District, industrial, means any and all of the I-1 and I-2 districts.

District, residential (also known as residential zoning district), means any and all of the R-1, R-2, R-3, R-4, R-5, R-6, R-7, and R-8 districts.

District, residence-office, means any and all of the RO-1, RO-2, and RO-3 districts.

Downtown development plan means the portion of the city's plan of conservation and development specifically relating to downtown development.

Drive-in establishment means any business establishment so developed that some or all of its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to either serve patrons while in the motor vehicle, and shall include among other types of businesses eating places with drive-in or curb service.

Driveway means a private way that affords motor vehicle access from a public or private street into abutting property.

Dwelling means any building or portion thereof, which is designed or used exclusively for residential purposes and containing one (1) or more dwelling or rooming units.

Dwelling, attached, means a dwelling having any portion of each of two (2) walls in common with adjoining dwellings.

Dwelling, detached, means a dwelling that is entirely surrounded by open space on the same lot.

Dwelling, group, means a group of two (2) or more single-family, two-family, three-family or multiple-family structures occupying a lot.

Dwelling, multiple, means a dwelling having four (4) or more dwelling units.

Dwelling, semidetached, means a building containing two or more attached dwelling units that share a common wall, which may or may not be at the lot line. Semi-detached dwellings may or may not be on more than one lot.

Dwelling, single-family, means a dwelling used or designed exclusively for one (1) dwelling unit.

Dwelling, three-family, means a dwelling having three (3) dwelling units.

Dwelling, two-family, means a dwelling having two (2) dwelling units.

Dwelling unit means a room or suite of rooms designed for living, cooking and eating, and sleeping, with a bathroom and a separate means of egress, and a kitchen for use by a family.

Dwelling unit, efficiency, means a dwelling unit consisting of one (1) room exclusive of bathroom, kitchen, hallway, closets or dining alcove directly off the principal room.

Eating places includes both establishments serving only food as well as those serving both food and alcoholic beverages.

Eating places with drive-in or curb service means a type of drive-in establishment so developed that part of its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to either serve patrons food or beverage while in the motor vehicle or else intended to permit consumption in the motor vehicle of food or beverage obtained by a patron from such business establishment.

Eating places without drive-in or curb service shall mean all eating places that are not eating places with drive-in or curb service.

Engineer, city shall be the professional engineer named to serve in that capacity; provided, however, that if the position for city engineer is not filled or is eliminated, the director of the department of public works or his or her designee shall perform the functions of the city engineer outlined in these regulations.

Enhanced review set means a set of plans, elevations, specifications, and other material and exhibits, as identified in further detail in section 68.

Entertainment means any activity that includes but is not limited to a theatrical performance, live music performance, live or "virtual" disc jockey ("DJ" or "deejay"), live or "virtual" master of ceremonies ("MC"), dance, ball, show, exhibition, wrestling, boxing or sparring matches, or other sporting event, held indoors or outdoors to which members of the public are invited with or without charge. Live music performance refers to any live production of music or sound by an individual, band, musician, dancing, or karaoke. "Virtual" disc jockey or

master of ceremonies refers to any video, hologram, computer generated static or moving image, whether generated by analog or digital means, which fulfills the function of a live disc jockey or master of ceremonies including but not limited to announcing songs, vocalizing advertisements or promotions, or interacting with patrons by means of verbal communication in any way. Entertainment shall not include incidental entertainment as defined herein.

Entertainment, incidental means background music provided at a restaurant or café, the sole purposes of which shall be to enhance the particular ambiance of the establishment. Incidental entertainment shall be limited to the following formats: (a) live music performance limited to not more than a maximum of three (3) acoustic instruments which shall not be amplified by any means, electronic or otherwise or (b) prerecorded music played from a preselected play list over the permanently installed sound system of the establishment. Incidental entertainment shall be a permissible provided that the maximum volume of incidental entertainment, irrespective of the format, shall be limited so as not to extend beyond the boundaries of the premises at any time.

Erected includes built, constructed, reconstructed, moved upon, or any physical operations on the premises required for the building. Excavations, fill, drainage, paving and the like shall be considered a part of erection.

Essential services means the erection, construction, alteration, or maintenance by public utilities or municipal departments of underground, surface or overhead gas, communications facilities, electrical, steam, fuel or water transmission or distribution systems, collection, supply or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar accessories in connection therewith but not including structures which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general public health, safety, convenience and welfare.

Existing use (R-8) means a use in the R-8 district legally existing as of February 26, 1968 that by the terms of the 1968 Zoning Ordinance may continue provided that any additions to or expansions of such use shall be subject to the conditions, excepting lot area, set forth for such uses in article IV, division 2 (relating to required condition for certain uses). If no such provisions are set forth in article IV, division 2, any additions to or expansions of such uses shall comply with the development provisions for the R-8 district set forth in article III, division 19 (relating to the R-8 district). Existing uses shall not be construed to be nonconforming uses.

Expanded means, as used in sections 895, 896, and 939, structural expansions and the installation of additional nozzles, pumps, pump islands, fuel tanks (including increasing fuel tank capacity), and canopies (including canopies of a different size than exist at the time of the application).

Expressway means a divided highway for through traffic with full or partial control of access with grade separations at major crossroads.

Extended care residence means a residential facility for people who have a debilitating or terminal illness such as cancer or HIV/AIDS who have a diminished physical capacity to manage their activities of daily living and require assistance and support for managing. These facilities may or may not include health care services.

Facade alteration means a change on any exterior wall facing a street or visible from a street upon which a major architectural feature is added, altered, or removed. Such features may include but are not limited to cornices, window frames, entryways, columns and decorative wall treatments. Changes to the opacity of window glass shall be considered a facade alteration. Changes to signage shall not be considered a facade alteration.

Family means, one (1) person; a group of two (2) or more persons living together and interrelated by consanguinity, marriage, civil union, custodianship, guardianship, or legal adoption; or a group of not more than two (2) persons who need not be so related, occupying the whole or part of a dwelling unit as a separate housekeeping unit with a common set of cooking facilities. The persons constituting a family may also include related children; foster children; the number of which shall be in accordance with general statutes as amended and live-in domestic employees, the number of which shall not exceed three (3). For the purposes of determining density, a roomer, boarder or lodger shall not be considered a member of a family. In the B-3, B-4, RO-1, RO-2, RO-3, R-1, R-2, and R-3 zoning districts, a family may consist of the number of persons designated to occupy an acre of land as described in the definition of "density" in this section.

Farm stand means a table, stall, tent, or open-air roofed structure or pavilion operated by a sole vendor for the sale of agricultural or horticultural products, and which has an overall footprint of no more than three hundred (300) square feet, and which is no taller than ten (10) feet, exclusive of roof-mounted renewable energy or water storage systems.

Farm structure means a structure that may include but is not limited to a shed (tool and packing), compost bin, shade pavilion, farm stand, trellis, or other vertical support for growing crops, and a structure used to extend the growing season such as greenhouses, hoophouses, coldframes, or similar structures.

Farmers' market means a public market administered by a market manager and held multiple times per year to connect and mutually benefit farmers, communities, and shoppers.

Festival means any fair, festival or similar activity where patrons have the privilege of watching or participating in entertainment, including, but not limited to, music shows, concerts and revivals.

Floor area (also known as gross floor area) means, in the floor area of a building or buildings, the sum of the gross horizontal areas of the several floors of all buildings on the lot, measured from the exterior faces of exterior walls or from the centerline of walls separating two (2) buildings. Floor area includes the area of basements when used for residential, commercial or industrial purposes but need not include a basement or portion of a basement used for storage or housing of mechanical or central heating equipment or the basement apartment of a custodian in a multifamily dwelling, except that portion of such custodian's dwelling unit which is in excess of fifty (50) percent of the total basement area. Floor area excludes space provided within a building for required off-street parking for residential units.

Floor area, net, means the total of all floor areas of a building, excluding stairwells and elevator shafts, equipment rooms, interior vehicular parking or loading, and all floors below the first or ground floor, except when used or intended to be used for human habitation or service to the public.

Floor area ratio (FAR) means the floor area of the building or buildings on any lot divided by the area of such lot, or, in the case of planned developments, by the net site area.

Floor area, usable, means any floor area within outside walls of a residential building exclusive of areas in cellars, basements, unfinished attics, garages, open porches and accessory buildings.

Flyway means the direction bees fly leaving their colony, the obstruction of which may cause bees to accidentally collide with the obstruction and become aggravated.

Flyway barrier means a barrier composed of dense vegetation or man-made materials which direct bees leaving their colony in such a way that bee contact with humans and domesticated animals is deterred.

Freeway means a divided highway for through traffic with full control of access and no cross traffic at grade.

Front yard means the actual, open, unoccupied space on the same lot with a building or structure, situated between the nearest roof or foundation portion of the principal building and the lot line adjacent to a street, and extending the full width of the lot; such space may exceed the minimum front yard required by these regulations. In the case of a corner lot, there are two front yards, situated between the nearest roofed portion of the principal building and the front lot line along each street.

Functional green roof area means a green roof for which the depth of soil and planted material is at least two (2) inches, which is accessible and usable for human activity.

Garage, commercial parking and storage, means a garage used exclusively for the parking and storage of automobiles and where such automobiles are not serviced or repaired.

Garage, community, means a garage used for the storage of automobiles for occupants of lots in the same or adjacent block or blocks, and providing only incidental services to automobiles stored therein.

Garage, large accessory, means an accessory building or portion of a principal building used only for the storage of four (4) or more automobiles for the use of occupants of a lot on which such building is located and providing only incidental services to automobiles stored therein.

Garage, small accessory, means an accessory building used only for the storage of automobiles for the use of occupants of a lot on which such building is located and with a capacity of not more than three (3) automobiles, and providing no incidental services to automobiles stored therein. The foregoing definition shall be construed to permit the storage on any one (1) lot within such garage, for the occupants thereof, of not more than one (1) commercial motor vehicle having not more than a one-and-one-half-ton capacity. Not more than one (1) space may be rented for an automobile.

Garage, repair: See "motor vehicle, general repair and service" and "motor vehicle, limited repair and service."

General statutes means the most recent revision of the general statutes of the State of Connecticut, as from time to time amended.

Grade means the established grade of the street or sidewalk as prescribed by the city.

Green roof means the area atop a roof surface on a building, open to the sky and air, which is surfaced with soil and living plant materials for the purpose of retaining rainwater and absorbing heat from sunlight, and which may be accessible by means of a roof entrance if required to maintain plant material.

Greenhouse means a structure, primarily of transparent material, in which temperature and humidity may be controlled for the cultivation or protection of plants or other agricultural products.

Grocery store means any store commonly known as a supermarket, food store, or grocery store, primarily engaged in the retail sale of meat, seafood, poultry, fruits, vegetables, candy, nuts, confectionaries, dairy products, bakery products, and/or all sorts of canned goods and dry goods.

Grocery store/convenience store means any grocery store whose floor area is less than thirty-five hundred (3,500) square feet.

Health club means any corporation, partnership, unincorporated association or other business enterprise offering at least the following facilities for the preservation, maintenance, encouragement or development of physical features, health or well being in return for the payment of a fee entitling the buyer to the use of facilities such as a swimming pool, sauna room, showers, lockers, and dressing room, classrooms, exercise equipment, and exercise rooms.

Height of adjacent wall means for the purposes of determining the width and/or depth of setbacks the height of the adjacent wall shall be measured from the average level of the ground adjacent to the exterior wall of the building to the highest point of the roof surface of a flat roof, to the deck line for a mansard roof, to the mean height level between the eaves and ridge for hip, gabled and gambrel roofs.

Hen means a mature egg-laying female chicken or guinea hen.

Henhouse means an enclosed structure for hens, which shall not exceed two hundred (200) square feet.

Historic and monument sites means those locations set aside for no other purpose than to commemorate a historical event, activity, architectural style, archaeological period, or person.

Hive means a manufactured receptacle or container prepared for the use of honey bees that includes moveable frames, combs and substances deposited in the hives by honey bees.

Hookah, also known as *nargile*, is a waterpipe used for smoking flavored tobacco.

Hookah lounge is an establishment that, as a primary or accessory use, provides for the on-site consumption of tobacco or tobacco related products by means of hookah.

Home garden means the accessory use of a residential lot to grow plants for consumption, beautification, or recreation for personal use.

Home occupation means any use customarily conducted entirely within the dwelling unit and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of such dwelling unit for dwelling purposes and does not change the residential character thereof, such as dressmaking and millinery and including consultation by such professions as a physician, dentist, lawyer, clergyman, architect, musician, engineer, teacher, insurance agent or real estate broker provided no classroom, studio or outdoor teaching activity not normally permitted in the district shall be conducted in connection with such home occupation, and excluding such uses as barber, beautician, tearoom and animal hospital. A customary home occupation shall not offer, display or advertise any commodity or service for sale on the premises, nor shall it store any materials or products outside of a building. A customary home occupation shall occupy not more than twenty-five (25) percent of the gross floor area of such dwelling unit. A customary home occupation may involve the employment only of any member of the immediate family residing in such dwelling unit plus one (1) person not residing in such dwelling unit. Signs shall be limited to one (1) professional announcement sign per dwelling unit, such sign to exceed not more than one (1) square foot in area.

Honey bee means any life stage of the common domestic honey bee, Apis mellifera species.

Hoophouse means an accessory outdoor structure typically made of, but not limited to flexible PVC piping or other material covered with translucent plastic, constructed in a "hoop" shape for the purposes of growing food or ornamental crops, generally tall enough for a person to enter standing up.

Hostel (also known as youth hostel) means a place where travelers may stay for a limited duration, as recognized by the International Hostel Association.

Hotel means any building containing (6) or more guest rooms which are used, rented, or hired for sleeping purposes by transient guests, wherein there is a private lobby and guest rooms are accessed primarily from interior lobbies, courts, or halls. Each room in a hotel has a bathroom.

Hotel, residential or apartment means a building with guest rooms designed to be occupied for sleeping purposes of guests with full kitchen facilities and a bathroom.

Impervious surface means any surface—including but not limited to asphalt, concrete, mortared masonry, stone, synthetic material, pavement, brick, tile, swimming pool, artificial turf, and gravel—which prevents or substantially impedes fluids from passing between the surface of the material to the natural ground underneath.

Impervious surface shall include any and all materials described in the preceding sentence, whether installed at, above, or below grade, and whatever the use of such material. For the avoidance of doubt, impervious surface shall include any material otherwise fitting the criteria in the preceding two sentences and (1) serving a functional purpose such as serving as a foundation for a fence or serving as a planter; and (2) serving as a driveway, parking area, or pedestrian way within the boundaries of the parcel.

In-kind replacement means, as used in section 895 and 939, the replacement of structures or equipment in same size dimension and location as existed at the time of the proposed replacement.

Inside storage means the storage of materials, equipment, or other chattel, including vehicles, inside a building or structure.

Junk or scavenger yard means a lot, land or structure or part thereof used primarily for the collecting, temporary storage, and sale of wastepaper, rags, scrap metal or discarded metal, other than used building materials.

Kennel means a structure or lot where seven (7) or more dogs, cats, or similar small animals in any combination, whether such keeping is for pleasure, profit, breeding, or exhibiting, and including places where dogs or cats or similar small animals in any combination are boarded, kept for sale, or kept for hire, and which may or may not be regulated by the general statutes and which shall include both private and commercial arrangements.

Kitchen means a room principally used intended, or designed to be used for cooking or the preparation of food. The presence of a range or oven, or utility connections suitable for servicing a range or oven shall normally be considered as establishing a kitchen.

Laboratory means a place devoted to experimental study such as testing and analyzing. Manufacturing of a product or products is not permitted within this definition.

Loading space means an off-street space on the same lot with a building or group of buildings, for temporary parking for a commercial motor vehicle while loading and unloading merchandise or materials.

Local district heating and cooling system means any local system consisting of a pipeline or network, which may be connected to a heating or cooling source, providing hot water, chilled water, or steam to two (2) or more users.

Local district heating or cooling facility means any property or structure used as an integral part of a local district heating or cooling system.

Long-term bicycle parking means parking for bicycles in a limited-access enclosure that protects them from precipitation and theft. This term includes, for example: enclosed spaces within a building such as bicycle rooms; bicycle sheds; bicycle lockers; and weather-protected bicycle parking spaces that are monitored by an attendant or security system, such as bike boxes.

Lot means land occupied or to be occupied by a principal building or buildings and its or their accessory buildings, together with such open spaces as are required under the provisions of these regulations, and having not less than the minimum area required by these regulations for a lot in the district in which it is located and having its principal frontage upon a street, except as provided for in section 890 (relating to group dwellings) and article VIII (relating to planned developments and special development districts) of these regulations, and except in the case of an individual lot associated with an individual attached or semidetached dwelling, provided the zoning lot of which such individual lot forms a part meets the requirements set forth in these regulations for the zoning district in which such lot is located for permitted lot coverage, required lot area, principal lot frontage, lot width, front setback, side setbacks, rear setback, required usable open space, and parking.

Lot area means the amount of ground plane, measured in square footage or similar criteria, occupied by a lot.

Lot, corner, means a lot located at the intersection of two (2) streets or a lot bounded on two (2) sides by a curving street and any two (2) chords of which form an angle of one hundred twenty (120) degrees or less. The point of intersection of the street lot lines is the "corner." In the case of a corner lot with curved street lines, the corner is that point on the street lot line nearest to the point of intersection of the tangents described above.

Lot coverage means the part or percent of the lot occupied by buildings, structures, including accessory buildings or structures, impervious surface, and outside storage.

Lot depth means the mean horizontal distance from the front lot line to the rear lot line.

Lot, interior, means a lot other than a corner lot. Any portion of a corner lot more than one hundred fifty (150) feet from the "corner," measured along a front street lot line, shall be considered an interior lot.

Lot line, front, means, in the case of a lot abutting upon one (1) street, the line separating such lot from such street. In the case of any other lot, the owner shall, for the purpose of these regulations, have the privilege of electing

any street lot line as the front lot line, providing that such choice, in the opinion of the zoning enforcement officer, will not be injurious to the existing, or to the desirable future development of adjacent properties.

Lot line, rear, means, ordinarily, that lot line which is opposite and most distant from the front lot line of the lot. In the case of an irregular, triangular or gore-shaped lot, a line ten (10) feet in length entirely within the lot, parallel to and at the maximum distance from the front lot line of the lot shall be considered to be the rear lot line for the purpose of determining depth of rear setback. In cases where none of these definitions are applicable, the zoning administrator shall designate the rear lot line.

Lot line, side, means any lot line other than a front or rear lot line.

Lot of record means a lot which actually existed as shown on the records of the town and city clerk on February 26, 1968, provided that if a lot or lots were merged with a contiguous lot or lots subsequent to February 26, 1968, and remained continuously so merged to the date of the adoption of these regulations, such merged lot shall be deemed a lot of record and the constituent lots so merged shall not be deemed lots of record.

Lot, through, means any interior lot having frontages on two (2) more or less parallel streets as distinguished from a corner lot.

Lot width means the mean horizontal distance between the sidelines, measured at right angles to the side lot line. Where the lot lines are not parallel the lot size shall be considered as the average width between such side lot lines.

Lot, zoning, means a lot or a series of contiguous lots forming a single tract of contiguous land located within a single block, or immediately abutting blocks, which, at the time of filing for a zoning permit, is designated by its owner or developer as a tract to be used, developed or built upon as a unit, under single control or ownership and having its principal frontage upon a street. Individual buildings, dwellings (including condominium units), or lots may be sold during the construction of or following the completion of a development on a zoning lot, except that any such building, dwelling, or lot individually sold shall not be altered in any manner from that shown on the plans filed and approved by the zoning administrator for such zoning lot or any part thereof. Therefore, a zoning lot may or may not coincide with a lot of record. Any land in a public street right-of-way within a zoning lot shall not be included in computing the area of the zoning lot.

Low-impact development means developing land and managing stormwater in a way that minimizes the impacts of urbanization on natural habitats and hydrology. The overall goal of low-impact development is to design with nature in mind and work with the natural landscape, hydrology and unique features of a site to avoid unnecessary water pollution, environmental degradation, and flooding. Low-impact development accomplishes this by controlling runoff close to the point of generation and retaining more water on the site where it falls, rather than funneling it into pipes that drain into local waterways.

Lumber and other building material - retail means an establishment where lumber and other building materials such as brick, tile, cement, insulation, roofing materials and the like are sold at retail. The sale of items such as heating and plumbing supplies, electrical supplies, paint, glass, hardware, and wallpaper is permitted at retail and deemed to be customarily incidental to the sale of lumber and other building materials-retail.

Management plan means the document prepared as part of the special permit process to have a single-operator garden in a residential zoning district.

Marquee means any hood, canopy, awning or permanent construction which projects from a wall of a building, usually above an entrance.

Marquee sign, theater means signage that consists of changeable copy that is affixed to the marquee of a stage theater, or movie theater displaying events taking place at said theater.

Medical marijuana dispensary facility means a place of business where marijuana may be dispensed or sold at retail to qualifying patients and primary caregivers and for which the Connecticut Department of consumer Protection has issued a dispensary facility permit.

Medical marijuana production facility means a secure, indoor facility where the production of marijuana occurs and is operated by a person to whom the Connecticut Department of Consumer Protection has issued a production facility permit.

Menu means a list of food and beverage items for sale and consumption on the premises of a restaurant, or café.

Motel means a building or series of buildings in which lodging is offered for compensation, for transient occupancy and which is distinguished from a hotel primarily by reason of providing direct independent access to, and adjoining parking for, each rooming unit. Each room in a motel has a bathroom

Motor freight terminal means a building or arena in which freight brought by motor truck is assembled and/or stored for routing in intrastate and interstate shipment by motor truck.

Motor vehicle means any vehicle, whether automobile, bus, trailer, truck, mobile home, motor bicycle, mini-cycle or other contraption propelled or drawn by power other than muscular power, and originally manufactured or intended for use on roads.

Motor vehicle, general repair and service means the business of repairing, overhauling, removing, adjusting, replacing, assembling or disassembling parts of any motor vehicle.

Motor vehicle, limited repair and service means the business of minor repairs to any motor vehicle, including repairs and replacement of cooling, electrical, fuel and exhaust systems, brake adjustments, relining and repairs, wheel alignment and balancing, and repair and replacement of shock absorbers.

Motor vehicle fueling only station means any lot or parcel of land or used entirely or principally for the retail dispensing of motor vehicle fuel including but not limited to gasoline, diesel, natural gas, ethanol, and electricity.

Motor vehicle or gasoline fueling station means any lot or parcel of land or portion thereof used partly or entirely for storing or dispensing flammable liquids, combustible liquids, liquefied flammable gas or flammable gas into the fuel tanks of motor vehicles.

Motor vehicle or gasoline service station means a building designated or used for the retail sale or supply of fuels (stored only as prescribed by existing legal regulations), lubricants, air, water and other operating commodities for motor vehicles, aircraft or boats, and including the customary space and facilities for the installation of such commodities on or in such vehicles, and including space for facilities for the storage, minor repair, or servicing, but not including bumping, body repair, painting, refinishing, steam cleaning and rustproofing where the primary use of the premises is such, or high speed washing thereof.

Motor vehicle wrecking yard or motor vehicle junk yard means any business and any place of storage or deposit, whether in connection with another business or not, which has stored or deposited two (2) or more unregistered motor vehicles which are no longer intended or in condition for legal use on the public highways, or used parts of motor vehicles or old iron, metal, glass, paper, cordage or other waste or discarded or secondhand material which has been a part, or intended to be a part, of any motor vehicle, the sum of which parts or material shall be equal in bulk to two (2) or more motor vehicles. Such terms shall also include any place of business or storage or deposit of motor vehicles purchased for the purpose of dismantling the vehicles for parts or for use of the metal for scrap and where it is intended to burn material which are parts of a motor vehicle or cut up the parts thereof.

Nightclub means a commercial establishment dispensing alcoholic beverages for consumption on the premises and in which dancing and musical entertainment is permitted.

Noise mitigation plan means a document detailing the measures taken by an establishment to maintain noise at a level that is not audible at a distance of one hundred (100) feet or greater from any opening of that establishment and to otherwise comply with section 23 of the code.

Nonconforming building or structure means any building, structure or part thereof legally in existence:

(a) on February 26, 1968, the adoption date of Ordinance No. 5-68, or
(b) at the adoption date of an amendment to said ordinance, or
(c) at the adoption date of these regulations, or
(d) at the adoption date of an amendment to these regulations,

that is not in conformity with the building and development regulations so adopted or amended of the zoning district in which it is located, such as, but not limited to, building bulk, lot coverage, height, setbacks, density or off-street parking or loading.

Nonconforming lot means a parcel of land legally in existence:

(a) on February 26, 1968, the adoption date of Ordinance No. 5-68, or
(b) at the adoption date of an amendment to said ordinance, or
(c) at the adoption date of these regulations, or
(d) at the adoption date of an amendment to these regulations,

that is not in conformity with the dimensional requirements so adopted or amended of the zoning district in which it is located, such as, but not limited to, area, shape, frontage or locational requirements.

Nonconforming use means a use of land or a building or structure legally in existence:

(a) on February 26, 1968, the adoption date of Ordinance No. 5-68, or
(b) at the adoption date of an amendment to said ordinance, or
(c) at the adoption date of these regulations, or
(d) at the adoption date of an amendment to these regulations,

that is not in conformity with the use regulations so adopted or amended for the zoning district in which it is located.

Obscene activity means patently offensive representations or descriptions of ultimate sexual acts, normal or perverted, actual or simulated and/or patently offensive representations or descriptions of masturbation, excretory functions, and lewd exhibition of the genitals.

Open space, usable, means that space on the same lot and contiguous to the principal building or buildings (except as otherwise provided in article VIII of these regulations, relating to planned developments and special development districts) which is either landscaped with shrubs, planted with grass, or developed and maintained for recreation purposes, and excludes that portion of the lot which is covered with impervious surface. The area of functional green roofs available to the residents of the buildings and the area of usable balconies available to the residents of the building may be included in computing the required usable open space.

Organic agricultural practices means production methods that promote and enhance biodiversity, biological cycles, and soil biological activity; provided such methods are based on minimal use of off-farm inputs and on management practices that restore, maintain and enhance ecological harmony. Organic food grown in this manner is produced without using most conventional pesticides; fertilizers made with synthetic ingredients or sewage sludge; bioengineering; or ionizing radiation, as described by the U.S. Department of Agriculture National Organic Program.

Other communications equipment means the equipment and structures involved in receiving, exchanging, or transmitting communications signals from the signal source and transmitting those signals to another wireless site, another communications source or receiver, or to a central switching computer which connects the mobile unit with land-based telephone lines, other than antennas or communications towers. Examples of such structures include transmitting stations and exchange stations.

Outside storage means the storage or exhibition of materials, equipment, or other chattel on a lot or tract, outside a building or structure, and serving as an accessory to some other use. The term outside storage excludes: landscaping or an ornamental landscaping structure (such as a birdbath, plant container, or statuette); and operable automobiles with valid state registration parked on a surface that meets the standards for parking surfaces contained in the off-street parking provisions of these regulations.

Package store means an establishment designed to supply the retail sale of alcoholic liquor not to be consumed on the premises, such sales to be made only in sealed bottles or other containers.

Parkettes means very small areas or parks devoted to scenic or leisure purposes.

Parking lot, commercial, means a parking lot, open to the public, for which a fee is charged for the parking or storage of automobiles.

Parking lot, private, means any tract of land which is used for the parking or storage of automobiles for the occupants, tenants, visitors, employees or patrons of a use or uses and is located on the same zoning lot as such use or uses or is located in accordance with the provisions of section 943 (relating to location of parking spaces).

Parking lot, public, means any tract of land which is used for the parking or storage of automobiles for the occupants, tenants, visitors, employees or patrons of a use or uses and is not a private parking lot.

Parking management plan means a document that demonstrates that there is adequate parking for patrons of an establishment classified as a café/nightclub, café/live entertainment, café/no live entertainment or tavern.

Parking space means an area designated for a single automobile, such space being exclusive of necessary drives, aisles, entrances or exits and being fully accessible for the storage or parking of permitted automobile.

Parking structure means a structure designed to accommodate vehicular parking spaces that are fully or partially enclosed or located on the deck surface of a building. This definition includes parking garage, deck parking, and underground or under-building parking areas.

Parks, general recreation, means or includes, but is not limited to picnic areas, bathing beaches, playfields, hiking trails, golf courses and other manmade recreation facilities.

Parks, leisure and ornamental, means such as are largely for scenic or leisure purposes.

Parkway means a highway for noncommercial traffic, with full or partial control of access. They are located within a park or within a ribbon of park-like development.

Planned development means a tract of land, which is developed as a unit under single ownership or control, which includes two (2) or more principal buildings, and which is at least one (1) acre in area for a planned residential development and ten (10) acres or an entire city block in area for a planned area development.

Planning division shall mean that division of the department of development services whose principal mission is to coordinate public planning efforts in the city.

Pawnshop means an establishment primarily in the business of lending money on the security of pledged goods left in pawn, or in the business of purchasing tangible personal property to be left in pawn on the condition that it may be redeemed or repurchased by the seller.

Photovoltaic cell means a specialized semiconductor diode that converts visible light into direct electric current.

Photovoltaic module means a collection of photovoltaic cells sealed in an environmentally protective laminate.

Photovoltaic panel means a collection of photovoltaic modules.

Playfield or *athletic field* means a developed recreation area, which may contain a playground as well as fields for competitive sports such as baseball, football or soccer. Bleachers or grandstands may be provided.

Playground means an area, which has been developed for active play and recreation, and may contain courts for such games as basketball or tennis.

Porch, open, means a porch open on three (3) sides except for wire screening. A porch shall not be considered open if enclosed by either permanent or detachable glass sash.

Portable sign is any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A- or T-frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising, except those associated with established outdoor cafes; and signs attached to or painted on motor vehicles parked and visible from the public right-of-way, unless said motor vehicle is used in the normal day-to-day operations of the business.

Public utility means an electric, electric distribution, gas, telephone, telegraph, pipeline, sewage, water and community antenna television companies, owning, leasing, maintaining, operating, managing or controlling plants or parts of plants or equipment.

Race means any marathon, bicycle or other non-motorized tour, footrace, bicycle race or any similar athletic event, in or upon any street, park or other public place in which public access is wholly or partially restricted.

Recreation center means a building including diversified recreation for a wide variety of activities for all ages and interests. It may contain, but is not limited to, a gymnasium, social rooms or playrooms, game rooms, arts and craft shops, and the like.

Recycling means the process of sorting, cleansing, treating and reconstituting waste or other discarded material for the purpose of using the altered form.

Recycling facility or plant means any facility at which recyclable material is processed or stored, separated or prepared for reuse or resale.

Redevelopment agency means the public entity created pursuant to state statute and known as the Hartford Redevelopment Agency, or its successor in interest, if any.

Regulations means these zoning regulations, adopted by the planning and zoning commission pursuant to and in accordance with the charter and the general statutes.

Rehabilitation home means a dwelling housing a group of persons during a period in which such persons are being housed for periods of more than one (1) day in that dwelling for the purpose of undertaking a program of social rehabilitation or other similar program on or off premise.

Renovated means, as used in sections 895, 896, and 939, changes involving buildings and structures on the zoning lot, including any canopies, which changes may or may not include expansions.

Restaurant means space, in a suitable and permanent building, kept, used, maintained, advertised and held out to the public to be a place where hot meals are regularly served, but which has no sleeping accommodations for the public and which shall be provided with an adequate and sanitary kitchen and dining room and employs at all times an adequate number of employees. A restaurant may be operated with or without incidental entertainment.

Resubdivision means 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 thereon for public use or (c) diminishes the size of any lot shown thereon and creates an additional building lot, if any of the lots shown thereon have been conveyed after the approval or recording of such map.

Roof sign, integral is any identification sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six (6) inches.

Roomer means someone who lives in a rooming house, or lives in a single-family dwelling in accordance with section 983, who is provided with lodging, but not meals, for compensation by prearrangement for definite periods.

Rooming house means a residential structure whose principal use is to provide lodging, but not meals, for compensation by prearrangement for definite periods, to between three (3) and six (6) roomers, wherein no dining facilities are maintained for the roomer and in which bathrooms may or may not be shared. A rooming house is to be distinguished from a boarding house, hostel, hotel, motel, or rehabilitation home.

Rooming unit means a room designed for living and sleeping with a separate means of egress that may or may not have a bathroom, and does not have a kitchen.

Scrap metal processor means any place of business and any place of storage or deposit which has facilities for preparing and processing iron, steel and nonferrous metals into a form suitable for remelting by a foundry, steel mill or other remelter, and which does not buy or receive whole cars from any person, except the holder of a motor vehicle recycler's license pursuant to general statutes section 14-67l (relating to motor vehicle recyclers), and which does not sell motor vehicle parts for reuse as parts.

Section means any section of these regulations, unless the plain meaning (including contextual references to another body of law, such as the general statutes) suggests otherwise.

Security plan means a document detailing security measures that will be undertaken by the entity submitting said security plan to control patron and/or visitor behavior inside and outside of the facility so as to not negatively impact the public safety, health, welfare and quality of life of those living in and frequenting the immediate area around the facility and so as to ensure compliance with all applicable provisions of the code, including the city noise ordinance.

Semifinished electronic products assembly means the assembly of component electronic parts manufactured elsewhere into a semifinished product. This includes the conduct of training courses for employees or trainees in connection therewith.

Service bar means a designated location or counter situated within a restaurant at which alcoholic beverages are maintained and supplied to waitresses/waiters for delivery to patrons awaiting the purchase of or engaged in the consumption of meals prepared on the premises.

SES means solar energy system.

SES, building-integrated means a solar energy system that is an integral part of a principal or accessory building, rather than merely a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building-integrated SESs include but are not limited to photovoltaic or hot water solar energy systems which are contained within roofing materials, windows, skylights, and awnings.

SES, building-mounted means a solar energy system affixed to a principal or accessory building, as differentiated from a building-integrated solar energy system.

SES, large ground-mounted means a solar energy system, with a generating capacity above one (1) megawatt, with a supporting framework that is placed on, or anchored in, the ground and that is independent of any building or other structure.

SES, parking lot canopy means a canopy-style solar energy system with a supporting framework that must be placed on and anchored in a parking lot that is independent of any building or other structure. These systems are similar in design as small ground-mounted systems SESs, but have a much greater height ranging from eight (8) to fifteen (15) feet, so as to provide for parking underneath the system.

SES, small ground-mounted means a solar energy system, not exceeding a generation capacity of one (1) megawatt, with a supporting framework that is placed on, or anchored in, the ground and that is independent of any building or other structure.

Setback means an open space of generally uniform width or depth on the same land with a building or group of buildings, which open space lies between the building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward except as otherwise provided in these regulations. In measuring a setback the line of a building means a line parallel to the nearest lot line, drawn through the point of the building or the point of a group of buildings nearest to such lot line.

Setback, front, means a setback extending across the full width of the lot and lying between the front property line of the lot and the building line of the lot, and in which there shall be no parking of motor vehicles.

Setback, rear, means a setback extending the full width of the lot beginning at the rear property line of the lot and extending toward the front of the lot for the distance specified for minimum rear setback in article III, division 1 (relating to districts generally), of these regulations for the zoning district in which the property is located.

Setback, side, means a setback between the side line of the lot and the nearest line of the principal building and extending from the front setback to the rear setback, or, in the absence of either of such setbacks, to the front or rear lot line, as the case may be, except that on a corner lot the side setback adjacent to a street shall extend the full depth of the lot.

Shade pavilion means an open-air structure consisting of at least four (4) columns connected to the ground, with a solid roof, with or without a foundation, with one (1) full or partial wall or no walls, which provides space for farm workers and visitors to rest, escape the sun, and prepare produce for sale, and which has an overall footprint of no more than one hundred (100) square feet, and which is no taller than ten (10) feet.

Short-term bicycle parking means bicycle parking that is located in a publicly accessible place in which users may quickly store bicycles, for a period of several hours. This term includes, for example: a covered bicycle rack.

Sign means any device and all parts thereof which are used to advertise products, goods, services or otherwise promote the sale or rental of objects or identify objects for sale or for rent or the occupancy or use of any land, structure or building, including signs painted on windows and paper signs attached to windows. Window displays shall not be considered signs.

Sign, abandoned means any sign whose use is discontinued, provided that the owner of the sign intended to discontinue such use

Sign, business means a sign that directs attention only to a business, commodity, service, activity, or product sold, conducted or offered upon the premises where such sign is located and permanently affixed.

Sign, directional means a sign that guides or directs pedestrian or vehicular traffic.

Sign, double-faced means a sign with two (2) faces, neither face exceeding the maximum area allowed for the zoning district in which it is located, and where the faces are mounted back to back not more than eighteen (18) inches apart and parallel, or where the interior angle formed by the intersection of the two (2) faces is thirty (30) degrees or less.

Sign, changeable electronic means any type of sign displayed or illuminated by electronic or digital means whereby the content can be changed automatically at short intervals controlled either on site or remotely

Sign, changeable electronic outdoor advertising sign means a sign which directs attention to a business, commodity, service, or activity which is generally sold, offered or conducted elsewhere than upon the premises that is displayed or illuminated by electronic or digital means whereby the content can be changed automatically at short intervals controlled either on site or remotely

Sign face means a plane defined by the continuous perimeter enclosing the extreme limits of the message or messages of the sign, including other representation or material or color lying within the plane that draws attention to a message or messages. Any structural element lying within the sign face and not forming an integral part of the sign content, or any molding which is eighteen (18) inches or less in width and lies within the sign face, shall not be considered part of the area of the sign face.

Sign, gross area of means as defined by the following table:

Single-faced sign: gross area = area of the single face,
Double-faced sign: gross area = area of largest face or area of one (1) face if both faces have equal area,
Multiple-faced sign: gross area = combined area of all faces.

Sign, ground means a sign suspended or supported by one or more uprights or braces anchored in the ground with no more than thirty (30) inches clearance from the bottom of the sign to the ground below.

Sign, identification means a sign on the premises, bearing the name of a subdivision, the name of a group housing project or of a school, college, park, church or other public or quasi-public facility, or of a professional or firm nameplate, or the name of the business, or name of the person, firm or business entity occupying the premises, but bearing information pertaining only to the premises on which such sign is located.

Sign, multiple-faced means a sign with two (2) or more faces, except a double-faced sign.

Sign, static outdoor advertising means a sign which directs attention to a business, commodity, service or activity which is generally sold, offered or conducted elsewhere than upon the premises where such sign is located.

Sign, pole means a sign on a freestanding pole.

Sign, projecting means a sign attached to a building or other structure extending in whole or in part more than eighteen (18) inches beyond the building or structure.

Sign, roof means a sign erected on a roof or signs that project above the highest point of a roofline, parapet or fascia.

Sign, single-faced means a sign with one (1) face.

Sign, temporary means a sign that is intended to advertise community or civic projects, construction projects, real estate for sale or lease, or other special events on a temporary basis.

Significant tree means any tree or tree type designated significant by the city forester, who shall determine significance on the basis of a tree's age, species, health, meaning within the community, historical importance, and similar factors.

Single ownership means possession wherein the owner does not own adjoining property.

Single-operator garden means either a ground or roof level agricultural operation, with a single entity, either for profit or non profit, serving as the primary operator.

Site justification statement means a statement describing the evaluation process for the siting of a communications facility, including: a detailed explanation of existing locations within a network (if applicable); any alternatives considered (including alternatives for an antenna instead of a tower); and the reasons for rejecting the alternatives in favor of the proposal contained in the application.

Soil erosion and sediment control plan means a scheme that minimizes soil erosion and sedimentation and includes, but is not limited to, a map and narrative.

Soil removal means removal of any kind of soil or earth matter, including topsoil, sand, gravel, clay, rock or similar materials, or combination thereof, except common household gardening.

Solar energy collection surface means any part of a solar energy system that absorbs solar energy for use in the system's transformation process. The collector surface does not include frames, supports, and mounting hardware.

Solar energy system (SES) means a complete design or assembly consisting of a solar energy collection surface, solar mounting equipment, an energy storage facility, and components to the distribution of transformed energy.

Solar mounting equipment means a piece of equipment or combination of pieces of equipment, structure, or part of a device or structure that helps secure a solar energy collection surface to either the ground or a structure.

Specified anatomical areas means: (a) less than completely and opaquely covered: human genitals, pubic region; buttock; or female breast below a point immediately above the top of the areola; and (b) human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified sexual activities means: human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse or sodomy; or fondling or other erotic touching of human genitals, pubic regions, buttocks or female breasts.

Stadium means a building or structure seating more than two thousand (2,000) spectators in tiered seating at sporting events such as baseball, football and soccer events but also suitable for use for concerts, meetings and gatherings of large groups. A stadium may be open air or covered by either a fixed or retractable roof.

Standard project means all projects in the B-1 zoning district that are not complex or bonus projects.

Story means that portion of a building, other than a cellar or mezzanine, included between the surface of any floor and the floor next above it or if there is no floor above it, then the space between the floor and the ceiling next above it. A mezzanine is a full story when it covers more than thirty-three (33) percent of the area of the story underneath such mezzanine, or if the vertical distance from the floor next below it to the floor next above it is twenty-four (24) feet or more. For the purpose of these regulations, a basement or cellar shall be counted as a story if its ceiling is over five (5) feet above the level from which the height of the building is measured or if it is used for business purposes, or if it is used for dwelling purposes by other than a janitor or domestic employees employed in the same building, including the family of the same.

Story, first, means the lowest story of a building, the floor of which is not more than twelve (12) inches below the level of the lowest abutting finished grade.

Story, half, means the part of a building between a pitched roof and the uppermost full story, such part having a finished floor area, which does not exceed one-half (½) the floor area of the full story.

Street, arterial, means a street which serves movement of traffic and is not a freeway, expressway or parkway. Generally there is no control of access.

Street, collector and distributor, means a street which collects traffic from the local streets and channels it into the arterial system. These streets also provide necessary cross-connections between arterials. The collector/distributor street does not handle long through trips, and it is not continuous for any great length.

Street, local access, means a street used primarily for access to residences, businesses, or other abutting activities.

Street, public or private, means a public or private thoroughfare, except an alley or driveway, which affords vehicular traffic circulation and principal means of access to abutting property.

Structural alteration means any change in the supporting members of a building or structure, such as bearing walls, or partitions, columns, beams or girders or any change in the width or number of exits or any substantial change in the roof.

Structure means anything constructed or erected including a building, which requires permanent location on the ground or attachment to something having location.

Structure, outdoor advertising means any structure of any kind or character erected or maintained for outdoor advertising purposes, upon or to which any outdoor advertising sign may be placed or attached.

Subdivision means the division of a tract or parcel of land into three (3) 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 expressly excluding development for municipal, conservation or agricultural purposes, and includes resubdivision.

Swimming pools are separately identified if they are independent of other functions (such as public assembly or household units). They may be indoor or outdoor pools.

Tattoo parlors means establishments primarily in the business of applying lettering, art, and other images with permanent and semi-permanent inks, paints, or pigments to the body of patrons.

Taxidermy studio means a facility utilized for the purpose of preparing, stuffing, and mounting of skins of dead animals.

Tavern means space, means a place where beer and wine are sold under a tavern permit which allows the retail sale of beer and of cider not exceeding six (6) percent of alcohol by volume and wine to be consumed on the premises of a tavern with or without the sale of food.

Therapeutic massage establishment means any establishment where massage therapy is performed under a license from the state pursuant to general statutes section 20-206b.

Tot lot means a small area developed especially for preschool or elementary school aged children. It may contain such facilities as sandboxes, slides, teeters, swings, climbing apparatus, and the like.

Transient lodging is a subsidized temporary shelter, including the YMCA and YWCA, when fifty (50) percent or more of the floor area is devoted to lodging and associated activities and when less than seventy-five (75) percent of the accommodations are occupied by permanent guests. If fifty (50) percent or more of the floor area is devoted to recreational activity it shall be considered to be a recreation center.

Transportation management plan means as defined in section 960.

Transportation ticket services includes the ticket offices of any of the transportation systems. The ticket offices are identified only when they are a separate and distinct activity, not located within a transportation terminal.

Travel-arranging services are identified only when they are a separate and distinct activity, not located within a transportation terminal.

Urban agriculture means the production of food in a city at a household, community, or commercial scale and can involve a range of activities including the cultivation of plants or the keeping of farm animals, including bees and fish.

Urban farm means single-operator garden.

Use of property is the purpose or activity for which the land, or structure thereon, is designed, arranged or intended, or for which it is occupied or maintained, and includes any manner of performance of such activity with respect to the performance standards of these regulations.

Use, accessory, means a use of land or a portion of the structure customarily incidental to the actual principal use of the land or building and located on the same lot with such principal use.

Used includes the phrase "designed, intended or arranged to be used."

Utility means any service provided by a public utility.

Veranda line means a line beyond which no part of a veranda can be built.

Warehousing and storage services includes only those facilities that are used by or are open to the public. When warehousing and storage is functionally and organizationally linked to another use (e.g., a general contractor or an apparel manufacturer), and located on the same zoning lot as the principal use, the facilities are identified and classified as accessory to the principal use.

Water storage system means a structure or device which allows gardens or farms to access water for their plants and may include a connection to metered water lines or the collection of rain water in rain barrels or cisterns.

Welfare and charitable service means a nonprofit and nonresidential facility which provides goods and/or comestibles to indigent persons at no or reduced costs.

Wind energy system means an electrical generating facility comprised of one or more wind turbines and accessory facilities that operate by converting the kinetic energy of wind into electrical energy. The energy may be used on site or distributed into the electrical grid.

Wind energy system accessory facilities means external facilities required to operate and utilize wind energy systems including but not limited to: power lines, transformers, and substations.

Wind energy system, large means wind energy systems that produce one (1) megawatt or more of electricity.
Wind energy system, roof-mounted means wind energy systems that are attached to the roof of a building.
Wind energy system, small means wind energy systems that produce less than one (1) megawatt of electricity.
Wind turbine means any piece of electrical generating equipment that converts the kinetic energy of blowing wind into electrical energy through the use of airfoils or similar devices to capture the wind.
Work studio/dwelling means a combination work place and dwelling unit for artists consisting of one (1) or more floors which are arranged and designed for use by an individual or family maintaining a common household with lawful cooking space and lawful sanitary facilities and including adequate working space for the persons residing therein.
Zoning administrator means the director of development services, who will administer these regulations in accordance with their provisions and the general statutes.
ZBA means the zoning board of appeals, established and operating pursuant to general statutes sections 8-5 et seq. (relating to zoning boards of appeals), chapter VII of the charter (relating to boards and commissions), and these regulations.
Zoning enforcement officer means the official designated pursuant to article II of these regulations (relating to administration and enforcement) to enforce these regulations in accordance with their provisions and the general statutes.
Zoning permit shall include zoning permits as described in sections 146 through 148, as well as approvals of site plans, approvals of special permits, wetlands permits, subdivision approvals, and fence permits issued by the zoning administrator or commission, as applicable under the terms of these regulations.

Sec. 3. Conflicting regulations.

When any provision of these regulations imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any ordinance, statute, regulations or law, the provisions of these regulations shall apply and govern. When any provision of these regulations conflicts with any other provision of these regulations, the stricter of the provisions shall apply and govern. When there is a clear conflict between these regulations and the provisions of the general statutes, then the provisions of the general statutes shall govern. When provisions in these regulations relate to the general statutes, and the general statutes have been amended without corresponding amendment to these regulations, then the practical intent of the commission in passing its provision shall be carried out, to the fullest extent allowed by law.

Sec. 4. Construction begun prior to adoption of regulations.

Nothing in these regulations shall be deemed to require any change in the plans, construction or designated use of any building or structure upon which actual construction was lawfully begun prior to the adoption of these regulations and upon which building or structure actual construction has been diligently carried on.

Sec. 5. Covenants not annulled.

These regulations are not intended to abrogate or annul any easement, covenant or other private agreement.

Sec. 6. Permitted uses.

(a) No building or structure shall be erected, converted, enlarged, reconstructed, or structurally altered, nor shall any building or structure or land be used, designed or arranged for any purpose other than the uses permitted in the district in which the building or structure or land is located, provided that the provisions of these regulations shall not prohibit the continuance of any use existing and permitted at the time of adoption of these regulations, subject to section 40.
(b) Any change of use shall require full compliance with the provisions of these regulations, except that in a building or structure containing two (2) or more nonresidential uses, a change of a nonresidential use to another permitted nonresidential use or uses, when such change of use involves not more than twenty-five (25) percent of the gross nonresidential floor area of the building or structure, which figure is additive from the time of adoption of these regulations, shall not require compliance with the provisions of such zoning district, except as set forth in sections 7

and 8. After the total gross floor area of all such nonresidential changes of use reaches twenty-five (25) percent of the gross nonresidential floor area of the building or structure, additive from the time of adoption of these regulations, any additional changes of use shall require full compliance with the provisions of these regulations.

Sec. 7. Permitted area, setbacks or lot coverage.

No structure shall be erected, enlarged, reconstructed or structurally altered except in conformity with the area, setback, lot coverage and floor area ratio regulations of the district in which the structure is located, except as provided in section 40(j) (relating to nonconforming building or structures).

Sec. 8. Permitted height, density, or bulk.

No structure shall be erected, enlarged, reconstructed or structurally altered to exceed the height limit, density provisions or bulk provisions established for the district in which the structure is located except as provided in section 40(g) (relating to the restoration nonconforming building or structures) and except that penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain a building, and fire or parapet walls, skylights, towers, steeples, stage lofts and screens, flagpoles, chimneys, smokestacks, roof-mounted wind energy systems, building-mounted SESs, communications antennas otherwise permitted pursuant to section 908, and water tanks or similar structures may be erected above the height limits prescribed in these regulations. No such structure may be erected to exceed by more than fifteen (15) feet the height limits of the district in which it is located; nor shall such structure (other than roof-mounted wind energy systems and building-mounted SESs) have a total area greater than ten (10) percent of the roof area of the building; nor shall such structure be used for any residential purpose or any commercial or industrial purpose other than a use incidental to the principal use of the building, except as provided in section 40(g).

Sec. 9. Usable open space.

(a) There shall be provided in all residential developments such usable open space as is set forth in these regulations for the zoning district in which the development is located. The area of the front, side or rear setbacks which is not used for driveways and parking or loading purposes may be computed in determining the required usable open space.
(b) In the case of plazas and decks developed for usable open space, the side setback, rear setback and lot coverage provisions, for a principal building where required, of these regulations shall not apply to such plaza or deck provided:

(1) Such plaza or deck is a portion of such principal building;
(2) Such plaza or deck does not exceed a height equal to the floor level of the first story of the principal building;
(3) Such plaza or deck has direct access to grade;
(4) Only customary accessory uses such as vehicular parking or mechanical equipment required to operate and maintain the principal building may be located beneath such plaza or deck;
(5) Such plaza or deck shall be accessible on a normal basis to all the occupants, tenants, visitors, employees or patrons of the use or uses located in the principal building;
(6) Such plaza or deck is furnished with benches, chairs, plantings, works of art, adequate illumination and/or other appropriate features conducive to usable open space purposes;
(7) Such furniture, furnishings, kiosks and other obstructions shall occupy not more than a total of fifty (50) percent of the floor area of such plaza or deck and shall be so located as not to impede the free flow of pedestrian traffic or be of such a nature, material or design as to endanger the health or safety of the users of the plaza or deck, the users of the principal building or the general public;
(8) If no exterior walls are provided from grade level to the plaza or deck level, the parking or other accessory uses located beneath such plaza or deck shall be permanently screened in accordance with the screening provisions of section 951 (relating to development and maintenance of parking areas);
(9) The entire plaza or deck perimeter, except where access is provided or required shall be enclosed by adequate fencing, railings or plantings having a minimum height of three and one-half (3-1/2) feet;
(10) In those zoning districts where side and rear setbacks are required for the principal building, there shall be minimum side and rear setbacks for the plaza or deck of eight (8) feet or one-fourth (1/4) the height of the adjacent wall of such plaza or deck, and the height of the adjacent wall of the principal building

shall be measured from the level of the plaza or deck for the purpose of determining the required side and rear setbacks for the principal building.

(c) Notwithstanding anything to the contrary in these regulations, in no case shall twenty-five (25) percent of the front yard of any lot in any residential district, or on any lot containing a residential building (other than in the B or RO districts), or any building where the residential component is more than fifty (50) percent of a mixed-use structure (other than in the B or RO districts) be impervious surface.

Sec. 10. Lots, setbacks, and open spaces.

(a) No space which for the purpose of a structure or dwelling group has been counted or calculated as part of a side setback, rear setback, front setback, court or other open space required by these regulations may, by reason of change in ownership or otherwise, be counted or calculated to satisfy or comply with a setback, court or other open space requirement of or for any other structure.

(b) The minimum setbacks or other open spaces required by these regulations for each and every structure existing at the time of the passage of these regulations or for any structure hereafter erected shall not be encroached upon or considered as setback or open space requirements for any other structure.

Sec. 11. Projections into setbacks.

(a) Architectural features, not including vertical projections, may extend or project into a required side setback not more than two (2) inches for each one (1) foot of width of such side setback and may extend or project into a required front yard or rear setback not more than three (3) feet. Architectural features do not include those details that are normally demountable.

(b) Notwithstanding the above, works of art approved by the city's commission on cultural affairs may be located in the front setback forward of the building line providing authorization shall be obtained from the director of the department of public works, in accordance with section 9-2 of the code (relating to obstructing area between building line and street line), prior to erection of the work of art. A work of art which is solid and extends more than two (2) feet above grade or which has a solid base which extends more than two (2) feet above grade may be located forward of the building line, but shall be set back a minimum distance of five (5) feet from the property or street line. The area of the lot occupied by the work of art shall not be included in the calculation of lot coverage.

Sec. 12. Porches.

A porch or paved terrace may project into a front setback for a distance not less than six (6) feet and not exceeding ten (10) feet, or the established veranda line, whichever is more restrictive. This shall be interpreted to include porches which may be enclosed by removable windows or fixed canopies, but no facilities for providing heat shall be permitted on such porch, and such porch shall not be used as a sleeping room. A one-story bay window may project not more than three (3) feet beyond the front line of the building. Front porches on residential buildings shall provide not less than six (6) feet of open space from the front of the building to the inside plane of the outer edge of the porch.

Sec. 13. Nonconforming lots.

Any nonconforming lot in single ownership, which lot was a lot of record, that does not meet the requirements of these regulations for required lot area and lot width, may be utilized for any use permitted in the zoning district in which the lot is located, provided all the requirements for such zoning district, except the required lot area and lot width, are met on such lot.

Sec. 14. Lot limitations.

In all residential districts, only one (1) principal structure shall be placed on a zoning lot or lot of record, with the exception of lots of record which may be so arranged or subdivided as to provide for one (1) or more principal structures when the land areas allocated to each structure are equal to or greater than the lot area required for the district and the structure and land complies with all other requirements of the district in which it is located. This

requirement shall not apply to group dwelling developments, planned area developments or planned residential developments, or in the case of an individual lot associated with an individual attached or semidetached single-family dwelling as provided for in the definition of "lot" in section 2.

Sec. 15. Lot and building frontage.

Every lot or zoning lot shall front upon a public or private street for the full width of the lot, except as provided in section 890 (relating to group dwellings) and article VIII (relating to planned developments and special development districts) of these regulations and except in the case of an individual lot associated with an individual attached or semidetached single-family dwelling as provided for in the definition of "lot" in section 2.

Sec. 16. Floor area.

Except as provided in section 736 (relating to R-8 residential district floor space requirements), every dwelling unit shall contain not less than one thousand (1,000) square feet of usable floor area if in an attached, detached or semidetached single-family dwelling, not less than one thousand six hundred (1,600) square feet of usable floor area with one (1) dwelling unit containing not less than one thousand (1,000) square feet of usable floor area and the remaining unit containing not less than six hundred (600) square feet of usable floor area if in a two-family dwelling, or dwelling converted to two-family use, not less than two thousand one hundred (2,100) square feet of usable floor area with one (1) dwelling containing not less than one thousand (1,000) square feet of usable floor area and no remaining dwelling unit containing less than five hundred (500) square feet of usable floor area if in a three-family dwelling, or dwelling converted to three-family use, and not less than four hundred (400) square feet of usable floor area per family if in a multiple-family dwelling converted to a multiple-family use, exclusive of basements, cellars and unfinished attics.

Sec. 17. Dwellings in other than principal structure.

No residential dwelling shall be permitted in any accessory building, except that in a two (2)-story garage with living quarters upon the second floor, such quarters may be occupied by a domestic employee, and such employee's family, of the family occupying the principal structure.

Sec. 18. Dwellings in nonresidential districts.

No dwelling shall be erected in any industrial district except those dwellings permitted to be located in an industrial re-use overlay district. However, the sleeping quarters of a caretaker or watchman may be permitted.

Sec. 19. Trash receptacles.

The design of all buildings shall provide for suitable locations for trash and recycling receptacles of a size and scale appropriate for the anticipated use. Zoning lots that use dumpsters or more than four (4) city-standard issued residential trash and recycling receptacles shall be screened from view by landscaping or a fence which is at least the same height as the dumpster.

Sec. 20. Building grades.

Any building requiring yard space shall be located at such an elevation that a sloping grade shall be maintained to cause the flow of surface water to run away from the walls of the building but in such a manner as not to cause runoff of surface water to cause injury to adjacent properties.

Sec. 21. Restoration of unsafe buildings.

Nothing in these regulations shall prevent the strengthening or restoring to a safe condition of any part of any building declared unsafe by the director of the division of licenses and inspections or where required by any lawful order.

Sec. 22. Buildings to be moved.

(a) Any building or structure which has been wholly or partially erected in the city shall not be moved or placed upon any premises in the city until a permit for such removal shall have been obtained from the director of the division of licenses and inspections. When moved onto new premises, such building or structure shall conform to all the provisions of these regulations. No building or structure shall be moved into the city from outside the city until a permit for such moving shall have been obtained from the director of the division of licenses and inspections.
(b) Before a permit may be issued for moving a building or structure, the director of the division of licenses and inspections shall inspect the building and shall determine if it is in a safe condition to be moved, whether it may be reconditioned to comply with the state building code and other city requirements for the use and occupancy for which it is to be used, and whether it will be of similar character with the buildings or structures in the area where it is to be moved. If these conditions can be complied with, a permit shall be issued for the moving of the building or structure.

Sec. 23. Streets, alleys and railroad rights-of-way.

All streets, alleys and railroad rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same district as the property immediately abutting upon such streets, alleys, or railroad rights-of-way. Where the centerline of a street or alley serves as a district boundary, the zoning of such street or alley, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to such centerline.

Sec. 24. Streets closings.

Upon the closing or vacating of any street, road, highway, avenue, alley or public way or any portion thereof, the zoning district immediately adjoining the closed or vacated area shall be automatically extended to the centerline of such closed, vacated or abandoned street, road, highway, avenue, alley or other public way or portion thereof, unless otherwise specifically zoned.

Sec. 25. Street construction.

Construction of public streets shall comply with the applicable standards set forth by the department of public works policies related to the construction of streets (including but not limited to street widths, pavement widths, slopes, sidewalk configuration, and buffer area configuration). Private streets shall be subject to review by the commission.

Sec. 26. Visibility at intersections; curb cuts.

(a) No wall, fence, shrubbery or trees shall be erected, maintained or planted on any lot which unreasonably or dangerously obstructs or interferes with visibility of drivers of vehicles on a curve or at any street intersection. The minimum vision clearance shall require a height not exceeding three (3) feet above the street grade within twelve (12) feet of the centerlines of the intersecting street lines bordering corner lots.
(b) Curb cuts for dwellings with three (3) units or fewer shall be no greater than ten (10) feet; provided, however, if there is a two-car garage, curb cuts shall be no greater than eighteen (18) feet. Curb cuts for dwellings with four (4) units or more shall be no greater than eighteen (18) feet. Curb cuts for any other uses shall be determined by the commission during the site plan review process. For corner property, the minimum distance permitted between any curb cut and the property line forming the adjoining street extended to the curbline shall be fifteen (15) feet. A minimum distance of twenty-four (24) inches from side property lines shall be maintained at the curbline for all curb cuts in residential districts. A minimum distance of five (5) feet from side property lines shall be maintained at the curbline for all curb cuts in all districts other than residential districts. There shall not be more than two (2) curb cuts on any street frontage one hundred (100) feet or less in length. There shall be not more than one (1) curb cut for any dwelling with three (3) units or fewer. The minimum distance between two curb cuts shall be ten (10) feet. Any curb cut for any use other than dwellings with three (3) units or fewer, which connects to, or crosses, any public street or public right of way must be reviewed and approved in writing by the director of the department of public works.

Sec. 27. Reserved.

Sec. 28. Stormwater, drainage channels and floodplains.

(a) Stormwater management on developed sites is necessary to maintain public health and safety and improve water quality for the people of the city. Where soil conditions allow, low-impact development reduces stormwater runoff and protects public water quality by diminishing the use of impervious pavement. These regulations shall require that, where feasible, measures in accordance with the latest version of the Low-Impact Development Appendix to the Connecticut Stormwater Quality Manual be employed to control stormwater at its source and to minimize the generation of runoff collected by the municipal storm sewer system. Sites shall be graded, drained, and landscaped as to dispose of all surface water accumulation on site, and to prohibit surface water draining onto an adjoining property. In no case shall any zoning permit, including a zoning permit for a parking lot, allow the volume of stormwater runoff from a site to exceed the volume existing prior to the application for such permit or approval. These regulations and decisions made by the commission in accordance with these regulations shall encourage innovative design solutions to control the quality of storm runoff from development sites during and after construction. Natural landscape solutions such as minimization of impervious surfaces, undisturbed buffers, and filter strips shall be preferred over structural solutions such as detention ponds.

(b) Streams, drainage systems and floodplains are essential for the maintenance of the health and general welfare of the people of the city. Accordingly, these regulations shall require the maintenance, where feasible, of the natural environment of city streams and drainage systems by the control of pollutants from storm runoff from entering the systems and through reduction of flow quantities resulting from new development and, where feasible, restoration of the floodplain to its natural functional purpose. Any encroachment upon, filling or destruction of these streams, drainage systems or floodplains, unless approved by the city, is a violation of these regulations. In order to provide for the development of property for its best use, the city engineer, or the Greater Hartford Flood Commission within its jurisdiction, shall determine what facilities are adequate to maintain the prime purpose of the stream, drainage channel or floodplain.

(c) Any development or redevelopment which caps impervious surface lot coverage at twenty-five (25) percent less than the maximum allowed under section 182 of these regulations may increase its maximum floor area allowed under section 182 of these regulations by five (5) percent.

Sec. 29. Storage, dumping of waste, junk, garbage, etc.

(a) The use of land for the storage or collection or accumulation of used lumber and other used materials, or for the dumping or disposal of scrap iron, junk, garbage, rubbish or other refuse or of ashes, slag or other industrial wastes or byproducts shall be prohibited in any district.

(b) The dumping of dirt, sand, rock or other material excavated from the earth is permitted in any district, provided that:

(1) Such use or activity is in compliance with all applicable environmental laws and regulations, and

(2) The surface of such material is graded within a reasonable time in a manner preventing the collection of stagnant water, and leaving the ground surface in a condition suitable for the growing of turf or for other land uses permitted in a district; and

(3) In a residential district, on an area of up to ten thousand (10,000) square feet a volume of no more than one (1) cubic yard of material per one hundred (100) square feet of lot shall be allowed; and

(4) In a non-residential district, on an area of up to ten thousand (10,000) square feet a volume of no more than five (5) cubic yards of material per one hundred (100) square feet of lot shall be allowed; and

(5) Dumping covering an area of ten thousand (10,000) square feet or more shall be permitted in any zoning district only with a permit from the zoning administrator. In addition to such other information required by the zoning administrator, the applicant shall submit a soil erosion and sediment control plan with the application. A permit shall be issued if the zoning administrator receives a report from the city engineer stating that the soil erosion and sediment plan is satisfactory and that the requirements set forth in (1) and (2) above shall be met. The zoning administrator shall specify the commencement and expiration dates of the permit, provided that no permit shall expire more than one (1) year after its commencement date.

Sec. 30. Removal of soil, sand or other material.

The use of land for the removal of topsoil, sand, gravel or other material from the land is permitted in any district, solely under a temporary certificate from the city engineer, and on condition that such removal of soil will not be below the normal building grade as established from the nearest existing or proposed street, when such building grade has been established and approved by the city engineer. A temporary certificate may be issued in appropriate cases upon filing of an application accompanied by a suitable agreement or bond that such removal will not cause stagnant water to collect, or leave the surface of the land at the expiration of such permit in an unstable condition or unfit for the growing of turf or for other land uses permitted in the district in which such removal occurs. This regulation shall not prohibit the normal removal of soil for the construction of an approved building or structure when such plans have been approved by the director of the division of licenses and inspections and a building permit has been issued.

Sec. 31. Excavations or holes.

The construction, maintenance or existence within the city of any unprotected, unbarricaded, open or dangerous excavations, holes, pits or wells, or of any excavations, holes or pits which constitute or are reasonably likely to constitute a danger or menace to the public health, safety or welfare are hereby prohibited. However, this section shall not prevent any excavation under a permit issued under these regulations or the state building code, where such excavations are properly protected and warning signs posted in such manner as may be approved by the director of the division of licenses and inspections.

Sec. 32. Airports.

All airports, airfields, runways, hangars, beacons and other facilities involved with aircraft operations, where permitted, shall be developed in accordance with the rules and regulations of the Federal Aviation Administration and the state department of transportation, which agencies shall approve the preliminary plans submitted to the city. Land beneath all aircraft approach lanes, as established by appropriate aeronautical authorities or airport zoning, which is not part of any airport, shall be so developed as not to endanger safe flight conditions to and from an established airport. This provision is supplemental to any adopted airport zoning plan, ordinance, or regulation.

Sec. 33. Reserved.

Sec. 34. Voting place.

The provisions of these regulations shall be so construed as not to interfere with the temporary use of any premises as a voting place in connection with a municipal, state or federal election, or primary.

Sec. 35. Reserved.

Sec. 36. District boundary line.

Where a district boundary line shown on the zoning map divides a lot of record, as in the case of a residential district on one (1) side and a business district on the other, the regulations applying to the business district shall be construed as extending to the entire lot provided that such extension shall not include any part of such lot more than thirty-five (35) feet beyond the district boundary line.

Sec. 37. Courts.

(a) In nonresidential buildings any court, whether partly or entirely enclosed by surrounding walls, shall have a minimum dimension perpendicular to any wall of not less than twelve (12) feet or one-quarter of the average height of the surrounding walls, whichever is the greater.
(b) Courts enclosed on all sides shall not be permitted in any building used exclusively for residential purposes. Courts between wings or projections of residential buildings shall have a width between such wings or projections of not less

than eighteen (18) feet or one-third (1/3) of the average height of the walls surrounding the court, whichever is the greater. In no case shall a court in a residential building have a depth greater than three (3) times the width.
(c) In buildings used partly for residential and partly for nonresidential uses, enclosed courts may be permitted as provided above; except in those parts of such buildings used for residence, no rooms other than bathrooms or halls shall be dependent for light and air on windows or openings on such enclosed courts. Minor offsets and recesses intended for architectural effect shall not be considered courts.

Sec. 38. Setbacks on corner lots.

On corner lots, the owner shall have the option of designating from that land fronting on a street, which shall be considered the front setback and which shall be considered the side setback. The side setback which abuts a street shall be deemed to be the area between the street line and the established building line, and no other setback shall be required. The side setback not abutting a street and the rear setback shall be provided in accordance with the requirements of these regulations.

Sec. 39. Location of parking and service area entrances and exits.

In the case of a zoning lot divided into two (2) or more portions by a zoning district boundary line or lines, any entrance or exit to a parking or service area associated with the use of the zoning lot shall be located only on that portion or portions of the zoning lot where the use is permitted, except that if the use is located on a portion of the zoning lot not having street frontage, any exit or entrance may be located on any other portion of the lot.

Sec. 40. Nonconforming uses; nonconforming building or structure.

(a) *Declaration*. Any nonconforming use or building or structure with a nonconforming characteristic or characteristics, is hereby declared not in violation of these regulations, provided, however, that nonconforming uses and nonconforming buildings and structures shall be subject to the regulations set forth in this section.
(b) *Accessory use.* A nonconforming principal use does not allow the right to establish a new accessory use where the proposed accessory use either would constitute the expansion of the nonconforming use or would establish a new nonconforming use.
(c) *Change of a nonconforming use*. A nonconforming use may be changed to a conforming use, provided, however, that whenever a nonconforming use has been changed to a conforming use, it shall not thereafter be changed to a nonconforming use.
(d) *Extension of a nonconforming use or characteristic.* No nonconforming use or characteristic shall be extended throughout a building or structure, and no structural alterations or changes shall be made therein, except those required by law or ordinance or regulation or such as may be required for safety. Nor shall any nonconforming use or characteristic be expanded to other portions of the lot other than the portions the nonconforming use or characteristic occupied at the time it became nonconforming,
(e) *Moving of a nonconforming use or characteristic*. No nonconforming use or characteristic may be moved to any other part of a parcel of land upon which the use is conducted or upon which the characteristic is manifest, except those required by law or ordinance or such as may be required for safety.
(f) *Alterations*. No building or structure containing a nonconforming use or nonconforming characteristic shall be enlarged or structurally altered except to make it a conforming building or structure or to comply with requirements of health and safety laws or ordinances or regulations, or as provided in subsections (c) and (d) of this section.
(g) *Restoration*. Any building or structure containing a nonconforming use or characteristic, which has been destroyed or damaged by fire, explosion, act of God or by public enemy to the extent of sixty (60) percent or more of its existing replacement value at the time such damage occurred, shall thereafter be made to conform with the provisions of these regulations, except that in the I-1, I-2, C-1, B-1 and B-2 districts, such building or structure may be restored to the same dimensions and volume existing prior to such destruction or damage. Where more than forty (40) percent of the existing replacement value of the building or structure remains after such damage, such building or structure shall thereafter be made to conform with the provisions of these regulations, except that such building or structure may be restored to the same dimensions and volume as existed before such damage. For the purpose of this subsection, the valuation of the existing replacement cost shall be subject to the approval of the zoning enforcement officer whose decision shall be subject to review by the ZBA.

(h) *Cessation or abandonment of nonconforming use or characteristic.* Any nonconforming use or characteristic that has in fact not existed for a period of six (6) months from the time of cessation shall thereafter conform to the provisions of these regulations or from the effective date of the applicable prohibiting regulation, whichever is later; provided that no valid nonconforming use in existence on February 26, 1968, shall be terminated solely as a result of nonuse without regard to the intent of the property owner to maintain that use; and provided that the zoning administrator shall not sign or endorse any new, renewed, or provisional application for the sale of any alcoholic beverages proposed to be located on a lot where there is a nonconforming use violating section 878, the public interest in amortizing such uses being so great. Any nonconforming use or characteristic shall be conform to the provisions of these regulations if such use or characteristic is intentionally abandoned. Intent to abandon may be found in one or more of the following actions or inactions: an abandonment of premises after removal of equipment and machinery and leaving property vacant; using property for a conforming use; voluntary demolition of a nonconforming building or structure; failure to apply for licenses necessary for the continuation of a nonconforming use or to appeal from the denial of a permit; failure to file for a certificate of nonconformance, as provided in subsection (i); and similar situations. Mere nonuse caused by either infirmity of the property owner or depression in economic activity or inability (after reasonable effort) to find a tenant who would continue a nonconforming use, shall not demonstrate intent to abandon on their own.

(i) *Certificates.*

(1) The owner of any property containing a nonconforming commercial, business, or industrial use in a residential district, such uses being, collectively and individually, for the purpose of this subsection, "certifiable nonconforming uses") shall petition the zoning administrator for a certificate of nonconformance, which shall be required for continuation of such use, prior to applying for any new zoning permit for the subject property.

(2) The property owner must present clear and convincing evidence to the zoning administrator that the certifiable nonconforming use existed on his or her property as of February 28, 1968. If the certifiable nonconforming use was conforming as of February 28, 1968, but became nonconforming by virtue of an amendment to these regulations since 1968, the property owner must present clear and convincing evidence to the zoning administrator that the nonconformance existed on his or her property as of the date of the amendment to these regulations which rendered his or her property nonconforming.

(3) The following types of records and evidence shall be deemed by the zoning administrator to establish and document nonconforming status clearly and convincingly: building permits, zoning clearance reports, lawfully recorded plats, lawfully recorded instruments of conveyance, and aerial photography owned by a government entity. The following types of records and evidence may in the discretion of the zoning administrator be deemed by the zoning administrator to establish nonconforming status clearly and convincingly: professional registrations, business licenses, utility billing records, rent records, advertisements in dated publications, listings in telephone or business directories, and notarized affidavits affirming the date of the lawful establishment of the use or structure.

(4) If the evidence presented by the property owner in accordance with this section is neither clear nor convincing, the zoning administrator shall refer the property owner to the commission, who shall determine whether the property owner has met his or her burden of proving the existence of nonconformance.

(5) If the property owner meets his or her burden of proof, either to the zoning administrator or the commission, as applicable, that the certifiable nonconforming use existed at the pertinent date, then such use of property shall for the purposes of these regulations be considered to be a nonconforming use until the date such use becomes conforming, after which no nonconforming use may be operated on the property.

(6) Failure of a property owner to obtain a certificate of nonconformance prior to applying for a zoning permit shall be taken as prima facie evidence of a lack of intent to continue the certifiable nonconforming use.

(7) If obtained, a certificate of nonconformance shall be filed by the property owner in the land records within thirty (30) days of receipt to be effective and to provide proper notice of the nonconformance.

Sec. 41. Amendments to these regulations.

(a) *Provided for; hearings; notice; applications.*

(1) *Provided for.* The commission may from time to time amend, supplement, change, modify or repeal the regulations, restrictions and zoning district boundaries established by these regulations.

(2) *Hearings.* No change in the regulations, restrictions or zoning district boundaries shall become effective until after a public hearing in relation thereto, held by a majority of the members of the commission. All applications proposing changes in the map or text of the zoning regulations shall be accompanied by a fee established in accordance with section 75. Such hearing shall commence within sixty-five (65) days after receipt of such application and shall be completed within thirty-five (35) days after such hearing commences.

(3) *Notice; sign.*

a. The commission shall publish every proposed change together with notice of such hearing in a newspaper having a general circulation in the city at least twice at intervals of not less than two (2) days, the first not more than fifteen (15) days, nor less than ten (10) days, and the last not less than two (2) days, before the date set for the hearing. A copy of the application and maps and documents relating thereto shall be filed (i) in the office of the city clerk and (ii) in the office of the commission and be available for public inspection at least ten (10) days before such hearing. Notice of the time and place of such hearing shall also be given by mail to the owners of all lots included within the area proposed to be changed and the owners of all lots within one hundred fifty (150) feet of the boundary of such area by the applicant. The notices shall be sent to the best obtainable addresses of such owners at least ten (10) days prior to the date of such hearing. Before the hearing on such application, the applicant shall file a certificate of mailing or equivalent with the commission affirming that said notice has been timely given. No errors made in the giving of such notices shall invalidate the proposed change.

b. The commission shall notify the clerk of any adjoining municipality of the pendency of any application concerning any project on any site in which: (1) any portion of the property affected by a decision of the commission is within five hundred (500) feet of the boundary of the adjoining municipality; (2) a significant portion of the traffic to the completed project on the site will use streets within the adjoining municipality to enter or exit the site; (3) a significant portion of the sewer or water drainage from the project on the site will flow through and significantly impact the drainage or sewerage system within the adjoining municipality; or (4) water runoff from the improved site will impact streets or other municipal or private property within the adjoining municipality. Such notice shall be made by certified mail, return receipt requested, and shall be mailed within seven (7) days of the date of receipt of the application. Such adjoining municipality may, through a representative, appear and be heard at any hearing on any such application.

c. In any matter pending before the commission involving a zoning change the commission shall supply to the applicant a suitable sign for posting by the applicant on the property to be affected in a conspicuous place visible from the public street. Such applicant shall deposit an amount established in accordance with section 75, with the commission at the time the applicant receives such sign from the commission for posting. Such fee shall be held by the commission as a security deposit for the return of the sign. The security deposit will be returned to the applicant at the time the sign is returned and found to be in good condition. If such sign is not returned to the commission prior to the hearing, is substantially damaged or has been lost, the security deposit shall be forfeited and shall be forwarded to the city treasurer. Before any hearing on such zone change application, the applicant shall return the sign to the commission and file with it an affidavit that such sign has been posted continuously as required for a period of ten (10) days, to commence no later than five (5) days after the date of receipt of the application by the commission. Failure to sign and file the affidavit as required shall be considered withdrawal of such zone change application.

(4) *Rejection.* In the event of the rejection of the proposed change by the commission, such change may not again be proposed for twelve (12) months.

(5) *Form of proposed amendments.* When the change proposed is in the text of these regulations, the form of the regulations containing such change as submitted to the commission shall contain the text of the portion of the regulations which it is proposed to amend and the text of the proposed amendment. When the amendment is of the map, the form of the amendment shall contain the designation of the

zoning district which it is proposed to change and a description of the land which it is proposed to include in such change, and the proposed amendment shall be accompanied by a map of such land and the streets contiguous thereto. The existing zoning district boundaries and the proposed zoning district boundaries shall be precisely indicated on such map, which shall be at a scale corresponding with that of the set of maps declared to be a part of these regulations in article III, division 1 hereof (relating to districts generally). No change of zoning district boundaries shall be made so as to include less than the entire area fronting on the same street in one (1) block, but this change in boundaries of such frontage need not include such portions of corner lots as may be within one hundred fifty (150) feet of the street line of the intersecting streets which bound the block, and in blocks where the frontage on the same street exceeds twelve hundred (1,200) feet the change in boundaries need not include more than eight hundred (800) continuous feet thereof. Changes involving lesser areas than the above may be made where the change consists of the inclusion of the balance of the frontage on the same street in any one (1) block in the same zoning district in which the major portion of such frontage is already included. In determining the bounds of a block for the purpose of this section, the right-of-way of a railroad, the Park River or its north or south branches, the boundary of a public park and the city boundary line may be treated as intersecting streets.

(6) *Applications.* All applications to amend, supplement, change, modify or repeal the regulations, restrictions and zoning district boundaries established by these regulations shall also contain the following information: The names and addresses of the applicants, the owner of the premises involved therein and any and all parties known to the applicant that may have an interest in the change whether or not such parties have a written or oral agreement to purchase any premises that may be affected thereby. If a business entity is involved as an applicant, owner or party-in-interest, the application shall include such other information regarding the entity as the commission shall specify on its application form.

(b) *Protests.*

(1) In the case, however, of a protest petition against a change signed by the owners of twenty (20) percent or more of the total area of the lots included within the proposed change or of the total area of the lots within five hundred (500) feet in all directions of the property included in the proposed change, and filed with the commission at or before the public hearing, such change shall not be adopted except by a vote of two-thirds (2/3) of all the members of the commission.

(2) Any and all petitions in protest of any proposed amendments to zoning district maps or boundaries shall be completed and filed in the following manner: Petitions in protest shall be submitted on a printed form to be provided by the commission to any interested party requesting same. Such printed form shall contain space for signatures, which signatures shall be deemed final and conclusive; no invalid signature shall invalidate remaining authentic signatures contained in the same petition; space for addresses of property owned by those signing; a form for attestation by the circulator of the petition and acknowledgment as provided by law. Such petition and form shall be duly attested and acknowledged and shall be filed with the commission at or before the hearing on such amendment. Any petition which fails in any respect to conform to the regulations as set forth in this subsection shall be held to be invalid. For the purpose of this section, all amendments to proposed zoning regulations or changes to the zoning map shall be considered newly proposed zoning regulations or map amendments.

(c) *Time for adoption of amendments; extensions.* The commission may take action on any proposed amendment or change following the public hearing on such matter, provided that decisions shall be rendered within sixty-five (65) days after completion of the hearing, unless a shorter period is required by the general statutes. Amendments shall become effective at such time as is fixed by the commission, provided a copy of such amendment is filed in the office of the city clerk, and notice of the decision shall have been published in a newspaper having a substantial circulation in the city before such effective date. In any case in which such notice is not published within the fifteen (15) day period after a decision has been rendered, any applicant may provide for the publication of such notice within ten (10) days thereafter. Whenever the commission makes any change in the regulations or the boundaries of a zoning district it shall state upon its records the reasons why such change is made. In making its decision on a proposed change, the commission shall take into consideration the plan of conservation and development and state on the record its findings on the consistency of the proposed change with such plan. The applicant may consent to extension(s) of the

periods provided for hearing and for adoption or denial, or may withdraw such application, all in accordance with the general statutes.

(d) *Applicability; state law governs.*

(1) To the extent provided in the general statutes, the provisions of this section setting time limits for hearings and decisions shall not apply to any action initiated by the commission to adopt or amend any zoning regulation or boundary.

(2) The provisions of subsection (a)(3) of this section requiring mail notice and posting of signs shall not apply to a comprehensive revision of the zoning regulations or maps initiated by the commission or the director of planning.

(e) *Reformatting.* The procedures described in this section shall not apply to reformatting of the existing text of these regulations, which includes changing the typeface, font size or other physical attributes, margins, indentations, headers/footers, or similar edits that may be made by the commission or by the staff of development services, from time to time, to facilitate printing, readability, consistency, or related goals.

Sec. 42. Notice of proposed zoning district changes to capitol region council of governments.

Upon receipt, the commission shall determine whether any part of the land involved in a proposed zoning district change or any portion of the district affected by a proposed change in the regulations affecting the use of such district is within five hundred (500) feet of an adjoining town or municipality. The determination shall be made on the basis of official city maps. If the commission determines that any of the land involved in the proposed zoning district change or any portion of the district affected by the proposed change in the regulation affecting the use of the district is within five hundred (500) feet of an adjoining town or municipality, then the commission, not later than thirty (30) days before the public hearing to be held in relation thereto, shall notify in writing, by certified mail, return receipt requested, the capitol region council of governments of such proposed zoning district change or such proposed change in the regulation for its findings and recommendations, and such report shall be made a part of the record of the public hearing on the proposed zoning district change or the proposed change in the regulation. If such report of the capitol region council of governments is not submitted at or before the hearing, it shall be presumed that the agency does not disapprove of the proposal. The report of the council of governments shall be purely advisory.

Sec. 43. Interpretation of regulations.

(a) In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare. It is not intended by these regulations to repeal, abrogate, annul or in any way impair or interfere with any existing provisions of the law or ordinances or any rules, regulations or permits previously adopted or issued or which shall be adopted or issued pursuant to law, relating to the use of buildings or premises; nor is it intended by these regulations to interfere with or abrogate or annul any easements, covenants or other agreements between parties; providing, however, that where these regulations impose a greater restriction upon the use of the buildings or premises or upon the height of buildings or require larger setbacks, courts or other open spaces than are imposed or required by such existing provisions of law or ordinance, or by such rules, regulations or permits, or by such easements, covenants or agreements, the provisions of these regulations shall control.

(b) Where the street or lot layout actually on the ground, or as recorded, differs from the street or lot lines as shown on the zoning district map, the commission, after notice to the owners of the property and after public hearing, shall interpret the map in such a way as to carry out the intent and purposes of these regulations for the particular section or district in question.

(c) In case of any question as to the location of any boundary line between zoning districts, a request for interpretation of the zoning map may be made to the commission.

Sec. 44. Separability.

(a) If a court of competent jurisdiction finds any provisions of these regulations to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of these regulations shall continue to be separately and fully effective.

(b) If a court of competent jurisdiction finds the application of any provision or provisions of these regulations to any zoning lot, building or structure to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to the person, property or situation immediately involved in the controversy, and the application of any such provision to other persons, property or situations shall not be affected.
(c) While any provisions of these regulations or application of any provisions of these regulations to any zoning lot, building or structure is before a court of competent jurisdiction, all other provisions of these regulations and all other applications of the provisions of these regulations to other zoning lots, buildings or structures shall continue to be separately and fully effective.

Sec. 45. Effective date.

The effective date of these regulations and any amendments thereto shall be the earlier of (a) filing of a final copy of the amendment with the city clerk and publication of notice in a paper of general circulation, or (b) fifteen (15) days after adoption of such regulations or such amendments, as applicable, by the commission.

Sec. 46. Green roofs.

This provision aims to incentivize the installation of green roofs because green roofs cleanse and slow stormwater runoff, extend roof life, insulate buildings, reduce pollution, and provide myriad other environmental and health benefits while being cost effective and beautifying the city. To achieve this goal, the following provisions shall apply to all zoning lots in the business and residential office zoning districts:
(a) A determination of whether an application contains a green roof or a functional green roof area may be made by commission staff, provided that for functional green roof areas, decking, patio, and non-landscaped surfaces shall not exceed thirty (30) percent of the overall roof area and any functional green roof area shall be set back at least five (5) feet from the roof edges.
(b) When considering an application involving a green roof, the commission or staff, as applicable, shall give preference to local, native plant varieties and, in the case of a functional green roof area, shall take into account the potential visual, noise, and privacy impacts on neighbors and shall require the applicant to demonstrate that any plants chosen can withstand the expected foot traffic. Any plans for green roofs shall be reviewed by the city forester.
(c) Only fifty (50) percent of the area underneath any green roof shall only count toward a site's total impervious surface lot coverage, for the purposes of calculating maximum permitted lot coverage.

Secs. 46-65. Reserved.

ARTICLE II.
ADMINISTRATION, ENFORCEMENT, AND CERTAIN PERMITS

DIVISION 1. GENERALLY

Sec. 66. Department of development services; zoning administrator.

(a) These regulations shall be administered and enforced by the department of development services. Such department of development services has a planning division, currently led by a director of planning, and a licenses and inspection division, currently led by a director of the division of licenses and inspections.
(b) The zoning administrator shall have overall responsibility for the administration of the regulations and shall have the authority to issue all zoning permits, where authorized to do so by the commission pursuant to these regulations.
(c) Each application for a permit or approval issued pursuant to these regulations shall be accompanied by a fee established in accordance with section 75, and shall include the information and exhibits required in section 68 and other sections of these regulations. All applications shall be filed with the division of planning.
(d) The zoning administrator shall coordinate administration of the regulations with the director of licenses and inspections.
(e) Prior to the issuance of any permit or approval pursuant to these regulations, the zoning administrator shall certify that a soil erosion and sediment control plan, if required, complies with applicable law.

Sec. 67. Zoning enforcement officer.

(a) The zoning administrator shall designate an individual to be the zoning enforcement officer. The zoning enforcement officer shall be responsible for enforcement of these regulations, including ensuring strict adherence to the approved plans, and shall have such powers and duties as are set forth in this article and the general statutes.
(b) The zoning enforcement officer shall have the power to inspect properties and issue violations, acting on behalf of the zoning administrator.
(c) The zoning enforcement officer shall maintain current and permanent records relative to the administration and enforcement of the zoning regulations and maps including, but not limited to, all maps, applications, variances, conditional uses, appeals and the disposition thereof.
(d) Prior to the issuance of any permit or approval pursuant to these regulations (not including a building permit), the zoning enforcement officer shall inspect the measures being installed pursuant to the soil erosion and sediment control plan.

Sec. 68. Application requirements.

The following application requirements apply to submissions from any applicant, provided, however, that the commission or the staff, in accordance with divisions 4 and 5 of article II and other applicable portions of these regulations, may waive particular requirements as being inapplicable or unnecessary to render a determination on the type of approval requested:
(a) Basic review set.
Every application for any permit or approval to be issued pursuant to these regulations, including but not limited to those associated with an application for a variance or a special permit, shall include three (3) copies of the following information and exhibits, which shall constitute a "basic review set" as that term shall be used in these regulations:

(1) A site plan or plans of the property, in triplicate, to a scale not to exceed twenty (20) feet to one (1) inch, prepared, signed, and sealed by a registered engineer, architect or land surveyor illustrating the proposed development of the property and including the following:
    a. Property boundaries, existing and proposed, and their dimensions;
    b. Location of all structures, existing and proposed, and the distances between adjacent structures;
    c. Dimensions of all yards and setbacks;
    d. Location of all streets, driveways, delivery areas, and entrances/exits, existing and proposed, and their dimensions;
    e. Location of all parking areas and parking stalls with each stall numbered sequentially, designated if suitable for handicapped persons or compact cars, with each stall not less than nine (9) feet by eighteen (18) feet or, for compact spaces, seven (7) feet nine (9) inches by eighteen (18) feet;
    f. Location and dimensions of all off-street loading areas;
    g. Location, size and amount of usable open space;
    h. Proposed location, type and size of trees, plantings, ground cover, and other landscaping, in accordance with section 1051;
    i. Position and dimensions of fences and walls, with materials specified;
    j. Position and dimensions of screen planting, with the type of planting specified;
    k. Proposed means of surface drainage, or in the case of a parcel requiring more than surface drainage, the location and size (capacity) of all drainage facilities;
    l. Location and dimensions of all easements, rights-of-way, conduits and the like;
    m. Percentage of lot area to be attributed to lot coverage, by type of lot coverage (i.e., buildings, structures, impervious surfaces, and outside storage);
    n. Location, type and size of all signs;
    o. Height of all structures, existing and proposed;
    p. Location and dimensions of all outside trash or solid waste storage areas, facilities, and equipment plus a description of the type of equipment to be utilized in these areas, existing and proposed;
    q. Location, size of all existing and proposed lighting for parking areas, walkways, etc.;
    r. Location and size of all existing and proposed sidewalks and walkways, with materials specified;

s. Location and description of all existing and proposed recreational facilities and equipment;
t. Location, size and elevation of all designated inland wetlands and watercourses, and proposed wetlands and watercourses, if any;
u. Present and proposed topography of the property;
v. Location and size of all existing and proposed utilities, including water, sewage, electricity, gas, steam, etc., including connections to infrastructure of public utilities, and access to essential services;
w. Zoning district designation, north arrow and graphic scale;
x. Existing and proposed vehicular and pedestrian circulation patterns;
y. Location, size, and type of existing and proposed public amenities;

(2) Architectural drawings at a scale of at least one-eighth inch equals one (1) foot which show:
a. Typical floor plans indicating use and size of all spaces;
b. Typical elevations including all signs, showing their shape, size, materials, and approximate design;
c. Typical section;
d. Exterior elevation and outline;
e. Total floor area of each floor and entire building;
f. Elevation of roof of building at its lowest and highest points;
g. Exterior building materials, their colors, and the texture palette;
h. Proposed exterior signage (including type and materials);
i. In the case of dwelling units, identification of the location and size of dwelling units accessible to or adaptable for access by the handicapped, and typical sections through proposed dwelling units;

(3) Color photographs of the existing structure and of adjoining property

(4) Written approval from the department of public works, where required, of any trees and landscaping required pursuant to article X of these regulations;

(5) Optionally, at the applicant's discretion, unless otherwise required by the commission or the zoning administrator: renderings, perspectives, isometric drawings or models, in scale, depicting height, bulk, fenestration, construction materials and other massing qualities of the proposal;

(6) Any other materials, information, drawings, or exhibits as may be reasonably required by the zoning administrator or commission in order that the proposal of the applicant may be adequately interpreted and judged as to its conformity with the provisions set forth in these regulations.

(b) Enhanced review set.

In addition to a basic review set, certain applications for permits or approvals to be issued pursuant to these regulations shall include three (3) copies of the following information and exhibits, which shall constitute an "enhanced review set" as that term shall be used in these regulations:

(1) Property boundaries (existing and proposed) certified to the standards of a class A-2 survey as defined in the Code of Practices for Standards of Accuracy of Surveys and Maps, adopted December 10, 1975, and as amended to date by the Connecticut Association of Land Surveyors, Inc., and their dimensions;

(2) A location map at a scale of one (1) inch to two hundred (200) feet showing the location of the proposed buildings and all property within three (3) city blocks of the lot and/or zoning lot on which the proposed project is to be located,

(3) A location map at a scale not to exceed one (1) inch to fifty (50) feet showing the applicant's property and all property within one (1) city block of the lot and/or zoning lot on which the proposed project is to be located, along with the following information:
a. All lots, lot lines, their dimensions and lot area
b. Location and use of all buildings
c. Existing zoning classifications of the area
d. All streets, alleys, and rights-of-way and their dimensions
e. Elevations of all buildings on the block on which the project fronts and
f. All parking areas and the relationship of the existing and proposed buildings to the vehicular and pedestrian circulation systems;

(4) Perspective sketches at pedestrian eye level of proposed buildings from at least four (4) locations from which such buildings would be most visible;

(5) An architect's statement regarding the shadows to be cast by all buildings, and of wind, sun and noise impacts; and

(6) A transportation management plan.

(c) Soil Erosion and Sediment Control Plan.

As required by general statutes section 22a-329, if a proposed development would disturb an area of more than one-half (½) acre, the applicant for a zoning permit shall submit to the zoning administrator a soil erosion and sediment control plan containing provisions to control accelerated erosion and sedimentation and reduce the danger from storm water runoff on the proposed site. A single family dwelling that is not a part of a subdivision shall be exempt from this requirement. Said plan shall conform with the methods and techniques for minimizing erosion and sedimentation found in the "Connecticut Guidelines for Soil Erosion and Sediment Control," January 1985, as amended. Said plan shall be prepared by a professional engineer registered in the state of Connecticut unless a waiver is granted by the city engineer. Said plan shall contain, but not be limited to:

(1) A narrative describing:

a. The project;

b. The schedule for grading and construction activities including: start and completion dates; sequence of grading and construction activities; sequence for installation and/or application of soil erosion and sediment control measures; and sequence for final stabilization of the project site;

c. The design criteria for proposed soil erosion and sediment control measures and storm water management facilities;

d. The construction details for proposed soil erosion and sediment control measures and storm water management facilities;

e. The installation and/or application procedures for proposed soil erosion and sediment control measures and storm water management facilities;

f. The operations and maintenance program for proposed soil erosion and sediment control measures and storm water management facilities;

(2) A site plan map at 1" = 100' or larger scale to show:

a. The location of the proposed development and adjacent properties;

b. The existing and proposed topography including soil types, wetlands, watercourse and water bodies;

c. The existing structures on the project site, if any;

d. The proposed area alterations including cleared, excavated, filled or graded areas and proposed structures, utilities and connections to public utility infrastructure, roads and, if applicable, new property lines;

e. The location of and design details for all proposed soil erosion and sediment control measures and storm water management facilities;

f. The sequence of grading and construction activities;

g. The sequence of installation and/or application of soil erosion and sediment control measures;

The sequence for final stabilization of the development site.

(3) Any other information deemed necessary and appropriate by the zoning administrator or the city engineer.

(d) Renewable energy systems.

(1) In addition to enhanced review requirements, applicants for any wind systems shall provide the following information:

a. Number and type of turbine(s);

b. The generating capacity of the system;

c. The height of all wind turbine(s), including the diameter of the rotor;

d. Location of all wetlands, scenic, and natural areas including bluffs, and all known communication towers, within a one (1) mile radius of the proposed system;

e. Location of all known public or private airports or heliports within a five (5) mile radius of the proposed system.

(2) In addition to the basic review requirements, applicants for small ground-mounted SES and parking lot canopy SES projects shall provide the following information:

a. The total number and type of photovoltaic panels;

b. The generating capacity of the SES;
c. The height and surface area of the SES;
d. The surface area of the ground actually disturbed by the SES;
e. A description of the interconnection points with the electrical grid.

(e) Any supplemental application requirements for special permitted or conditional uses as stated in these regulations shall apply in addition to any requirements in this section.

Sec. 69. Certificates of zoning compliance.

(a) No land shall be occupied or used, and no building hereafter erected or altered shall be occupied or used in whole or in part for any purpose whatsoever until a certificate of zoning compliance has been issued by the zoning enforcement officer stating that the premises or building complies with all the provisions of these regulations, except that where the alteration does not require the vacating of the premises or where parts of the premises are finished and ready for occupancy before the completion of the alteration, or in the case of a new structure, before its completion, a conditional certificate of zoning compliance may be issued.

(b) A certificate of zoning compliance shall be issued within ten (10) days after the erection or alteration of the building shall have been completed if, after inspection, the zoning enforcement officer determines the work to be in conformity with the provisions of these regulations. A record of all certificates shall be kept on file in the division of licenses and inspections. A fee established in accordance with section 75 shall be charged for each original certificate.

Sec. 70. Certificates of occupancy.

A certificate of occupancy shall not be granted until the city building official finds that the construction, erection, rehabilitation, use, alteration, or other proposal requiring an approval or permit pursuant to these regulations complies with commission or city approval and any conditions related thereto. A certificate of occupancy shall not be issued for bonus floor area, until the use, facility, or improvement for which the bonus was granted has been completed in accordance with the applicable commission or city approval.

Sec. 71. Amendments to, and completeness of, applications.

Prior to the consideration of any application for any permit or approval by the commission, an applicant may amend his or her application without prejudice. No application shall be deemed complete unless the applicant has submitted all documentation required by the applicable portion of these regulations, to the satisfaction of the commission and the zoning administrator. Only upon the completion of an application in accordance with this section shall any legal period within which an application may be "deemed approved" commence.

Sec. 72. Amendments to issued permits and other approvals.

After approval has been granted, any and all amendments or changes to an issued permit or other approval shall be considered and processed as a new application and shall require the issuance of an additional zoning permit or approval by the zoning administrator in the case of an administratively approved use and by the commission in case of a commission approved use, as applicable. The zoning administrator may approve minor changes in the placement and size of improvements and the type of exterior materials for an approved proposal, if the changes are required because of conditions that were unknown at the time the approval was issued, and the zoning administrator determines that the changes are consistent with the intent of these regulations and the findings made by the commission in connection with the approval. From time to time, the commission may delegate additional authority to review certain minor amendments to issued permits to the department of development services.

Sec. 73. Timeline for completed work.

All work in connection with any permit or approval issued pursuant to these regulations shall be completed within three (3) years from the date of the original permit or approval, provided, however, that work made in connection with a site plan approval shall be completed within five (5) years from the date of the original approval, and that certain dumping activities pursuant to section 29 and certain temporary outside storage pursuant to section 935 shall

be completed within one (1) year from the date of the original permit or approval, as provided in sections 29 and 935. Notwithstanding the preceding sentence, if at the time of the issuance of any permit or approval the general statutes requires a different expiration period for certain types of applications, permits, or approvals, the expiration period in the general statutes shall prevail. The certificate of approval or permit may state the date on which such period expires. Failure to complete all work within the applicable period shall result in automatic expiration of the permit or approval, except that with good cause shown, the commission may grant one (1) or more extensions of the time to complete all or part of the work in connection with the site plan provided the total extension or extensions shall not exceed ten (10) years from the date such permit or approval has been issued. "Work" for purposes of this subsection means all physical improvements required by the permit or approval.

Sec. 74. Special requirements for major projects.

Applicants who have received a permit or other approval for a major development project shall, before commencing any substantial work on the site, meet with the director of the division of licenses and inspections, or the director's designee, and establish construction and inspection schedules. For the purposes of the preceding sentence, the determination as to whether a project is a major development project shall be made by the director of the department of development services.

Sec. 75. Fees.

The commission shall set a fee schedule for all applications for approvals and permits being sought from the commission, the zoning board of appeals, the inland wetlands commission, and the historic preservation and properties commissions, or for any administrative review required. Said schedule may also include any matter deemed necessary in order for the planning division or any board or commission identified in the preceding sentence to carry out its role and function and to fulfill its primary purpose of service to the public. The fee schedule, and any subsequent amendments, shall be adopted by council before becoming effective. Among other things, the commission shall set a fee schedule for: zoning permits, special permits, zoning map changes, zoning text amendments, ZBA applications (including variances), ZBA applications following notices of violation, certificates of zoning compliance, site plan reviews (both residential and commercial), subdivision applications, mapping, liquor permits, wetland permits (with and without public hearings), and historic properties reviews and certificates of appropriateness; fence permits; security deposits for signs given by the city to achieve notice purposes; and late penalties. Applicable fees shall be payable in advance to the commission by all parties other than a department of the city, in which case the fee shall be waived. A copy of the fee schedule shall be placed in the office of the commission and made available to the public in the division of licenses and inspections as well.

Sec. 76. Exercise of street planning powers pursuant to section 8-29 of the general statutes.

(a) The commission has been authorized by section 8-29 of the general statutes, unless otherwise provided by ordinance adopted by the city council, to prepare and file surveys, maps or plans of proposed highways, streets, sidewalks or the relocation, grade, widening or improvement of existing highways, streets or sidewalks, or of any building or veranda lines proposed as herein provided, in the office of the city clerk, provided such map or plan after completion shall have been approved at a meeting of the commission called for the purpose. For the purposes of this section 76, the powers "to prepare and file surveys, maps or plans of proposed highways, streets, sidewalks or the relocation, grade, widening or improvement of existing highways, streets or sidewalks" shall include the power for the commission: to prepare its own proposals for highways, streets, and sidewalks; to decide the precise location, dimensions, and direction of highways, streets, and sidewalks; to determine accompanying drainage, landscape improvements, stormwater management, and the like; to approve accompanying street furniture, and poles and other lighting fixtures pursuant to section 31-116 of the municipal code; and to make other technical decisions related to the proper and safe functioning of the highways, streets, and sidewalks at issue. Such powers shall extend to both public and private streets. Such powers shall only be exercised in consultation with the department of public works. The commission's powers shall not infringe upon the council's powers, which include but are not limited to the powers: to approve or disapprove public financing of construction related to these projects; to establish and maintain a department of public works or similar entity; to enter into contracts with third parties related to construction of these projects; to request and process federal, state, and private monies related to construction of these projects; to

condemn land; to accept easements on behalf of the city; to approve or disapprove the acquisition or disposition of any interest in land; or to perform any other duties assigned to the council by the general statutes, the charter, the municipal code, or any other source of law.

(b) Such map or plan shall have inscribed thereon the following: "Recommended by planning and zoning commission" and shall bear the date of such recommendation and be signed by the chairman or secretary of the commission.

(c) Such commission shall, upon the filing of such survey, map or plan, give notice to each record owner and to each mortgagee of record of land included in such survey, map or plan, by mail and by advertisement in a newspaper of general circulation, of such filing and of the place within the city where, and the time, not less than ten (10) days after such mailing and publication, when, such commission shall hear any person claiming to be affected thereby. The commission, after such hearing, may approve and adopt such map or plan, and may make assessments of benefits accruing to and damages sustained by any person owning land included in such survey, map or plan, and shall give notice of such benefits and damages to mortgagees of record of such land. Any assessments of benefits so made shall, from the time of the completion of such work, constitute a lien against the property affected, which lien shall take precedence of all other encumbrances except taxes and other municipal liens or encumbrances of earlier date. Such liens may be continued by filing with the city clerk for record in the land records of such municipality, within ninety days after such assessment has been made and notice thereof given to the person or persons affected thereby, a certificate of such lien signed by the secretary of the commission, which lien may be enforced in the same manner as is provided for the enforcement of tax liens. Upon the adoption of any such survey, map or plan which takes an easement for public use over any parcel of land, a notice of the taking of each such easement and a description of the easement shall be recorded in the land records of the city, in the names of the owners of record, before such easement becomes effective.

(d) The commission may change any survey, map or plan so made and filed by it, at such time and in such manner as it deems necessary, and shall thereupon file a survey, map or plan of such change, inscribed as provided in subsection (b), with the city clerk. Notice by mail of such change shall be given by the commission to each record owner and to all persons having a recorded mortgage interest in land affected thereby and by advertisement as in the first instance and the subsequent proceedings shall be as provided in the case of an original filing.

(e) In exercising its powers related to proposed highways, streets, sidewalks or the relocation, grade, widening or improvement of existing highways, streets or sidewalks, the commission shall consider, and shall base its determination on, whether the proposal: is in harmony with the plan of conservation and development; comports with the purposes of the district in which the proposal is located; will not be detrimental to existing development in the district; does not create safety hazards in the proposed vehicular and pedestrian circulation pattern; will not degrade traffic levels of service without providing adequate mitigation measures; properly provides for adequate provision of essential services; minimizes use of wetlands, steep slopes, floodplains, and hilltops; preserves unique natural or historical features; minimizes negative environmental impacts, including pollution of air and water, unnecessary erosion and sedimentation, and threats to ecosystems and wildlife habitat; and does not increase, and satisfactorily addresses, flood hazards or water run-off.

(f) In exercising its powers related to the location or relocation of any building or veranda lines, the commission shall consider, and shall base its determination on, whether the location or relocation: is in harmony with the plan of conservation and development; comports with the purposes of the district in which the building or veranda line is located; will not be detrimental to existing development in the district; does not create safety hazards in the proposed vehicular and pedestrian circulation pattern; provides for the suitable arrangement of buildings, open space, and provision of light and air; and preserves unique natural or historical features.

Secs. 77–90. Reserved.

DIVISION 2. VIOLATION AND PENALTIES

Sec. 91. Inspection of premises; written order.

The zoning enforcement officer may cause any building, structure, place or premises to be inspected and examined and to order in writing the remedying of any condition found to exist therein or thereon in violation of any provisions of these regulations. Any deviation from any permit or approval issued pursuant to these regulations, or any violation of any provisions of these regulations (including failure to apply for an appropriate permit or approval, or provide

accurate documentation), shall be sufficient cause for the zoning enforcement officer to issue a notice of violation or a cease and desist order, for revocation by the commission, or by the staff if staff has been delegated authority to issue said permit or approval, of the permit or approval, and for an order for any structures or improvements constructed which do not meet the terms of the permit or approval to be demolished or removed.

Sec. 92. Abatement of violations.

If any building or structure has been erected, constructed, altered, converted or maintained, or any building, structure or land has been used in violation of any provision of these regulations, the zoning enforcement officer, in addition to other remedies, may institute an action or proceeding to prevent such unlawful erection, construction, alteration, conversion, maintenance or use or to restrain, correct or abate such violation or to prevent the occupancy of such building, structure or land or to prevent any illegal act, conduct, business or use in or about such premises.

Sec. 93. Penalties; procedure when zoning regulations violated.

The owner or agent of any building or premises where a violation of any provision of these regulations, including any permit or approval (including conditions attached thereto, and including conditions related to promises and covenants made regarding the operation of the premises by the applicant) issued in accordance with these regulations, has been committed or exists; or the lessee or tenant of an entire building or entire premises where such violation has been committed or exists; or the owner, agent, lessee or tenant of any part of the building or premises in which such violation has been committed or exists; or the person or entity using or requesting use of land in the P district; or the agent, architect, builder, contractor or any other person who commits, takes part or assists in any violation or who maintains any building or premises in which such violation exists, shall:
(a) Be fined not less than ten dollars ($10.00) or more than one hundred dollars ($100.00) for each day that such violation continues. But, if the offense is willful, the person convicted thereof shall be fined not less than one hundred dollars ($100.00) nor more than two hundred fifty dollars ($250.00) for each day that such violation continues, or imprisoned not more than ten (10) days for each day such violation continues or both. The superior court shall have jurisdiction of all such offenses, subject to appeal as in other cases. Any person who, having been served with an order to discontinue any such violation, fails to comply with such order within ten (10) days after such service or continues to violate any provision of these regulations specified in such order shall be subject to a civil penalty of twenty-five hundred dollars ($2,500.00) payable to the treasurer of the city; or
(b) Be issued a municipal citation and shall be subject to a penalty of one hundred fifty dollars ($150.00). Any person issued a citation for violating the provisions of these regulations may, within ten (10) days of receipt of the citation, appeal in writing to a citation hearing officer in accordance with code section 1-5 (relating to hearing procedures for citations).

Sec. 94. Criminal defense by interpretation of regulation in civil action.

In any criminal prosecution under this division, the defendant may plead in abatement that such criminal prosecution is based on a regulation which is the subject of a civil action wherein one of the issues is the interpretation of such regulation, and that the issues in the civil action are such that the prosecution would fail if the civil action results in an interpretation different from that claimed by the state in the criminal prosecution. The court before which such prosecution is pending may order such prosecution abated if it finds that the allegations of the plea are true.

Secs. 95-115. Reserved.

DIVISION 3. ZONING BOARD OF APPEALS

Sec. 116. Regular and alternate members.

The zoning board of appeals, hereinafter referred to as the "ZBA," shall consist of five regular members and three alternate members. Such alternate members may be referred to as "the panel of alternates," and shall, when seated as herein provided, have all the powers and duties set forth in the general statutes relating to zoning boards of appeals and their members. The regular members and alternate members of the ZBA shall be electors of the city and shall not

be members of the commission. Regular members and alternate members of the ZBA shall be appointed by the mayor in the manner provided in the charter for appointment of members of city commissions. Any vacancy in the ZBA, including any vacancy in the panel of alternates, shall be filled by the mayor in the manner provided in the charter for the filling of vacancies on city commissions.

Sec. 117. Officers.

The ZBA, by vote of its regular members only, shall elect from its membership a chairperson, vice-chairperson, and secretary, each to serve for a term of one (1) year and each to be eligible for reelection. The chairperson or in his or her absence, the vice-chairperson, shall have power to administer oaths and compel the attendance of witnesses.

Sec. 118. Rules of procedure.

The ZBA shall adopt such rules, regulations and procedures, consistent with the general statutes, as may be deemed necessary to carry into effect the provisions of these regulations. Each rule or regulation and each amendment or repeal thereof and each order, requirement or decision of the ZBA shall immediately be filed in the office of the ZBA and shall be a public record.

Sec. 119. Meetings.

The ZBA shall meet at the call of the chairperson and at such other times as the ZBA may determine. All meetings of the ZBA shall be open to the public and shall be held in accordance with the state freedom of information act, general statutes sections 1-200 *et seq*. or any successor thereto. Records of the ZBA may be examined in the offices of the ZBA at any reasonable time. Executive meetings of the ZBA may be held but any record of such meetings shall also be open to public inspection.

Sec. 120. Minutes and findings.

(a) The ZBA shall keep minutes of its proceedings, recording each action of the ZBA and the vote of each member upon each action or, if absent or failing to vote, indicating such fact. It shall also keep records of its examinations and other official actions, all of which shall be filed promptly in the office of the ZBA and shall be open to public examination at reasonable hours. All findings and actions of the ZBA shall be in writing and shall set forth the reasons for the action taken whether it be in favor of the granting of an application or petition or against the granting of such application or petition. Findings shall be complete, detailed and in specific terms setting forth the reasons for the decision and shall go beyond such generalities as "in the interest of public health, safety and the general welfare."
(b) If an application for a variance based on hardship is granted, the statement of findings shall specifically state the nature of the findings found and specific evidence proving the same. In every instance a statement of the facts upon which such action is based shall appear in the minutes.
(c) If the ZBA grants a variance conditioned on satisfying conditions, such conditions shall be explicitly set forth in writing. A variance holder who fails to comply with said conditions is ineligible for a certificate of occupancy.
(d) A zoning permit granted in the absence of full compliance with said conditions shall be invalid and shall be revoked by the zoning enforcement officer.
(e) All actions taken by the ZBA without making the findings required by this section shall be invalid.

Sec. 121. Vote required.

As provided in the general statutes, the concurring vote of four (4) members of the ZBA shall be necessary to reverse any order, requirement or decision of the zoning enforcement officer or to decide in favor of the applicant any matter upon which it is required to pass under the regulations or to vary the application of the zoning regulations.

Sec. 122. Assistance from other officials.

As provided in the code, the ZBA may call upon any city department for assistance in the performance of its duties and it shall be the duty of such department to render such assistance to the ZBA as may be reasonably required.

Sec. 123. Advisory opinion before hearings.

(a) The staff of the commission shall submit an advisory opinion on any matter before the ZBA at least four (4) days prior to the public hearing assigned for such matter, and such findings of the staff of the commission shall be read into the record at such public hearing. The failure of the staff of the commission to submit its report to the ZBA prior to the public hearing shall not prevent the ZBA from reaching a decision on any matter before it.
(b) As provided in the code, the director of the department of public works shall submit to the ZBA a written opinion, and upon request, a verbal opinion at the public hearing, on the traffic and on-street parking implications of applications pending before the ZBA. This opinion shall be made part of the record at the public hearing. The failure of the director of the department of public works to submit a report to the ZBA prior to the public hearing shall not prevent the ZBA from reaching a decision on any matter before it.

Sec. 124. Powers.

(a) The ZBA shall have the following powers and duties:

(1) To hear and decide appeals where it is alleged that there is an error in any order, requirement or decision made by the official charged with the enforcement of these regulations;
(2) To hear and decide all matters upon which it is required to pass by the specific terms of these regulations; and
(3) To determine and vary the application of these zoning regulations in harmony with their general purpose and intent and with due consideration for conserving the public health, safety, convenience, welfare and property values solely with respect to a parcel of land where, owing to conditions especially affecting such parcel but not affecting generally the district in which it is situated, a literal enforcement of these regulations would result in exceptional difficulty or unusual hardship so that substantial justice will be done and the public safety and welfare secured, provided that these zoning regulations may specify the extent to which uses shall not be permitted by variance in districts in which such uses are not otherwise allowed. The ZBA shall not be required to hear any application for the same variance or substantially the same variance for a period of six (6) months after a decision by the ZBA or by a court on an earlier such application.

(b) Any variance granted by the ZBA shall run with the land and shall not be personal in nature to the person who applied for and received the variance. A variance shall not be extinguished solely because of the transfer of title to the property or the invalidity of any condition attached to the variance that would affect the transfer of the property from the person who initially applied for and received the variance.
(c) Exercise such powers and perform such duties as are provided for zoning boards of appeal in the general statutes.

Sec. 125. Appeals.

An appeal may be taken to the ZBA by any person aggrieved or by any officer, department, board or bureau of any municipality aggrieved and shall be taken within fifteen (15) days, by filing with the commission or the officer from whom the appeal has been taken and with the ZBA a notice of appeal specifying the grounds thereof. Such appeal period shall commence for an aggrieved person at the earliest of the following: (1) Upon receipt of the order, requirement or decision from which such person may appeal, (2) upon the publication of a notice in accordance with subsection (f) of general statutes section 8-3 (relating to certification of building permits) or (3) upon actual or constructive notice of such order, requirement or decision. The officer from whom the appeal has been taken shall forthwith transmit to the ZBA all the papers constituting the record upon which the action appealed from was taken.

Sec. 126. Applications.

Every application for variance or other approval shall be made on a form prepared by the ZBA providing space for showing the ownership of the property involved, the dimensions of the property and the reasons for the application. Such application shall be filed with the ZBA in accordance with section 68 and other sections of these regulations. Each application to the ZBA shall be subject to a fee established in accordance with section 75.

Sec. 127. Required information.

Every application for a variance or other approval shall also contain the following information: The names and addresses of the applicants, and of any and all parties known to the applicant who may have an interest in the application, whether or not such parties have a written or oral agreement to purchase any premises that may be affected thereby. If a business entity is involved as an applicant, owner or party-in-interest, the application shall include such other information regarding the entity as the ZBA shall specify on its application form.

Sec. 128. Stay of proceedings.

An appeal shall not stay any order, requirement or decision that prohibits further construction or expansion of a use in violation of such zoning regulations except to such extent that the ZBA grants a stay thereof. An appeal from any other order, requirement or decision shall stay all proceedings in the action appealed from unless the commission or the officer from whom the appeal has been taken certifies to the ZBA after the notice of appeal has been filed that by reason of facts stated in the certificate a stay would cause imminent peril to life or property, in which case proceedings shall not be stayed, except by a restraining order which may be granted by a court of record on application, on notice to the commission or the officer from whom the appeal has been taken and on due cause shown.

Sec. 129. Hearings.

(a) Upon receipt of an application or appeal, the ZBA shall fix a time for the hearing of the appeal or application and give notice thereof to the parties in accordance with the requirements of the general statutes. At such hearing any person may appear and be heard and may be represented by agent or by attorney. Notice shall also be sent by the appellant or applicant by postcard to the owners of record of all property within three hundred (300) feet of the property affected by the application or appeal at least ten (10) days prior to the date of such hearing. It shall be sufficient if such notice is sent by the applicant or appellant to the owner listed upon the last available maps of the department of public works. Before the hearing on such application or appeal, the applicant or appellant shall file an affidavit with the ZBA affirming that said notice has been timely given.
(b) The ZBA shall give notice to adjoining municipalities of an application or appeal when required by, and in accordance with, the general statutes.
(c) A fee established in accordance with section 75 shall be charged by the ZBA to cover the cost of all notices given by the ZBA. The secretary of the ZBA shall, prior to the hearing, file an affidavit of publication of notices published in the newspaper.

Sec. 130. Posting of signs.

(a) In any matter pending before the ZBA, other than an appeal, the ZBA staff shall make available to the applicant a suitable sign for posting by the applicant on the property to be affected by the application in a conspicuous place visible from the public street. Before any hearing on such matter, the applicant shall return the sign to the ZBA and shall file an affidavit with the ZBA that the sign has been posted continuously, as required, for a period of seven (7) days prior to the hearing.
(b) Notwithstanding the provisions of subsection (a), in the event the sign and affidavit are not returned prior to the date of the hearing, the ZBA may hear the case provided the applicant testifies under oath that all the requirements of this section have been met and that the sign will be returned forthwith. All such signs procured from the zoning enforcement officer shall be subject to a deposit fee established in accordance with section 75, which fee shall be returned on the date specified in the applicant's affidavit. Failure to return the sign on the date specified in the affidavit shall result in the imposition of a late penalty established in accordance with section 75.

Sec. 131. Decision of the zoning board of appeals; extensions.

(a) The ZBA shall render its decision on appeals within sixty-five (65) days after completion of the hearing.
(b) The ZBA may reverse or affirm, wholly or partly, or may modify any order, requirement, decision or determination appealed from and shall make such order, requirement or decision as in its opinion ought to be made in the premises, and to that end shall have all the powers of the officer from whom the appeal is taken.

(c) Notice of decisions of the ZBA shall be given in accordance with the general statutes.
(d) The applicant or appellant may consent to one or more extensions of any period specified or provided for in this division as permitted by, and in accordance with, the general statutes.

Sec. 132. Agenda.

The agenda for any meeting of the ZBA shall be released not less than ten (10) days prior to the meeting at which matters so listed are to be considered.

Sec. 133. Reserved.

Sec. 134. Opportunity to be heard before the ZBA.

Abutting property owners and other persons shall be given full opportunity to respond to and rebut both applicants and appellants before the ZBA. Any party who wishes to address the ZBA shall be heard. All parties, including opponents of an application or proponents of a decision being appealed, shall be given time at least equal to the time given to the applicant or appellant, as the case may be, to respond to any and all issues raised during the course of the hearing. Nothing in this section shall be deemed to limit the ZBA's power to control the proceedings.

Sec. 135. Training for members of the zoning board of appeals.

Each commissioner appointed to the ZBA must complete, within one (1) calendar year of his or her appointment, training in the fields of zoning and parliamentary procedure, provisions for which will be made by the department of development services.

Secs. 136-145. Reserved.

DIVISION 4. ZONING PERMIT REVIEW.

Sec. 146. Zoning permit review.

This division applies to all zoning permits issued by the commission or its delegates, other than site plan approvals and special permit approvals, which are discussed in divisions 5 and 6 of this article. Zoning permits shall be required: (a) prior to the issuance of a building permit, by notation on the building permit form, or (b) if no building permit is required, at the time of a change of use. If no building permit is required, a separate zoning permit will be issued. Prior to issuance, the zoning administrator must find that the application and plans conform to all provisions of these regulations. The commission shall have the authority to approve, approve with conditions, or reject a zoning permit application, provided, however, that the commission hereby delegates its authority to review zoning permits to the zoning administrator in all circumstances other than in projects requiring site plan review by the commission or requiring special permit review by the commission. Notwithstanding anything to the contrary, the city may, in the case of the construction of a new public facility or the expansion of an existing public facility, involving the acquisition of property by the city through its powers of eminent domain, apply for a zoning permit for an entire zoning lot prior to acquiring or executing a written option for the property.

Sec. 147. Zoning permit review process.

The following requirements shall apply to all applications for zoning permit review:
(a) Applicants for a zoning permit shall submit, at a minimum, basic plans as described in section 68, any enhanced review set or other information required by these regulations or the commission, and any and all pertinent fees.
(b) The commission shall hear and decide all applications for zoning permit approval. When required, a public hearing shall be noticed and held in accordance with the general statutes.
(c) Before the commission grants a zoning permit, the commission may require the applicant to post a bond with the commission in a form and on such terms as are acceptable to the corporation counsel, and in such amount as the commission deems necessary to ensure the faithful performance and completion of the work in accordance with the

zoning permit approval. If the applicant fails to comply with any requirements of the approval, the commission may declare the approval to be null and void and may declare the project to be in default and call the bond. The commission may take whatever steps are needed to bring the site into compliance with the zoning permit approval, and may pay for such work from the bond proceeds. The bond will be released by the commission upon certification by the applicant's engineer, through submission of detailed "as built" plans, that all work is in accordance with the zoning permit approval. "As built" plans shall include grading plans, as well as erosion and sedimentation control details. Notwithstanding any other provision of this paragraph, the bond terms may provide for partial release of the bond as work is completed.
(d) All developments shall conform to the provisions of these regulations as indicated on the zoning permit issued for such development.

Sec. 148. Zoning permit review criteria.

In reviewing any application for a zoning permit, the commission shall consider, and shall base its approval or disapproval upon, all aspects of the proposal and in particular whether the proposal in the application: is in harmony with the plan of conservation and development; complies with all applicable sections of these regulations pertaining to the district in which the proposal is located; comports with the purposes of the district in which the proposal is located; will not be detrimental to existing development in the district because of its location, bulk, scale, or design; does not create safety hazards in the proposed vehicular and pedestrian circulation pattern; will not seriously degrade traffic levels of service without providing mitigation measures; is compatible with adjacent properties; provides for the suitable arrangement of buildings, open space, and provision of light and air; properly provides for adequate provision of essential services; and does not place excessive demands on city services and infrastructure. The commission may require modifications to the application, or may condition its approval for a zoning permit application, to satisfy concerns in any of the preceding areas.

Secs. 149-162. Reserved.

DIVISION 5. SITE PLAN REVIEW.

Sec. 163. Site plan review.

The purposes of site plan review include: to further the purposes of these regulations and the plan of conservation and development; to ensure that new development is designed in a manner which reasonably protects visual and environmental qualities and property values of the city; to assure that low-impact development practices and principles are implemented to reduce stormwater runoff; to assure adequate drainage of surface water, safe and efficient pedestrian and vehicular access, access to essential services, appropriate landscaping, and adequate provision of light and air. The commission shall exercise its powers to review proposed site plans when any of the following circumstances occur: any proposal requiring a special permit under these regulations; any expansion of lot coverage by an amount greater than twenty (20) percent of existing lot coverage; alterations to more than fifty (50) percent of a façade (provided, however, that any façade alteration already reviewed by the city historic properties commission or the city preservation commission shall not be required to undergo site plan review); any new construction or change in an existing use involving five thousand (5,000) or more square feet of gross floor area; any new construction or change in an existing use involving five (5) or more parking spaces; any drive-in establishment; applications triggering site plan review by the inland wetlands agency pursuant to the general statutes; any project in the P district valued at fifty thousand dollars ($50,000) or more; a project involving an automobile dealer or repairer's license in the B-3 and B-4 districts; and other uses and applications as specified in these regulations; provided, however, that the proposals contained in an individual application that would not have satisfied any of the numeric thresholds mentioned in the preceding clauses shall be combined with any other applications submitted within the preceding two (2) year period for the same lot, to determine whether a numeric threshold triggering site plan review has been reached. The commission shall have the authority to approve, approve with conditions, or reject a site plan application. Other than the specific circumstances identified in this section, the commission has delegated, to the director of planning, the commission's decision-making authority to review and approve, approve with conditions, or reject a site plan application, provided that such review is consistent with the commission's review process and criteria pursuant to these regulations. Notwithstanding anything to the contrary in this section 163, the commission delegates to the

zoning administrator the commission's authority to review and approve the site plans for private projects being proposed for lots in the I-1, I-2, and C-1 zones if such projects do not require special permit review.

Sec. 164. Site plan review process.

The following requirements shall apply to all applications for site plan review:
(a) Applicants for a site plan review shall submit, at a minimum, a basic review set as described in section 68 and any and all pertinent fees.
(b) The commission shall hear and decide all applications for site plan approval, unless its ability to do so has been expressly delegated in section 163. When required, a public hearing shall be noticed and held in accordance with the general statutes. Approval of the site plan shall be presumed unless a decision to deny or modify it is rendered within the time period specified in the general statutes, subject to section 71. A certificate of approval of any plan for which the period for approval has expired and on which no action has been taken shall be sent to the applicant within fifteen (15) days of the date on which the period for approval has expired. A decision to deny or modify a site plan shall set forth the reasons for such denial or modification. A copy of any decision shall be sent by certified mail to the person who submitted such plan within fifteen (15) days after such decision is rendered. The commission may, as a condition of approval of any modified site plan, require a bond in an amount and with surety and conditions satisfactory to it, securing that any modifications of such site plan are made. The commission shall publish notice of the approval or denial of site plans in a newspaper having a general circulation in the city.
(c) When a change is adopted in the zoning regulations or boundaries of any zoning district, no improvements or proposed improvements shown on a site plan for residential property which has been approved prior to the effective date of such change, and filed or recorded with the city clerk, shall be required to conform to such change.
(d) Any person aggrieved by the action of the commission concerning a site plan review, order, requirement or decision may take an appeal in accordance with the general statutes.
(e) The commission shall combine the site plan review process and the special permit process for any application requiring a special permit, unless the applicant expressly elects to undergo separate review processes.
(f) Before site plan approval by the commission is granted, the commission may require the applicant to post a bond with the commission in a form and on such terms as are acceptable to the corporation counsel, and in such amount as the commission deems necessary to ensure the faithful performance and completion of the work in accordance with the site plan approval. If the applicant fails to comply with any requirements of the site plan approval, the commission may declare the approval to be null and void and may declare the project to be in default and call the bond. The commission may take whatever steps are needed to bring the site into compliance with the site plan approval, and may pay for such work from the bond proceeds. The bond will be released by the commission upon certification by the applicant's engineer, through submission of detailed "as built" plans, that all work is in accordance with the site plan approval. "As built" plans shall include grading plans, as well as erosion and sedimentation control details. Notwithstanding any other provision of this paragraph, the bond terms may provide for partial release of the bond as work is completed.

Sec. 165. Site plan review criteria.

In reviewing any application for a site plan review, the commission shall consider, and shall base its approval or disapproval upon, all aspects of the proposal and in particular whether the proposal in the application: is in harmony with the plan of conservation and development; complies with all applicable sections of these regulations pertaining to the district in which the proposal is located; comports with the purposes of the district in which the proposal is located; will not be detrimental to existing development in the district because of its location, bulk, scale, or design; does not create safety hazards in the proposed vehicular and pedestrian circulation pattern; will not seriously degrade traffic levels of service without providing adequate mitigation measures; is compatible with adjacent properties; provides for the suitable arrangement of buildings, open space, and provision of light and air; properly provides for adequate provision of essential services; does not place excessive demands on city services and infrastructure; provides landscaping, including vegetation and trees, which are appropriate to the district and enhance the public realm; provides pedestrian amenities; minimizes use of wetlands, steep slopes, floodplains, and hilltops; minimizes obstruction of scenic views from publicly accessible locations; preserves unique natural or historical features; retains sufficient open space; screens objectionable features from neighboring properties and roadways; ensures any buildings and structures included in the proposal are in architectural harmony with the prevailing character and scale of

buildings and structures in the neighborhood and the city through the use of appropriate materials, screening, breaks in roof and wall lines and other techniques; ensures architectural detail, form, and siting to provide visual interest and avoid monotony; minimizes negative environmental impacts, including pollution of air and water, unnecessary erosion and sedimentation, and threats to ecosystems and wildlife habitat; does not increase, and satisfactorily addresses, flood hazards or water run-off; and satisfies the parking and loading requirements in article V. The commission may require modifications to the application, or may condition its approval for a site plan application, to satisfy concerns in any of the preceding areas. A site plan may be modified or denied only if it fails to comply with requirements set forth in these regulations or the inland wetlands regulations.

Secs. 166-169. Reserved.

DIVISION 6. SPECIAL PERMIT REVIEW.

Sec. 170. Special permit review.

The commission shall exercise its powers to review special permit applications in each and every instance where an application for a special permit is required by these regulations. The commission shall have the authority to grant, grant with conditions, or reject a special permit. Specifically, the commission will consider and encourage low-impact development practices and principles where soil conditions allow.

Sec. 171. Special permit review process.

Whenever a special permit is applied for under these regulations, the following procedures shall govern the application and decision process:

(a) Applicants for a special permit review shall submit, at a minimum, a basic review set as described in section 68, any enhanced review set or other information required by these regulations or the commission, and any and all pertinent fees.

(b) The commission shall hold a public hearing on an application for a special permit.

(c) Notice of such hearing shall be published in a newspaper having a general circulation in the city at least twice at intervals of not less than two (2) days, the first not more than fifteen (15) days, nor less than ten (10) days, and the last not less than two (2) days, before the date set for the hearing. A copy of the special permit application and maps and documents relating thereto shall be filed (i) in the office of the city clerk and (ii) in the office of the commission and be available for public inspection at least ten (10) days before such hearing.

(d) Notice of the time and place of such hearing shall also be given by mail to the owners of all lots included within the area that is the subject of the special permit application and the owners of all lots within one hundred fifty (150) feet of the boundary of such area by the applicant. The notices shall be sent to the best obtainable addresses of such owners at least ten (10) days prior to the date of such hearing. Before the hearing on such application, the applicant shall file a certificate of mailing or equivalent with the commission affirming that said notice has been timely given. No errors made in the giving of such notices shall invalidate the proposed change.

(e) The commission shall notify the clerk of any adjoining municipality of the pendency of any application concerning any project on any site in which: (1) any portion of the property affected by a decision of the commission is within five hundred (500) feet of the boundary of the adjoining municipality; (2) a significant portion of the traffic to the completed project on the site will use streets within the adjoining municipality to enter or exit the site; (3) a significant portion of the sewer or water drainage from the project on the site will flow through and significantly impact the drainage or sewerage system within the adjoining municipality; or (4) water runoff from the improved site will impact streets or other municipal or private property within the adjoining municipality. Such notice shall be made by certified mail, return receipt requested, and shall be mailed within seven (7) days of the date of receipt of the application. Such adjoining municipality may, through a representative, appear and be heard at any hearing on any such application.

(f) Such hearing shall be held in accordance with the provisions of general statutes section 8-7d.

(g) When the commission grants, grants with conditions, or denies a special permit, it shall state upon its records the reason for its decision. Notice of the decision of the commission shall be published in a newspaper having a substantial circulation in the city and written notice thereof shall be addressed by certified mail to the person who applied for the special permit by its secretary or the secretary's designee (namely, the director of the department of development services or her designee), under the signature of the secretary or her designee, within fifteen (15) days

after such decision has been rendered. In any case in which such notice is not published within such fifteen-day period, the person who applied for the special permit may provide for the publication of such notice within ten days thereafter.

(h) Before a special permit is granted, the commission may require the applicant to post a bond with the commission in a form and on such terms as are acceptable to the corporation counsel, and in such amount as the commission deems necessary to ensure the faithful performance and completion of the work in accordance with the provisions of the special permit. If the applicant fails to comply with any requirements of the special permit, the commission may declare the special permit to be null and void and may declare the project to be in default and call the bond. The commission may take whatever steps are needed to bring the site into compliance with the special permit, and may pay for such work from the bond proceeds. The bond will be released by the commission upon certification by the applicant's engineer, through submission of detailed "as built" plans, that all work is in accordance with the special permit. "As built" plans shall include grading plans, as well as erosion and sedimentation control details. Notwithstanding any other provision of this paragraph, the bond terms may provide for partial release of the bond as work is completed.

(i) A special permit shall become effective upon the filing of a copy thereof (1) in the office of the city clerk and (2) in the land records of the city in accordance with the provisions of general statutes section 8-3d.

Sec. 172. Special permit review criteria.

In reviewing any application for a special permit, the commission shall consider, and shall base its approval or disapproval upon, all aspects of the proposal and in particular whether the proposal in the application: is in harmony with the plan of conservation and development; complies with all applicable sections of these regulations pertaining to the district in which the proposal is located; comports with the purposes of the district in which the proposal is located; will not be detrimental to existing development in the district because of its location, bulk, scale, or design; does not create safety hazards in the proposed vehicular and pedestrian circulation pattern; will not seriously degrade traffic levels of service without providing adequate mitigation measures; is compatible with adjacent properties; provides for the suitable arrangement of buildings, open space, and provision of light and air; properly provides for adequate provision of essential services; will not be detrimental to the control of stormwater at its source and the minimization of runoff; does not place excessive demands on city services and infrastructure; provides landscaping, including vegetation and trees, which are appropriate to the district and enhance the public realm; provides pedestrian amenities; and otherwise satisfies the criteria and purposes in the section, if any, describing the issuance and purpose of the special permit. The commission may require modifications to the application, or may condition its approval for a special permit application, to satisfy concerns in any of the preceding areas.

Secs. 173-180. Reserved.

ARTICLE III. DISTRICTS

DIVISION 1. GENERALLY

Sec. 181. City divided into districts; number; map adopted; exceptions.

(a) For the purposes of promoting the health, safety, morals and general welfare of the community; lessening congestion in the streets; securing safety from fire, panic and other dangers; providing adequate light and air; preventing the overcrowding of land and avoiding undue concentration of population; facilitating adequate provision for transportation, water, sewerage, schools, parks and other public requirements; conserving the value of buildings and encouraging the most appropriate use of land throughout the city; providing for the public health, comfort and general welfare in living and working conditions; regulating and restricting the location of trades and industries and the location of buildings designed for specified uses; regulating and limiting the height and bulk of buildings erected; and regulating and determining the area of yards, courts and other open spaces for buildings erected, the city is divided (zoned) into twenty-two (22) classes of districts as follows:

I-1	Industrial District
I-2	Industrial District
C-1	Commercial District
B-1	Downtown Development District
B-2	Downtown Development Perimeter District
B-3	Business District (general-linear business)
B-4	Business District (neighborhood business)
RO-1	Residence-Office District
RO-2	Residence-Office District
RO-3	Residence-Office District
R-1	Residence District (high density)
R-2	Residence District (medium density)
R-3	Residence District (medium density)
R-4	Residence District (three-family)
R-5	Residence District (one- and two-family)
R-6	Residence District (one-family)
R-7	Residence District (one-family)
R-8	Residence District (one-family)
P	Public Property and Cemetery District
FP	Floodplain District
HOD	Housing Overlay District
IROD	Industrial Re-Use Overlay District

(b) The boundaries of such districts shall be as shown on the set of zoning district maps, as amended from time to time, which are filed in the office of the city clerk. Such maps are hereby declared to be a part of these regulations as fully as if set out in this section. No building, structure or land shall be used and no building or structure shall be erected or altered, except in conformity with the regulations prescribed in these regulations for the district in which such building, structure or land is located.
(c) The provisions of these regulations shall apply to any use or development of land or buildings that is commenced, recommenced, constructed, reconstructed, rebuilt, relocated, enlarged or expanded after January 1, 2006.
(d) The provisions of these regulations shall not apply to any application for a building permit or certificate of occupancy for city public school facilities filed by the city or the board of education.

Sec. 182. Summary schedule of district requirements

(a) The summary schedule of various requirements in the zoning regulations is as follows, provided, however, that where there is conflict between this section and provisions in sections 201-850 of article III, the provisions of sections 201-850 of article III shall prevail:

Zoning District	Maximum Permitted Residential Density	Maximum Permitted Floor Area Ratio	Minimum Required Lot Area (square feet)	Maximum Permitted Lot Coverage (percent)	Minimum Required Lot Width (feet)	Minimum Required Setback Principal Building (feet) Front	Side	Rear	Maximum Permitted Height	Minimum Required Usable Open Space (sq. ft./ person)
I-1	N.A.	N.A.	6,000	40(80)[1]	60	B.L.	N.R.[2]	N.R.[2]	N.R.	N.A.
I-2	N.A.	N.A.	15,000	50(70)[1]	100	B.L.	N.R.[2]	N.R.[2]	N.R.	N.A.
C-1	N.A.	N.A.	10,000	60	60	B.L.	N.R.[2]	N.R.[2]	N.R.	N.A.
B-1 Non-Res.[2]	N.A.	Min. 3, Max. 10	N.R.	N.R.	N.R.	N.R.	N.R.	N.R.	N.R.	N.A.
Res.[3]		N.A. [14]	N.R.	N.R.	N.R.	N.R.	N.R.		N.R.	

B-2 Non-Res.[3]	N.A.	7[15]	N.R.	N.R.	N.R.	B.L.	N.R.	N.R.	N.R.	N.A.
Res.[3]	N.R.		N.R.	N.R.	N.R.	B.L.	(30) N.R.	N.R.	N.R.	40[6]
B-3 Non-Res.[3]	N.A.	2[5]	6,000[18]	50	50	B.L.	N.R.[10]	20	4 stories[18]	N.A.
Res.[3]	180 PPA[4]		6,000[18]	30(50)[4]	50	B.L.	20 & 8 or 1/4[(9+11)]	30[4]	4 stories[18]	50[6]
B-4 Non-Res.[3]	N.A.	2[5]	6,000[18]	50	50	B.L.	N.R.[10]	20	4 stories[18]	N.A.
Res.[3]	180 PPA[4]		6,000[18]	30(50)[1 & 4]	50	B.L.	20 & 8 or 1/4[(9+11)]	30[4]	4 stories[18]	50[6]
RO-1 Office[3]	N.A.	3[5]	7,500	30(50)[1]	60	B.L.	¼[9]	30	N.R.	N.A.
Res.[3]	300 PPA[4]		7,500	30(50)[1]	60	B.L.	25 & 10 or 1/4[(9+11)]	30	N.R.	40[6]
RO-2 Office[3]	N.A.	2[5]	7,500	30(50)[1]	50	B.L.	8 or 1/4[10]	30	N.R.	N.A.
Res.[3]	225 PPA[4]		7,500	30(50)[1]	50	B.L.	20 & 8 or 1/4[(9+11)]	30	N.R.	50[6]

Zoning District	Maximum Permitted Residential Density	Maximum Permitted Floor Area Ratio	Minimum Required Lot Area (square feet)	Maximum Permitted Lot Coverage (percent)	Minimum Required Lot Width (feet)	Minimum Required Setback Principal Building (feet) Front	Side	Rear	Maximum Permitted Height	Minimum Required Usable Open Space (sq. ft. per unit shown)
RO-3 Office	N.A.	0.5	6,000	30(45)[1]	50	B.L.	15 & 5 or 1/4[(9+11)]	30	3-1/2 stories	N.A.
Res.	75 PPA[4]		6,000	30(45)[1]	50	B.L.	15 & 5 or 1/4[(9+11)]	30	3-1/2 stories	150/person
R-1	150 PPA	N.A.	6,000[19]	30(45)[1]	50	B.L.	15 & 5 or 1/4[(9+11)]	30	4 stories[19]	50/person
R-2	100 PPA	N.A.	6,000[19]	25(40)[1]	50	B.L.	15 & 5 or 1/4[(9+11)]	30	4 stories[19]	90/person
R-3	75 PPA	N.A.	6,000	25(40)[1]	50	B.L.	15 & 5 or 1/4[(9+11)]	30	3-1/2 stories	150/person
R-4	3 DUL[21+22]	N.A.	7,000[20]	25(40)[1]	50	B.L.	15 & 5 or 1/4[(9+11)]	30	3-1/2 stories	2,500/lot
R-5	2	N.A.	7,000	25	50	B.L.	30 & 6[12]	30	3-1/2	2,500/lot

	DUL[20+21+22]								stories	
R-6	1 DUL[20+21+22]	N.A.	6,000	25	50	B.L.	30 & 6[12]	30	3-1/2 stories	2,500/lot
R-7	1 DUL[20+21+22]	N.A.	7,500	25	60	B.L.	30 & 6[12]	30	3-1/2 stories	2,500/lot
R-8	1 DUL[21+22]	N.A.	12,000	25	80	B.L.	15	30	3-1/2 stories	5,000/lot

P - See specific development provisions
HOD - See specific development provisions
PPA - Persons Per Acre
B.L. - Building Line (existing)
N.R. - No Requirement
FP - See specific development provisions
IROD - See specific development provisions
N.A. - Not Applicable
DUL – Dwelling Unit Per Lot
TOD – See specific development provisions

NOTES: Correspond with the paragraph numbers in subsection (b).

(b) Notes regarding subsection (a) are as follows:

(1) The first number indicates the maximum permitted lot coverage of all buildings and structures. The number in parentheses indicates the maximum permitted lot coverage of all buildings and structures together with outside storage and impervious surface;
(2) No requirement, except a minimum of thirty (30) feet when property abuts an RO, R or P district;
(3) For combination residential-commercial or residential-office structures, see specific development provision of particular district;
(4) Requirement for residential structures or residential portion of a structure. The number in parentheses, if any, indicates the maximum permitted lot coverage if covered parking is provided as set forth in divisions 2 through 22, in this article;
(5) The maximum floor area ratio (FAR) for all structures on any one (1) lot;
(6) Requirement for any lot occupied by a structure used in whole or in part for residential purposes;
(7) No requirement, except where one (1) is provided, it shall be a minimum of twenty (20) feet;
(8) Intentionally omitted;
(9) Fraction refers to that portion (residential, commercial or office) of the height of the adjacent wall of the structure; setback shall be whichever is greater;
(10) No requirement, except when provided for or where property abuts a residential property, shall be a minimum of eight (8) feet;
(11) The first number indicates the minimum total side setback requirement; the second number indicates the minimum requirement of either side setback; the fraction, if any, refers to the individual setback and is as explained in paragraph (9);
(12) The first number indicates the minimum total percent of lot frontage which shall be in side setback, the second number indicates the minimum requirement for each side setback;
(13) Intentionally deleted;
(14) The minimum floor area ratio (FAR) for all structures shall be two (2) for any lot or zoning lot. The commission may grant permission to develop a structure with a floor area ratio (FAR) of less than two (2) if a lower floor area ratio (FAR) conforms to the downtown development plan. The maximum floor area ratio (FAR) permitted for non-bonus projects shall be ten (10) for any lot or zoning lot. For bonus projects there shall be no maximum floor area ratio (FAR);
(15) The minimum floor area ratio (FAR) for all structures shall be two (2) for any lot or zoning lot. The commission may grant permission to develop a structure with a floor area ratio (FAR) of less than two (2) if a lower floor area ratio (FAR) conforms to the provisions of section 322 (relating to purposes of the B-2 district) and the plan of conservation and development. The maximum floor area ratio permitted shall be seven (7) for any lot or zoning lot except that space provided within the building for residential use, in accordance with the mandate of section 817 (relating to HOD district permitted uses) shall be exempt and not counted in the calculation of the floor area ratio (FAR).

(16) No requirement, except a maximum permitted height of ten (10) stories or one hundred twenty (120) feet, whichever is less, for lots containing fifty thousand (50,000) square feet or less of lot area.

(17) No requirements, except a maximum permitted height of seven (7) stories or eighty-four (84) feet, whichever is less, for lots containing thirty-five thousand (35,000) square feet or less of lot area.

(18) Maximum permitted height shall be four (4) stories or forty-eight (48) feet, whichever is less, except in the case of a special permit application. The minimum required lot area for a building or structure which exceeds four (4) stories or forty-eight (48) feet in height shall be eight thousand five hundred (8,500) square feet.

(19) Maximum permitted height shall be four (4) stories or forty (40) feet, whichever is less, except in the case of a special permit application. The commission may modify the maximum permitted height requirement. The minimum required lot area for a building or structure which exceeds four (4) stories or forty (40) feet in height shall be ten thousand (10,000) square feet.

(20) In the R-5, R-6, and R-7 zones, the number of dwelling units per lot shall not be deemed to limit the number of roomers otherwise allowed by section 983 as an accessory to a principal dwelling unit occupied by a family.

(21) In the case of a group dwelling permitted in these zones pursuant to section 890 or 902, the density requirements for the permitted group dwelling apply, in lieu of the dwelling unit per lot requirement of this section 182.

(22) The applicable dwelling unit per lot limitation shall be increased by one (1) dwelling unit for those zoning lots with a duly authorized accessory dwelling unit in an accessory garage or barn pursuant to section 17 or section 911 of these regulations.

Secs. 183-200. Reserved.

DIVISION 2. I-1 INDUSTRIAL DISTRICT

Sec. 201. Purpose.

The purpose of the I-1 district in the city is to provide for the location of the heavier types of industry common to the city. The heavy industrial district is intended as an area for the location of the city incinerator, motor vehicle wrecking yards and similar uses.

Sec. 202. Uses permitted.

Land and water areas shall be used and buildings or structures shall be erected, altered, enlarged or used only for one (1) or more of the uses indicated in the I-1 column of the table of permitted uses subject to such standards as may be referred to in that column and in the special requirements column of such table and in article IV, division 2 (relating to required conditions for certain uses).

Sec. 203. Permitted accessory uses.

In addition to customary accessory uses the following uses shall be permitted in the I-1 district where accessory to a permitted principal use: Guardhouses, cafeterias, dining rooms, recreational facilities, clinics, and the sleeping quarters of a caretaker or watchman.

Sec. 204. Required parking and loading areas.

Off-street parking and off-street loading in the I-1 district shall be provided in accordance with the provisions of article V (relating to off-street parking and off-street loading provisions) of these regulations.

Sec. 205. Required lot area.

Every parcel of property to be utilized for an I-1 use shall have a minimum lot area of six thousand (6,000) square feet.

Sec. 206. Permitted lot coverage.

All principal structures, with their accessory structures, shall occupy not more than forty (40) percent of the area of the lot. The total lot coverage of all structures together with outside storage and impervious surface shall exceed not more than eighty (80) percent of the area of the lot.

Sec. 207. Lot width.

Every I-1 lot shall have a minimum width at the street line of sixty (60) feet.

Sec. 208. Front setback.

There shall be a front setback for every I-1 principal structure in conformance with the existing building line and veranda line.

Sec. 209. Side setback.

No side setback in I-1 use shall be required except where such property abuts upon an RO-1, RO-2, RO-3, R-1, R-2, R-3, R-4, R-5, R-6, R-7, R-8, or P district, in which case every use of property, except motor vehicle parking, shall be set back from the side property line a minimum distance of thirty (30) feet.

Sec. 210. Rear setback.

No I-1 rear setback shall be required except where such property abuts upon an RO-1, RO-2, RO-3, R-1, R-2, R-3, R-4, R-5, R-6, R-7, R-8, or P district, in which case every use of property, except motor vehicle parking, shall be set back from the rear property line a minimum distance of thirty (30) feet.

Sec. 211. Maximum height limit.

There shall be no I-1 maximum height requirement.

Sec. 212. Lots abutting upon a residential district.

Where an I-1 lot abuts upon a district listed in sections 209 (relating to side setbacks) and 210 (relating to rear setbacks) and where a side setback or rear setback is required, such industrial property shall be screened on the abutting sides by a solid fence not less than eight (8) feet in height or, in the alternative, by a continuous screen of plants adjacent to the property line, which screen shall be adequately maintained at all times and shall provide year-round screening.

Secs. 213-230. Reserved.

DIVISION 3. I-2 INDUSTRIAL DISTRICT

Sec. 231. Purpose.

The purpose of the I-2 industrial district in the city is to provide for medium to heavy industry characterized by a minimum of noise, odor, glare, and pollution, and by moderate traffic upon the public streets. It is the purpose of this district to encourage the continuance and expansion of industry of this kind and its creation, and to develop a more compatible relationship between such industry and surrounding residential areas.

Sec. 232. Uses permitted.

I-2 land and water areas shall be used and buildings or structures shall be erected, altered, enlarged or used only for one (1) or more of the uses indicated in the I-2 column of the table of permitted uses subject to such standards as may be referred to in that column and in the special requirements column of such table and in article IV, division 2 (relating to required conditions for certain uses) of these regulations.

Sec. 233. Permitted accessory uses.

In addition to customary accessory uses the following I-2 uses shall be permitted where accessory to a permitted principal use: Guardhouses, cafeterias, dining rooms, recreational facilities, clinics, and the sleeping quarters of a caretaker or watchman.

Sec. 234. Required parking and loading areas.

Off-street parking and off-street loading in I-2 use shall be provided in accordance with the provisions of article V (relating to off-street parking and off-street loading) of these regulations.

Sec. 235. Required lot area.

Every parcel of property to be utilized for an I-2 use shall have a minimum lot area of fifteen thousand (15,000) square feet.

Sec. 236. Permitted lot coverage.

All I-2 principal structures, with their accessory structures, shall occupy not more than fifty (50) percent of the area of the lot. The total lot coverage of all structures together with outside storage and impervious surface shall exceed not more than seventy (70) percent of the area of the lot.

Sec. 237. Lot width.

Every I-2 lot shall have a minimum width at the street line of one hundred (100) feet.

Sec. 238. Front setback.

There shall be a front setback for every I-2 principal structure in conformance with the existing building line and veranda line.

Sec. 239. Side setback.

No I-2 side setback shall be required except where such property abuts upon an RO-1, RO-2, RO-3, R-1, R-2, R-3, R-4, R-5, R-6, R-7, R-8, or P district, in which case every use of property, except motor vehicle parking, shall be set back from the side property line a minimum distance of thirty (30) feet.

Sec. 240. Rear setback.

No I-2 rear setback shall be required except where such property abuts upon an RO-1, RO-2, RO-3, R-1, R-2, R-3, R-4, R-5, R-6, R-7, R-8, or P district, in which case every use of property, except motor vehicle parking, shall be set back from the rear property line a minimum distance of thirty (30) feet.

Sec. 241. Maximum height limit.

There shall be no I-2 maximum height requirement.

Sec. 242. Lots abutting upon a residential district.

Where an I-2 lot abuts upon a district listed in sections 239 (relating to side setbacks) and 240 (relating to rear setbacks), and where a side setback or rear setback is required, such industrial property shall be screened on the abutting sides by a solid fence not less than eight (8) feet in height or, in the alternative, by a continuous screen of plants adjacent to the property line, which screen shall be adequately maintained at all times and shall provide year-round screening.

Secs. 243-260. Reserved.

DIVISION 4. C-1 COMMERCIAL DISTRICT

Sec. 261. Purpose.

The purpose of the C-1 district in the city is to provide locations for uses such as storage warehouses, wholesalers, laboratories, computer centers and display rooms and offices of equipment manufacturers where the equipment is medium or large in size.

Sec. 262. Uses permitted.

C-1 land and water areas shall be used and buildings or structures shall be erected, altered, enlarged or used only for one (1) or more of the uses indicated in the C-1 column of the table of permitted uses subject to such standards as may be referred to in that column and in the special requirements column of such table and in article IV, division 2 (relating to required conditions for certain uses), of these regulations.

Sec. 263. Permitted accessory uses.

Customary C-1 accessory uses are permitted.

Sec. 264. Required parking and loading areas.

C-1 off-street parking and off-street loading shall be provided in accordance with the provisions of article V (relating to off-street parking and off-street loading provisions) of these regulations.

Sec. 265. Required lot area.

Every parcel of property to be utilized for a C-1 use shall have a minimum lot area of ten thousand (10,000) square feet.

Sec. 266. Permitted lot coverage.

Not more than sixty (60) percent of the area of a C-1 lot may be used for lot coverage, other than required off-street parking.

Sec. 267. Lot width.

Every C-1 lot shall have a minimum width at the street line of sixty (60) feet.

Sec. 268. Front setback.

There shall be a front setback for every C-1 principal structure in conformance with the existing building line and veranda line.

Sec. 269. Side setbacks.

No C-1 side setback shall be required except where such property abuts upon an RO-1, RO-2, RO-3, R-1, R-2, R-3, R-4, R-5, R-6, R-7, R-8, or P district, in which case every use of property, except motor vehicle parking, shall be set back from the side property line a minimum distance of thirty (30) feet.

Sec. 270. Rear setback.

No C-1 rear setback shall be required except where such property abuts upon an RO-1, RO-2, RO-3, R-1, R-2, R-3, R-4, R-5, R-6, R-7, R-8, or P district, in which case every use of property, except motor vehicle parking, shall be set back from the rear property line a minimum distance of thirty (30) feet.

Sec. 271. Maximum height limit.

There shall be no C-1 maximum height requirement.

Sec. 272. Lots abutting upon a residential district.

Where a C-1 lot abuts upon a district described in sections 269 (relating to side setbacks) and 270 (relating to rear setbacks), and where a side setback or rear setback is required, such commercial property shall be screened on the abutting sides by a solid fence not less than eight (8) feet in height or, in the alternative, by a continuous screen of plants adjacent to the property line, which screen shall be adequately maintained at all times and shall provide year-round screening.

Secs. 273-291. Reserved.

DIVISION 5. B-1 DOWNTOWN DEVELOPMENT DISTRICT

Sec. 292. Purpose.

The purpose of the B-1 downtown development district is to promote the health, safety, social and economic welfare of the residents of the city by increasing the city's tax base and promoting the long-term economic growth of the downtown area. By implementing an expeditious administrative process the city desires to encourage development that will be compatible with the character of the downtown area and conform to the downtown development plan. These regulations further the additional goals to:
(a) Foster and promote the orderly expansion of commercial office development so that the city will enhance its position as a center for economic and business affairs;
(b) Provide for an expanding source of employment opportunities for the city's inhabitants and encourage the development of a desirable working environment;
(c) Implement a plan for improved pedestrian and vehicular circulation and parking management;
(d) Retain and promote the establishment of a variety of retail consumer and service businesses so that the needs of the area's residential and working population will be satisfied;
(e) Encourage excellence in urban design;
(f) Preserve the unique character and historic fabric of the downtown;
(g) Reinforce the role of the downtown as a community center and a meeting place for people from all walks of life and all economic groups;
(h) Provide an incentive for development in a manner consistent with the objectives of the section;
(i) Provide for an increased presence and integration of the arts and related cultural activities in the downtown development district;
(j) Further and enhance the goals of the downtown development plan; and
(k) Provide incentive for environmentally conscious development, reduction of stormwater runoff and pollution, which will promote the health of residents and beautification of the city.

Sec. 293. Uses permitted.

B-1 land and water areas shall be used and buildings shall be erected, altered, enlarged or used only for one (1) or more of the uses permitted in the B-1 downtown development district by the table of permitted uses, article IV, division 1 (relating to permitted uses generally), of these regulations, subject to those standards and special requirements listed in the table of permitted uses and by article IV, division 2 (relating to required conditions for certain uses) of these regulations.

Sec. 294. Basic requirements.

All B-1 district projects shall comply with the following requirements:
(a) *Uses mandated.* For all buildings, at least fifteen (15) percent of the floor area of those floors which front on or connect to the pedestrian circulation system as shown in the downtown development plan shall be used for uses that are designated as retail trade under the table of permitted uses and permitted in the B-1 downtown development district. The retail trade use shall front on the pedestrian circulation system as shown in the downtown development district plan. The commission may waive this requirement, or reduce the required percentage of retail trade uses, if it specifically finds that no requirement or a lesser percentage is in accordance with the purposes set forth in section 292 (relating to purposes of B-1 district). The applicant shall covenant to ensure the continued use of such retail trade use for at least twenty (20) years, unless the commission specifically finds that a lesser period of time would be in accordance with the purposes set forth in section 292 (relating to purposes of B-1 district). Such covenant shall be recorded on the land records and run with the land.
(b) *Permitted accessory uses.* Customary accessory uses are permitted.
(c) *Required parking and loading areas.* Off-street parking shall be provided for new construction of nonresidential and residential uses in accordance with the provisions of article V (relating to off-street parking and off-street loading provisions) of these regulations with the exception of restaurants, cafes, and taverns for which there shall be no parking requirement. For all existing structures in the B-1 district no parking shall be required for a change in use.
(d) *Floor area ratio (FAR).* In the B-1 downtown development district the minimum total FAR for all buildings shall be three (3) for any lot or zoning lot. An applicant may request, and the commission may grant, permission to develop a project with an FAR of less than three (3) if a lower minimum FAR conforms to the downtown development plan and the purposes set forth in section 292 (relating to purposes of B-1 district). The maximum FAR permitted for non-bonus projects shall be ten (10) for any lot or zoning lot. For bonus projects there shall be no maximum FAR.
(e) *Limitations on persons per acre.* There shall be no per acre requirement.
(f) *Permitted lot coverage.* There shall be no lot coverage requirement.
(g) *Requirements of floor space per dwelling unit.* Every dwelling unit shall meet the requirements of floor space per unit as set forth in section 16 (relating to floor area).
(h) *Required lot area.* There shall be no lot area requirement.
(i) *Lot width.* There shall be no lot width requirement.
(j) *Front setback.* There shall be no front yard setback requirement.
(k) *Side setback.* There shall be no side setback requirement.
(l) *Rear setback.* There shall be no rear setback requirement.
(m) *Maximum height limit.* There shall be no maximum height requirement.
(n) *Required usable open space.* There shall be no usable open space requirement.
(o) *Transportation report.* A transportation management plan as described in section 960 (relating to transportation management plans) shall be submitted for complex projects. A transportation analysis as described in section 68(b)(6) shall be submitted for standard projects.

Sec. 295. Bonus eligibility.

Except as provided in subsection (k) for the location of neighborhood investment projects, a project shall be eligible for a bonus if space is provided within the project for the uses, improvements, or facilities set forth in this section according to the schedule in section 296 (relating to schedule of bonuses).
(a) *Residential uses* refers to all uses classified as household units under the table of permitted uses, article IV, division 1 (relating to permitted uses generally), of these regulations, and permitted as-of-right in the B-1 downtown development district.
(b) *Pedestrian-oriented retail uses* refers to uses that are designated as retail trade under the table of permitted uses and permitted in the B-1 downtown development district. Such uses shall be located in accordance with the

recommendations of the pedestrian circulation element of the downtown development plan and be visible from and have their major entrance on the pedestrian circulation system.

(c) *Transient parking* refers to parking spaces provided for short-term parking in a parking garage. The applicant shall submit to the commission a plan for ensuring that such spaces shall be used for transient parking. The commission shall not grant a bonus for transient parking unless it has specifically found that the plan is satisfactory and conforms to the downtown development plan.

(d) *Cultural/entertainment facilities* shall be open to the public on a regular basis. Such improvements shall include and be limited to visual arts space, performing arts space and motion picture theaters.

(1) *Visual arts space* means facilities that provide space for the visual arts, including but not limited to exhibition halls and galleries, which are visible from and directly accessible to the pedestrian circulation system as shown on the pedestrian circulation element of the downtown development plan.

(2) *Performing arts space* means facilities that provide spaces for the performing arts, including but not limited to concert halls and legitimate theaters, which are visible from (or have signage on) and are accessible to the pedestrian circulation system as shown on the pedestrian circulation element of the downtown development plan.

(3) *Motion picture theaters* means facilities that provide indoor space for the showing of motion pictures, which are visible from (or have signage on) and are accessible to the pedestrian circulation system as shown on the pedestrian circulation element of the downtown development plan.

(e) *Visitor and convention-related housing* refers to hotels furnishing lodging and food to travelers and other guests on a regular basis and providing exhibition space, assembly rooms and meeting rooms.

(f) *Pedestrian circulation improvements* refers to improvements to which the public is assured access on a regular basis, or an area that is dedicated to and accepted by the city for public access purposes. Such improvements shall be directly accessible to the pedestrian circulation system, which system is shown on the pedestrian circulation element of the downtown development plan. Such improvements shall include and be limited to sidewalk widening, arcades, through-block arcades, plazas and urban parks.

(1) *Sidewalk widening* means the widening of a paved walk at the side of a street. The widened area shall extend along the entire length of the lot or zoning lot and shall be open to the public at all times.

(2) *Arcade* means a continuous covered but not necessarily enclosed space which extends along the facade of a building and has at least two (2) entrances opening directly to a street, open space area, or sidewalk.

(3) *Through-block arcade* means a continuous covered space which runs through a building and connects a street, open space area or sidewalk to a street, open space area or sidewalk.

(4) *Plaza* means a continuous area which is open from the ground level to the sky for its entire width and length, which fronts on a street, sidewalk, or sidewalk widening, and which is directly accessible to the public at all times for use by the public for passive recreational purposes. The ground level of the plaza shall be constructed principally of hard-surfaced materials. An existing space between or next to a building or buildings shall not qualify.

(5) *Urban park* means a continuous area of land which is open from the ground level to the sky for its entire width and length, with the exception of recreational equipment or pedestrian amenities such as benches or lighting, which fronts on a street, sidewalk or sidewalk widening and which is directly accessible to the public during daylight hours for scenic or leisure purposes. The ground level of this area shall be covered principally with plantings.

(g) *Child day care centers* shall be as defined in section 2.

(h) *Preservation of historic buildings* refers to a building listed in the National Register or located in a registered historic district and certified by the U.S. Secretary of the Interior as being in compliance with the standards for rehabilitation and guidelines for rehabilitating old buildings, for which the applicant donates a preservation restriction whose purpose is the preservation of the external nature of the building as of the date of the conveyance of such restriction to a governmental body or a charitable organization or trust whose purposes include preservation of buildings of historical significance.

(i) *Employment and job training* refers to provision of employment or job training programs for city residents, either as part of the construction phase or upon completion of a project, which shall be in accordance with a hiring and employment agreement between the city and the applicant. In determining the FAR bonus for each permanent job pursuant to this paragraph, twenty-five (25) percent of the total employment in the occupancy phase of a project reserved for city residents shall be equal to six hundred twenty-five (625) square feet of bonus floor area. Failure to

meet the employment reserved for city residents shall subject the applicant to a payment as provided in section 296 (relating to bonuses) for applicants who choose to make a payment to the linkage trust fund in lieu of providing residential uses or employment and job training.

(j) *Streetscape improvements* refers to those physical improvements within the public right-of-way that lies between building frontages and which is part of, adjoins or is adjacent to the lot or zoning lot. Such improvements shall include, but not be limited to the use of unit pavers; street lighting which achieves a one-foot candle minimum at a maximum-to-minimum ratio of ten (10) to one (1) and which also achieves cut off at a maximum of seventy (70) degrees above nadir; street trees, which shall be a minimum of six (6) inches in caliper with an average of seven (7) inches in caliper, shall be of a species approved by the city forester, shall be placed with a flush grating such that one (1) tree is provided for every thirty (30) lineal feet of frontage and shall be installed in accordance with accepted city standards; curbing and catch basins which shall be granite; benches, bollards, kiosks, moveable or fixed planters, drinking fountains, litter receptacles, walls and ledges, signage, etc., which shall be considered on a case-by-case basis. Depending on the physical constraints of the development area, the requirements of this paragraph may be modified upon recommendation of the commission.

(k) *Neighborhood investment project* refers to a project located outside the B-1 downtown development district or a residential project within the B-1 downtown development district designated by the commission as having strategic priority in achieving the objective of a neighborhood plan or the downtown development plan, and may, but need not, be a private development project or a project for which the city or the redevelopment agency has previously designated a developer.

Sec. 296. Schedule of bonuses.

(a) *Eligibility*. If a proposed use, improvement, or facility complies with the standards set forth in section 295 (relating to bonus eligibility) and this section it shall be eligible for bonus floor space. The bonus ratio is the ratio of the area in square feet of the bonus use, improvement, or facility to the floor area permitted for bonus projects in excess of an FAR of ten (10). A bonus ratio of one (1) to three (3) means that for each square foot of the improvement, use, or facility the project shall be eligible for three (3) additional square feet of floor area for permitted uses. The FAR cap shall be the maximum increase in the FAR that shall be permitted for each category or subcategory of bonus, with the exception of pedestrian circulation improvements and cultural/entertainment facilities, where the FAR cap applies to the entire category. In a project as a park, a plaza, an arcade and a through block arcade, the combined maximum FAR cap for these improvements shall be one (1).

Use, improvement or facility	Bonus ratio	FAR cap
Residential uses	1:8	4
Pedestrian-oriented retail uses	1:3	2
Transient parking	1:4	2
Cultural/entertainment facilities:		
Visual arts space	1:4	1
Performing arts space	1:4	1
Motion picture theaters	1:4	1
Visitor and convention-related housing	1:1	1
Pedestrian circulation improvements:		
Sidewalk widening	1:4	1
Arcades	1:4	1
Through-block arcade	1:4	1
Plazas	1:4	1
Urban parks	1:4	1

Child day care center	1:6	1
Preservation of historic buildings	1:3	2.5
Employment	1:625	6
Streetscape improvements		
Street	1:2	1
Sidewalk	1:1.5	1
Green roof	1:6	1
Functional green roof	1:6	2
Neighborhood improvement project	1:8	4

(b) *Payment in lieu of providing residential uses or employment and job training.* Applicants for residential and/or employment bonuses may choose to receive additional floor area in lieu of residential construction and/or the provision of employment by contribution to the linkage trust fund an amount equal to fifteen dollars ($15.00) per square foot for each foot of bonus floor area. In determining the amount of additional FAR that can be permitted under these categories, the FAR cap for residential uses and/or employment shall apply.
(c) *Neighborhood improvement project bonus.* Applicants for a neighborhood investment project bonus may include an offer of an equity investment in a neighborhood investment project which shall include a specified amount of floor area in a project in addition to that otherwise authorized under these regulations. Should the commission authorize additional floor area on such a basis, it shall specify in its resolution approving the special permit no fewer than three (3) eligible neighborhood investment projects. Applicants shall make investment in a neighborhood investment project so specified at such time determined by commission, but in no event later than the fifth anniversary of issuance of the zoning permit for the bonus special permit project. Applicants shall provide and maintain with the city treasurer a cash deposit, letter of credit or surety bond from the date of issuance of the zoning permit for the bonus special permit project until substantial completion of the neighborhood investment project or until such fifth anniversary, on which date the cash deposit, letter of credit or surety bond shall be forfeited to the neighborhood investment fund. The eligible bonus floor area for investment in a neighborhood investment project shall be eight (8) square feet of gross floor area for each one (1) square foot of gross floor area of residential use based on the applicant's fractional equity interest in the entity owning the neighborhood investment project or one (1) square foot of gross floor area for each ten dollars ($10.00) of equity investment in developing nonresidential uses up to the FAR cap.
(d) *Combined FAR cap for specified uses.* Applicants shall not be eligible to receive bonus floor area for residential uses, employment and job training or through investment in a neighborhood investment project, or any combination of the foregoing, in an amount greater than an FAR cap of ten (10).

Sec. 297. Procedures for standard projects.

Applicants for standard projects in the B-1 zoning district shall apply for a special permit. Such projects shall be reviewed by the commission as follows.
(a) *Informal review.* Potential applicants at the beginning of the conceptual phase of a project are encouraged to seek preliminary informal review of the proposed project with the city staff, before an application for a special permit is submitted. Potential applicants should be prepared to discuss the proposed site plan, basic massing, location of proposed uses, pedestrians and vehicular circulation, parking and access.
(b) *Application procedure.* Applicants shall submit to the commission an application for special permit approval, including a basic review set and an enhanced review set.
(c) The commission may grant a special permit if the applicant conforms to the downtown development plan; complies with the purposes set forth in section 292 (relating to purposes of B-1 district) complies with the basic requirements in sections 293 (relating to B-1 district permitted uses) and 294 (relating to B-1 district basic requirements); and otherwise satisfies the criteria set forth in section 172.

Sec. 298. Reserved.

Sec. 299. Procedures for complex and bonus projects.

Applicants for complex and bonus projects in the B-1 zoning district shall apply for a special permit. Such projects shall be reviewed by the commission as follows.

(a) *Informal review.* A potential applicant is encouraged to follow the procedures outlined in section 297(a) (relating to informal review for B-1 district standard projects). The potential applicant also should be prepared to discuss proposed bonus uses, facilities and improvements.

(b) *Preapplication review.*

(1) Applicants for a special permit for a complex or bonus project shall request a preapplication review by the commission and shall submit drafts of the basic review set and an enhanced review set.

(2) The commission shall make a report of their recommendations to the applicant, orally or in writing, no less than thirty five (35) days after the receipt of the applicant's request. This period may be extended by an additional thirty-five (35) days at the request of the applicant. The failure of the commission to report within the established time period, shall be considered as a favorable recommendation on the application.

(c) *Application procedure.*

(1) Applicants shall submit to the commission an application for special permit approval, including a basic review set and an enhanced review set.

(2) The commission may grant a special permit if the applicant conforms to the downtown development plan; complies with the purposes set forth in section 292 (relating to purposes of B-1 district); complies with the basic requirements in sections 293 (relating to B-1 district permitted uses) and 294 (relating to B-1 district basic requirements); and otherwise satisfies the criteria set forth in section 172.

(3) The commission shall grant bonuses in accordance with sections 295 (relating to B-1 district bonus eligibility) and 296 (relating to bonuses) if the use, improvement, or facility is located in areas delineated for the particular use, improvement or facility in the downtown development plan and conforms to the downtown development plan and the application complies with the special permit standards set forth in this section.

Sec. 300. Bonuses, continuing character of obligation.

(a) Where a bonus is granted pursuant to this division, the applicant shall covenant to ensure the continued use of the use, facility or improvement for the purpose for which the bonus was granted. The covenant shall be for a term of twenty (20) years, unless the commission specifically finds that another period of time would be in accordance with the purposes set forth in section 292 (relating to purposes of B-1 district). Such covenant shall be recorded on the land records and shall run with the land.

(b) An applicant who constructs a pedestrian circulation improvement shall be responsible for the maintenance, upkeep and provision of insurance for the improvement, unless it has been dedicated to and accepted by the city. If the improvement is not maintained, the city may, at its sole option, place a lien on the property, maintain the improvement, and seek reimbursement from the owner.

(c) If the use, improvement or facility for which the commission granted the bonus is not suitably maintained, the city may, at its sole option, place a lien on the property, do the maintenance or repair work, and seek reimbursement from the owner.

Secs. 301-321. Reserved.

DIVISION 6. B-2 DOWNTOWN DEVELOPMENT PERIMETER DISTRICT

Sec. 322. Purpose.

The purpose of the B-2 district in the city is to provide for a high quality, stimulating, mixed use urban environment defined by a strong residential, office, cultural and commercial presence which enhances the visual character and provides a vibrant pedestrian ambiance. The city desires to encourage development that will provide sensitive transitions in the scale, use and intensity of the B-1 downtown development district relative to surrounding residential areas. These regulations further the following goals:

(a) Provide an incentive for residential development in close proximity to the city's central business core; and

(b) Encourage excellence in urban design by:

(1) Reinforcing active streets with retail and commercial uses and pedestrian amenities,
(2) Encouraging development which avoids large gaps or open spaces in block frontages,
(3) Improving the physical and psychological transition between the B-1 downtown development district and nearby residential neighborhoods,
(4) Encouraging garage structures which are not visible from the pedestrian active streets, except for their entrances and exits, and
(5) Preserving views to important landmarks such as Bushnell Park, the state capitol, the downtown skyline.

Sec. 323. Uses permitted.

B-2 land and water areas shall be used and buildings shall be erected, altered, enlarged or used only for one (1) or more of the uses permitted in the B-2 district by the table of permitted uses in article IV, division 1 (relating to permitted uses generally), of these regulations, subject to those standards and special requirements listed in the table of permitted uses and by article IV, division 2 (relating to required conditions for certain uses). Residential uses shall be mandated within the B-2 district in accordance with the provisions of sections 181 (relating to districts) and 816 (relating to purposes of HOD district).

Sec. 324. Permitted accessory uses.

Customary B-2 accessory uses are permitted.

Sec. 325. Required parking and loading areas.

B-2 off-street parking shall be provided for nonresidential and residential uses in accordance with the provisions of article V (relating to off-street parking and off-street loading) of these regulations.

Sec. 326. Floor area ratio.

(a) In the B-2 district the floor area ratio shall be the floor area of the building on any lot or zoning lot divided by the area of such lot or zoning lot or, in the case of planned developments, by the net site area. Where off-street parking is provided, the space provided within the building or accessory building for parking shall be counted in determining the floor area of that building, with the exception of required parking for household units, and parking provided in a structure which has less than one-half of its floor-to-ceiling height above the average finished grade of the adjoining ground. Space provided within the building for residential use, in accordance with the mandate of section 816 (relating to purposes of HOD district), shall be exempt and not counted in the calculation of the floor area ratio (FAR).
(b) The minimum total FAR for all buildings shall be two (2) for any lot or zoning lot. An applicant may request, and the commission may grant, permission to develop a project with an FAR of less than two (2) if a lower minimum FAR conforms to the city plan of conservation and development and the purposes set forth in section 322 (relating to purposes of B-2 district).
(c) The maximum FAR permitted shall be seven (7) for any lot or zoning lot.

Sec. 327. Areas with no requirements.

There shall be no requirements in the following B-2 areas:
(a) Limitations on persons per acre;
(b) Permitted lot coverage;
(c) Required lot area;
(d) Lot width;
(e) Side setback;
(f) Rear setback.

Sec. 328. Requirements of floor space per dwelling unit.

Every B-2 dwelling unit shall meet the requirements of floor space per unit as set forth in section 16 (relating to floor area).

Sec. 329. Front setback.

There shall be a front setback for all B-2 principal buildings in conformance with the existing building and veranda lines.

Sec. 330. Maximum height limit.

No portion of a B-2 structure which is located on land which fronts on a street bounded by a public park containing in excess of one (1) acre shall exceed a height of ninety (90) feet for a depth of sixty (60) feet from the front street line, except that certain architectural features such as church spires, roof structures for the housing of elevators, stairways, fans or similar equipment required to operate or maintain the building and fire or parapet walls, skylights, steeples, flagpoles and chimneys or similar structures are permitted beyond the ninety-foot height limit. Residential portions of a building or structure may be increased beyond ninety (90) feet if a setback from the building line at a ratio of one (1) foot for each two (2) feet of increased building height is provided.

Sec. 331. Required usable open space.

There shall be provided, in B-2 uses, a minimum of forty (40) square feet of usable open space per person in accordance with the table of densities set forth in the definition of "density" in section 2 and in accordance with the provisions under the definition of "open space, usable" in sections 2 and 9, except that there shall be no requirement for usable open space for transient lodgings.

Sec. 332. Reserved.

Sec. 333. Procedures for projects.

Applicants for new projects in the B-2 district and applicants for projects in the B-2 district which increase the gross square footage of an existing structure by greater than ten (10) percent or consist of a façade alteration proposal that affects more than ten (10) percent of the facade of an existing building shall apply to the commission for a special permit. Such projects shall be reviewed by the commission as follows:
(a) *Informal review.* Potential applicants at the beginning of the conceptual phase of a project are encouraged to seek preliminary informal review of the proposed project with the city staff, before an application for preliminary special permit approval is submitted. Potential applicants should be prepared to discuss the proposed site organization, basic massing, location of proposed uses, pedestrian and vehicular circulation, traffic impact, parking, loading, and access and egress. At this time, use of schematic drawings is recommended.
(b) *Application procedure.* Applicants shall submit to the commission an application for special permit approval, including a basic review set and an enhanced review set.
(c) *Decision.* The commission shall approve a special permit after analyzing its decision-making criteria in section 172 and confirming that the application complies with sections 323 through 331 (relating to B-2 district uses and requirements).

Sec. 334. Residential development; continuing character of obligation.

Where B-2 residential units are provided the applicant shall covenant to ensure the continued use of the use, facility or improvement. The covenant shall be for a term of twenty (20) years, unless the commission specifically finds that another period of time would be in accordance with the purposes set forth in section 322 (relating to purposes of B-2 district). Such covenant shall be recorded on the land records and shall run with the land. All covenants shall be in place prior to issuance of the B-2 building permit. If the residential use, improvement or facility is not suitably maintained, the city may, at its sole option, place a lien on the property, do the maintenance or repair work, and seek reimbursement from the owner.

Secs. 335-355. Reserved.

DIVISION 7. B-3 LINEAR BUSINESS DISTRICT

Sec. 356. Purpose.

The purpose of the B-3 district in the city is to improve the serviceability of linear, "strip" or "shoestring" commercial streets by:
(a) The concentration of shopping areas;
(b) Provision of convenient and adequate parking;
(c) Development of greenways, landscaped areas, attractive building groups and small tot lots;
(d) Encouragement of uses compatible with the adjacent residential areas; and
(e) Improvement of traffic patterns.

Sec. 357. Uses permitted.

(a) B-3 land and water areas shall be used and buildings or structures shall be erected, altered, enlarged or used only for one (1) or more of the uses indicated in the B-3 column of the table of permitted uses, subject to such standards as may be referred to in that column and in the special requirements column of such table and in article IV, division 2 (relating to required conditions for certain uses), of these regulations.
(b) In the case of an individual lot associated with an individual attached or semidetached dwelling, the provisions set forth in this division for permitted lot coverage, required lot area, lot width, front setback, side setback, rear setback, required usable open space and parking shall apply to the zoning lot of which such individual lot forms a part, rather than to such individual lot.
(c) Single-family (one-unit) and two-family (two-unit) structures are permitted in this district. Three-family (three-unit) structures may be erected or established upon approval of an application for a special permit pursuant to section 937.

Sec. 358. Permitted accessory uses.

(a) Customary B-3 accessory uses are permitted.
(b) Accessory structures exceeding a height of fifteen (15) feet shall conform to the setback provisions set forth in this division for principal nonresidential structures, provided that in no instance shall the accessory structure exceed the ground floor area of the principal structure.

Sec. 359. Required parking and loading areas.

B-3 off-street parking and off-street loading shall be provided in accordance with the provisions of article V (relating to off-street parking and off-street loading) of these regulations.

Sec. 360. Floor area ratio.

The maximum total B-3 floor area ratio for all structures shall be two (2) for any lot.

Sec. 361. Limitation of persons per acre.

The maximum number of persons per acre for B-3 residential structures, or residential portions of structures, shall not exceed one hundred eighty (180).

Sec. 362. Permitted lot coverage.

(a) All B-3 principal nonresidential structures, with their accessory structures, shall occupy not more than a total of fifty (50) percent of the area of the lot.

(b) All principal residential structures, with their accessory structures, shall occupy not more than a total of thirty (30) percent of the area of the lot.
(c) Combined residential and nonresidential structures are permitted, provided the requirements for maximum floor area ratio and maximum persons per acre are satisfied for the structure as a whole. Such structures shall occupy not more than a total of fifty (50) percent of the area of the lot.
(d) The nonresidential portions of such structures shall occupy not more than a total of fifty (50) percent of the area of the lot and the residential portions of such structures shall occupy not more than a total of thirty (30) percent of the area of the lot, and shall meet all other residential requirements set forth in these regulations for the B-3 district. The nonresidential portions of such structures shall be located below the second story of the structure, except that a restaurant or dining room shall be permitted on the top story or on the roof of such structures.
(e) The lot coverage of principal residential structures or the residential portions of combined residential/nonresidential structures may be increased beyond the permitted lot coverage of thirty (30) percent of the area of the lot up to a maximum of fifty (50) percent of the area of the lot at the rate of three hundred (300) square feet of additional lot coverage beyond the permitted thirty (30) percent of the area of the lot for each covered parking space provided the principal residential structure or the residential portions of combined residential/nonresidential structures on site.
(f) In no instance shall the total lot coverage of all structures, with their accessory structures, exceed more than fifty (50) percent of the area of the lot.

Sec. 363. Requirements of floor space per dwelling unit.

Every B-3 dwelling unit shall meet the requirements of floor space per unit as set forth in section 16 (relating to floor area).

Sec. 364. Required lot area.

Every parcel of property to be utilized in the B-3 district shall have a minimum lot area of six thousand (6,000) square feet, except as provided in section 369 (relating to maximum height limits).

Sec. 365. Lot width.

Every B-3 lot shall have a minimum width at the street line of not less than fifty (50) feet.

Sec. 366. Front setback.

There shall be a front setback for every B-3 principal structure in conformance with the existing building line and veranda line.

Sec. 367. Side setback.

(a) There shall be no requirement for B-3 principal nonresidential structures, except if any side setback is provided, whether required or not, it shall have a minimum width of eight (8) feet, or where a principal nonresidential structure, or nonresidential portion of the structure abuts a residential property, in which case such structure or portion of the structure shall be set back from the side property line a minimum distance of eight (8) feet.
(b) There shall be a minimum total width for side setback for every principal residential structure, or residential portion of the structure, of twenty (20) feet, with a minimum side setback requirement of eight (8) feet, or one-fourth the height of the adjacent wall of the principal residential structure or residential portion of the structure, whichever is greater.

Sec. 368. Rear setback.

(a) There shall be a minimum rear setback of twenty (20) feet for every principal nonresidential structure, or nonresidential portion of the structure.

(b) There shall be a minimum rear setback of thirty (30) feet for every principal residential structure or residential portion of the structure.

Sec. 369. Maximum height limit.

No building or structure in the B-3 district shall exceed a height of four (4) stories or forty-eight (48) feet, whichever is less. Application may be made to commission for a special permit to exceed this height limit for parcels containing in excess of eight thousand five hundred (8,500) square feet. The commission may modify the height requirement if it finds that such an adjustment will provide a better arrangement of buildings and open space or in specific cases where desirable or warranted, owing to unusual topography or other physical conditions and the use and character of adjacent properties, with due regard to the protection of such properties and their access to light and air, the zoning districts in which such properties are located, and the public interest.

Sec. 370. Required usable open space.

There shall be provided a minimum of fifty (50) square feet of usable open space per person in accordance with the table of densities set forth in the definition of "density" in section 2, and in accordance with the provisions under the definition of "open space, usable" in sections 2 and 9 of these regulations.

Secs. 371-390. Reserved.

DIVISION 8. B-4 NEIGHBORHOOD SHOPPING DISTRICT

Sec. 391. Purpose.

The purpose of the B-4 district in the city is to provide for retail centers in which will be found convenient shopping goods required by the average household. These neighborhood shopping centers will be limited in area and in the number of permitted uses.

Sec. 392. Uses permitted.

(a) B-4 land and water areas shall be used and buildings or structures shall be erected, altered, enlarged or used only for one (1) or more of the uses indicated in the B-4 column of the table of permitted uses, subject to such standards as may be referred to in that column and in the special requirements column of such table and in article IV, division 2 (relating to required conditions for certain uses).
(b) In the case of an individual lot associated with an individual attached or semidetached dwelling, the provisions set forth in this division for permitted lot coverage, required lot area, lot width, front setback, side setback, rear setback, required usable open space and parking shall apply to the zoning lot of which such individual lot forms a part, rather than to such individual lot.
(c) Single-family (one-unit) and two-family (two-unit) structures are permitted in this district. Three-family (three-unit) structures may be erected or established upon approval of an application for a special permit pursuant to section 937.

Sec. 393. Permitted accessory uses.

(a) Customary B-4 accessory uses are permitted.
(b) Accessory structures exceeding a height of fifteen (15) feet shall conform to the setback provisions set forth in this division for principal nonresidential structures, provided that in no instance shall the accessory structure exceed the ground floor area of the principal structure.

Sec. 394. Required parking and loading areas.

B-4 off-street parking and off-street loading shall be provided in accordance with the provisions of article V (relating to off-street parking and off-street loading) of these regulations.

Sec. 395. Floor area ratio.

The maximum total floor area ratio for all B-4 structures shall be two (2) for any lot.

Sec. 396. Limitation of persons per acre.

The maximum number of persons per acre for B-4 residential structures, or residential portions of structures, shall not exceed one hundred eighty (180).

Sec. 397. Permitted lot coverage.

(a) All B-4 principal nonresidential structures, with their accessory structures, shall occupy not more than a total of fifty (50) percent of the area of the lot.
(b) All principal residential structures, with their accessory structures, shall occupy not more than a total of thirty (30) percent of the area of the lot.
(c) Combined residential and nonresidential structures are permitted, provided the requirements for maximum floor area ratio and maximum persons per acre are satisfied for the structure as a whole. Such structures shall occupy not more than a total of fifty (50) percent of the area of the lot.
(d) The nonresidential portions of such structures shall occupy not more than a total of fifty (50) percent of the area of the lot and the residential portions of such structures shall occupy not more than a total of thirty (30) percent of the area of the lot, and shall meet all other residential requirements set forth in these regulations for the B-4 district. The nonresidential portions of such structures shall be located below the second story of the structure, except that a restaurant or dining room shall be permitted on the top story or on the roof of such structures.
(e) The lot coverage of principal residential structures or the residential portions of combined residential/nonresidential structures may be increased beyond the permitted lot coverage of thirty (30) percent of the area of the lot up to a maximum of fifty (50) percent of the area of the lot at the rate of three hundred (300) square feet of additional lot coverage beyond the permitted thirty (30) percent of the area of the lot for each covered parking space provided the principal residential structure or the residential portions of combined residential/nonresidential structures on site.
(f) In no instance shall the total lot coverage of all structures, with their accessory structures, exceed more than fifty (50) percent of the area of the lot.

Sec. 398. Requirements of floor space per dwelling unit.

Every B-4 dwelling unit shall meet the requirements of floor space per unit as set forth in section 16 (relating to floor area).

Sec. 399. Required lot area.

Every parcel of property to be utilized in the B-4 district shall have a minimum lot area of six thousand (6,000) square feet, except as provided in section 404 (relating to maximum height limit).

Sec. 400. Lot width.

Every B-4 lot shall have a minimum width at the street line of not less than fifty (50) feet.

Sec. 401. Front setback.

There shall be a front setback for every B-4 principal structure in conformance with the existing building line and veranda line.

Sec. 402. Side setback.

(a) There shall be no requirement for principal nonresidential structures, except if any side setback is provided, whether required or not, it shall have a minimum width of eight (8) feet, or where a principal nonresidential structure or nonresidential portion of the structure abuts a residential property, in which case such structure or portion of the structure shall be set back from the side property line a minimum distance of eight (8) feet.
(b) There shall be a minimum total width for side setback for every principal residential structure, or residential portion of the structure, of twenty (20) feet, with a minimum side setback requirement of eight (8) feet, or one-fourth the height of the adjacent wall of the principal residential structure or residential portion of the structure, whichever is greater.

Sec. 403. Rear setback.

(a) There shall be a minimum rear setback of twenty (20) feet for every principal nonresidential structure, or nonresidential portion of the structure.
(b) There shall be a minimum rear setback of thirty (30) feet for every principal residential structure or residential portion of the structure.

Sec. 404. Maximum height limit.

No building or structure in the B-4 district shall exceed a height of four (4) stories or forty-eight (48) feet, whichever is less. Application may be made to commission for a special permit to exceed this height limit for parcels containing in excess of eight thousand five hundred (8,500) square feet. The commission may modify the height requirement if it finds that such an adjustment will provide a better arrangement of buildings and open space or in specific cases where desirable or warranted, owing to unusual topography or other physical conditions and the use and character of adjacent properties, with due regard to the protection of such properties and their access to light and air, the zoning districts in which such properties are located, and the public interest.

Sec. 405. Required usable open space.

There shall be provided, in B-4 use, a minimum of fifty (50) square feet of usable open space per person in accordance with the table of densities set forth in the definition of "density" in section 2 and in accordance with the provisions under the definition of "open space, usable" in sections 2 and 9.

Secs. 406-425. Reserved.

DIVISION 9. RO-1 RESIDENTIAL-OFFICE DISTRICT

Sec. 426. Purpose.

The purpose of the RO-1 district in the city is to provide for financial, insurance, government, personal services and other similar offices together with multiple residence structures, boarding houses and rooming houses, provided that in all instances the maximum number of persons per acre for residential structures shall not exceed three hundred (300) persons per acre. Commercial uses that are accessory to such principal uses are permitted as accessory uses within a principal structure. Thus, such uses as drugstores, beauty shops and barbershops, and restaurants required to properly serve offices, and grocery stores, delicatessens, and tailor shops required to serve high-rise multiple residences are permitted within the principal structure.
These regulations also promote excellence in urban design by:
(a) Encouraging development which does not disrupt the existing character of development; and
(b) Improving the physical and psychological transition between large office and institutional complexes and nearby residential neighborhoods.

Sec. 427. Uses permitted.

(a) Land and water areas shall be used and buildings or structures shall be erected, altered, enlarged or used only for one (1) or more of the uses indicated in the RO-1 column of the table of permitted uses, subject to such standards as may be referred to in that column and in the special requirements column of such table and in article IV, division 2.
(b) In the case of an individual lot associated with an individual attached or semidetached dwelling, the provisions set forth herein for permitted lot coverage, required lot area, lot width, front setback, side setback, rear setback, required usable open space and parking shall apply to the zoning lot of which the individual lot forms a part, rather than to the individual lot.
(c) Single-family (one-unit) and two-family (two-unit) structures are permitted in this district. Three-family (three-unit) structures may be erected or established upon approval of an application for a special permit pursuant to section 937.

Sec. 428. Permitted accessory uses.

(a) Customary RO-1 accessory uses are permitted and those permitted in accordance with the provisions of article VI (relating to accessory uses) of these regulations.
(b) Accessory structures shall conform to the provisions set forth in article VI, except that accessory structures exceeding a height of fifteen (15) feet shall, in addition to the provisions of article VI, conform to the setback provisions set forth in this division for principal office structures.

Sec. 429. Required parking and loading areas.

RO-1 off-street parking and off-street loading shall be provided in accordance with the provisions of article V (relating to off-street parking and off-street loading) of these regulations.

Sec. 430. Floor area ratio.

The maximum total floor area ratio for all RO-1 structures shall be three (3) for any lot.

Sec. 431. Limitations on persons per acre.

The maximum number of persons per acre for RO-1 residential structures or residential portions of structures shall not exceed three hundred (300).

Sec. 432. Permitted lot coverage.

(a) All RO-1 principal structures shall occupy not more than a total of thirty (30) percent of the area of the lot.
(b) Combined office and residential structures are permitted, provided the requirements for maximum floor area ratio and maximum persons per acre are satisfied for the structure as a whole. Such structures shall occupy not more than a total of thirty (30) percent of the area of the lot and the residential portions of such structures shall meet all other residential requirements set forth in these regulations for the RO-1 district.
(c) The residential portions of combined office and residential structures shall be located above the office portions of such structures.
(d) The lot coverage of principal residential, office or combined residential/office structures may be increased beyond the permitted lot coverage of thirty (30) percent of the area of the lot up to a maximum of fifty (50) percent of the area of the lot at the rate of three hundred (300) square feet of lot coverage beyond the permitted thirty (30) percent of the area of the lot for each on-site covered parking space provided for the principal residential, office or combined residential/office structure.
(e) In no instances shall the total lot coverage exceed more than fifty (50) percent of the area of the lot.

Sec. 433. Requirements for floor space per dwelling unit.

Every dwelling unit shall meet the requirements of floor space per unit as set forth in section 16 (relating to floor area) of these regulations.

Sec. 434. Required lot area.

(a) Every parcel of property to be utilized for residential purposes in the RO-1 district shall have a minimum lot area of seventy-five hundred (7,500) square feet.
(b) Every parcel of property to be utilized for office or nonresidential purposes in the RO-1 district shall have a minimum lot area of seventy-five hundred (7,500) square feet.
(c) Every parcel of property to be utilized for a combination of office and residential purposes in the RO-1 district shall have a minimum lot area of twenty thousand (20,000) square feet.

Sec. 435. Lot width.

Every RO-1 lot shall have a minimum lot width at the street line of not less than sixty (60) feet.

Sec. 436. Front setback.

There shall be a front setback for every RO-1 principal structure in conformance with the existing building line and veranda line.

Sec. 437. Side setback.

(a) There shall be a minimum side setback for every RO-1 principal office or nonresidential structure, or office portion of a combined residential/office structure, of one-fourth the height of the adjacent wall of the principal office or nonresidential structure or office portion of a combined residential/office structure.
(b) There shall be a minimum total width for side setback for every principal residential structure, or residential portion of the structure, of twenty-five (25) feet, with a minimum side setback requirement of ten (10) feet, or one-fourth the height of the adjacent wall of the principal residential structure, or residential portion of the structure, whichever is greater.
(c) Where either side setback of a lot located in an RO-1 district abuts upon property used for residential purposes and located in an R-6, R-7 or R-8 district, such side setback shall be equal in width to three (3) times the height of the adjacent wall of the principal structure, except that in no instance shall such side setback be less than one hundred (100) feet, and except that that portion of the principal structure used for parking purposes and not exceeding a height of twenty (20) feet above grade may be located a minimum distance of one hundred (100) feet from the side property line abutting the R-6, R-7 or R-8 district.

Sec. 438. Rear setback.

(a) There shall be a minimum rear setback of thirty (30) feet for every RO-1 principal structure.
(b) Where any rear setback of a lot located in an RO-1 district abuts upon property used for residential purposes and located in an R-6, R-7 or R-8 district, such rear setback shall be equal in width to three (3) times the height of the adjacent wall of the principal structure, except that in no instance shall such rear setback be less than one hundred (100) feet, and except that that portion of the principal structure used for parking purposes and not exceeding a height of twenty (20) feet above grade may be located a minimum distance of one hundred (100) feet from the rear property line abutting the R-6, R-7 or R-8 district.

Sec. 439. Maximum height limit.

There shall be no RO-1 maximum height requirement.

Sec. 440. Required usable open space.

There shall be provided a minimum of forty (40) square feet of usable open space per person in accordance with the table of densities set forth in the definition of "density" in section 2 and in accordance with the provisions under the definition of "open space, usable" in sections 2 and 9.

Sec. 441. Reserved.

Sec. 442. Procedures for major projects in the RO-1 district.

Applicants for projects in the RO-1 district for a building or structure containing one hundred fifty thousand (150,000) square feet, or more, of gross floor area, or which increases the square footage of an existing building or structure by more than ten (10) percent, shall apply to the commission for a special permit. Such projects shall be reviewed by the commission as follows:
(a) *Informal review*. At the beginning of the conceptual phase of a project, potential applicants are encouraged to seek preliminary informal review of the proposed project with the city staff, before an application for formal special permit approval is submitted. Potential applicants should be prepared to discuss the proposed site organization, basic massing, location of proposed uses, pedestrian and vehicular circulation, traffic impact, parking, loading, and access and egress. At the time, use of schematic drawings is recommended.
(b) *Formal review*. Applicants shall submit to the commission an application for special permit approval, including a basic review set and an enhanced review set. The commission shall, upon receipt of a complete application, refer it to the director of the department of public works for comment before making its decision.

Secs. 443-460. Reserved.

DIVISION 10. RO-2 RESIDENTIAL-OFFICE DISTRICT

Sec. 461. Purpose;.

The purpose of the RO-2 district in the city is to provide for residential-office structures and uses similar to those permitted in the RO-1 district, but at a lower intensity of development than the RO-1 district and with a maximum number of two hundred twenty-five (225) persons per acre.

Sec. 462. Uses permitted.

(a) RO-2 land and water areas shall be used and buildings or structures shall be erected, altered, enlarged or used only for one (1) or more of the uses indicated in the RO-2 column of the table of permitted uses, subject to such standards as may be referred to in that column and in the special requirements column of such table and in article IV, division 2 (relating to required conditions for certain uses).
(b) In the case of an individual lot associated with an individual attached or semidetached dwelling, the provisions set forth in this division for permitted lot coverage, required lot area, lot width, front setback, side setback, rear setback, required usable open space and parking shall apply to the zoning lot of which the individual lot forms a part, rather than to such individual lot.
(c) Single-family (one-unit) and two-family (two-unit) structures are permitted in this district. Three-family (three-unit) structures may be erected or established upon approval of an application for a special permit pursuant to section 937.

Sec. 463. Permitted accessory uses.

(a) Customary RO-2 accessory uses are permitted and those permitted in accordance with the provisions of article VI (relating to accessory uses) of these regulations.
(b) Accessory structures shall conform to the provisions set forth in article VI, except that accessory structures exceeding a height of fifteen (15) feet shall, in addition to the provisions of article VI, conform to the setback provisions set forth in this division for principal office structures.

Sec. 464. Required parking and loading areas.

RO-2 off-street parking and off-street loading shall be provided in accordance with the provisions of article V (relating to off-street parking and off-street loading) of these regulations.

Sec. 465. Floor area ratio.

The maximum total floor area ratio for all RO-2 structures shall be two (2) for any lot.

Sec. 466. Limitation on persons per acre.

The maximum number of persons per acre for RO-2 residential structures or residential portions of structures shall not exceed two hundred twenty-five (225).

Sec. 467. Permitted lot coverage.

(a) All RO-2 principal structures shall occupy not more than a total of thirty (30) percent of the area of the lot.
(b) Combined office and residential structures are permitted, provided the requirements for maximum floor area ratio and maximum persons per acre are satisfied for the structure as a whole. Such structures shall occupy not more than a total of thirty (30) percent of the area of the lot and the residential portions of such structures shall meet all other residential requirements set forth in these regulations for the RO-2 district.
(c) The residential portions of combined office and residential structures shall be located above the office portions of such structures.
(d) Except on a lot adjoining property located in an R-5, R-6, R-7 or R-8 district, the lot coverage of principal residential, office or combined residential/office structures may be increased beyond the permitted lot coverage of thirty (30) percent of the area of the lot up to a maximum of fifty (50) percent of the area of the lot at the rate of three hundred (300) square feet of lot coverage beyond the permitted thirty (30) percent of the area of the lot for each on-site covered parking space provided for the principal residential, office or combined residential/office structure.
(e) On an RO-2 lot adjoining property located in an R-5, R-6, R-7 or R-8 zoning district, all principal structures shall occupy not more than a total of thirty (30) percent of the area of the lot, but plazas and decks may be developed in accordance with the provisions of section 9 (relating to usable open space), provided the total lot coverage does not exceed fifty (50) percent of the total lot area.
(f) On all RO-2 lots the total lot coverage shall exceed not more than fifty (50) percent of the area of the lot.

Sec. 468. Requirements for floor space per dwelling unit.

Every RO-2 dwelling unit shall meet the requirements of floor space per unit as set forth in section 16 (relating to floor area) of these regulations.

Sec. 469. Required lot area.

(a) Every parcel of property to be utilized for residential purposes in the RO-2 district shall have a minimum lot area of seventy-five hundred (7,500) square feet.
(b) Every parcel of property to be utilized for office or nonresidential purposes in the RO-2 district shall have a minimum lot area of seventy-five hundred (7,500) square feet.
(c) Every parcel of property to be utilized for a combination of office and residential purposes in the RO-2 district shall have a minimum lot area of twenty thousand (20,000) square feet.

Sec. 470. Lot width.

Every RO-2 lot shall have a minimum lot width at the street line of not less than fifty (50) feet.

Sec. 471. Front setback.

There shall be a front setback for every RO-2 principal structure in conformance with the existing building line and veranda line.

Sec. 472. Side setback.

(a) There shall be a minimum side setback for every RO-2 principal office or nonresidential structure, or office portion of a combined residential/office structure of eight (8) feet, or one-fourth the height of the adjacent wall of the principal office or nonresidential structure, or office portion of a combined residential/office structure, whichever is greater, except that where a lot adjoins property located in an R-5, R-6, R-7 or R-8 district, the minimum side setback requirement shall be eight (8) feet or one-half the height of the adjacent wall of the principal office or nonresidential structure, or office portion of a combined residential/office structure, whichever is greater.
(b) There shall be a minimum total width for side setback for every principal residential structure, or residential portion of the structure, of twenty (20) feet, with a minimum side setback requirement of eight (8) feet, or one-fourth the height of the adjacent wall of the principal residential structure or residential portion of the structure, whichever is greater, except that where a lot adjoining the property located in an R-5, R-6, R-7 or R-8 district, the minimum side setback requirement shall be eight (8) feet or one-half the height of the adjacent wall of the principal residential or residential portion of the structure, whichever is greater.

Sec. 473. Rear setback.

(a) There shall be a minimum rear setback of thirty (30) feet for every RO-2 principal structure, and where a lot adjoins property located in an R-5, R-6, R-7 or R-8 district, any portion of the principal structure exceeding thirty (30) feet in height shall be set back from the rear property line a minimum distance equal to its height.
(b) Where the required rear setback abuts property located in an R-5, R-6, R-7 or R-8 district, such required rear setback shall not be used for parking notwithstanding the provisions of section 941(8) (relating to off-street parking), except to the extent it may be occupied by a plaza or deck developed in accordance with the provisions of section 9 (relating to usable open space), wherein parking is provided underneath such plaza or deck. The required rear setback area not occupied by a plaza or deck, and the roof of such plaza or deck shall be completely landscaped with trees, other plantings or continuous ground cover, except that up to fifty (50) percent of such required rear area and/or plaza or deck may be designed and used for access and recreation purposes.

Sec. 474. Maximum height limit.

There shall be no RO-2 maximum height requirement.

Sec. 475. Required usable open space.

There shall be provided for RO-2 use, a minimum of fifty (50) square feet of usable open space per person in accordance with the table of densities set forth in the definition of "density" in section 2, and in accordance with the provisions under the definition of "open space, usable" in sections 2 and 9.

DIVISION 11. RO-3 RESIDENTIAL-OFFICE DISTRICT

Sec. 476. Purpose.

The purpose of the RO-3 district in the city is to provide for small offices and medium density residential structures with a maximum residential density of seventy-five (75) persons per acre. The district is designed to retain the neighborhood scale of areas of the city which are located near large office and hospital campuses.

Sec. 477. Uses permitted.

(a) RO-3 land and water areas shall be used and buildings or structures shall be erected, altered, enlarged or used only for one (1) or more of the uses indicated in the RO-3 column of the table of permitted uses, subject to such standards as may be referred to in that column and in the special requirements column of such table and in article IV, division 2 (relating to required conditions for certain uses).

(b) In the case of an individual lot associated with an individual attached or semi-detached dwelling, the provisions set forth in this division for permitted lot coverage, required lot area, lot width, front setback, side setback, rear setback, required usable open space and parking shall apply to the zoning lot of which the individual lot forms a part, rather than to such individual lot.
(c) Single-family (one-unit) and two-family (two-unit) structures are permitted in this district. Three-family (three-unit) structures may be erected or established upon approval of an application for a special permit pursuant to section 937.

Sec. 478. Permitted accessory uses.

(a) Customary RO-3 accessory uses are permitted and those permitted in accordance with the provisions of article VI (relating to accessory uses) of these regulations.
(b) Accessory structures shall conform to the provisions set forth in article VI, except that accessory structures exceeding a height of fifteen (15) feet shall, in addition to the provisions of article VI, conform to the setback provisions set forth in this division for principal office structures.

Sec. 479. Required parking and loading areas.

RO-3 off-street parking and off-street loading shall be provided in accordance with the provisions of article V (relating to off-street parking and off-street loading) of these regulations.

Sec. 480. Floor area ratio.

The maximum floor area ratio for all RO-3 buildings shall be one-half (0.5) for any lot.

Sec. 481. Limitations on persons per acre.

The maximum number of persons per acre for RO-3 residential structures or residential portions of structures shall not exceed seventy-five (75).

Sec. 482. Permitted lot coverage.

(a) All RO-3 principal structures shall occupy not more than a total of thirty (30) percent of the area of the lot.
(b) Combined office and residential structures are permitted, provided the requirements for maximum floor area ratio and maximum persons per acre are satisfied for the structure as a whole. Such structures shall occupy not more than a total of thirty (30) percent of the area of the lot and the residential portions of such structures shall meet all other residential requirements set forth in these regulations for the RO-3 district.
(c) The residential portions of combined office and residential structures shall be located above the office portions of such structures.
(d) On an RO-3 lot adjoining property located in an R-5, R-6, R-7 or R-8 zoning district, all principal structures shall not occupy more than thirty (30) percent of the area of the lot, but plazas and decks may be developed in accordance with the provisions of section 9 (relating to usable open space), provided the total lot coverage does not exceed fifty (50) percent of the total lot area.
(e) On all RO-3 lots the total lot coverage shall not exceed more than fifty (50) percent of the area of the lot.

Sec. 483. Requirements for floor space per dwelling unit.

Every RO-3 dwelling unit shall meet the requirements of floor space per unit as set forth in section 16 (relating to floor area) of these regulations.

Sec. 484. Required lot area.

(a) Every parcel of property to be utilized for residential purposes in the RO-3 district shall have a minimum lot area of six thousand (6,000) square feet.

(b) Every parcel of property to be utilized for office or nonresidential purposes in the RO-3 district shall have a minimum lot area of six thousand (6,000) square feet.

Sec. 485. Lot width.

Every RO-3 lot shall have a minimum lot width at the street line of not less than fifty (50) feet.

Sec. 486. Front setback.

There shall be a front setback for every RO-3 principal structure in conformance with the existing building line and veranda line.

Sec. 487. Side setback.

There shall be a minimum total width of side setback for every RO-3 principal residential or nonresidential structure of fifteen (15) feet with a minimum side setback of five (5) feet or one-fourth (1/4) of the height of the adjacent wall of the principal structure, whichever is greater.

Sec. 488. Rear setback.

(a) There shall be a minimum rear setback of thirty (30) feet for every RO-3 principal structure and where a lot adjoins property located in an R-5, R-6, R-7 or R-8 district, any portion of the principal structure exceeding thirty (30) feet in height shall be set back from the rear property line a minimum distance equal to its height.
(b) Where the required rear setback abuts property located in an R-5, R-6, R-7 or R-8 district, such required rear setback shall not be used for parking notwithstanding the provisions of section 941(8) (relating to off-street parking), except to the extent it may be occupied by a plaza or deck developed in accordance with the provisions of section 9 (relating to usable open space), wherein parking is provided underneath such plaza or deck. The required rear setback area not occupied by a plaza or deck shall be completely landscaped with trees, other plantings or continuous ground cover, except that up to fifty (50) percent of such required rear area and/or plaza or deck maybe designed and used for access and recreation purposes.

Sec. 489. Maximum height limit.

No building or structure in the RO-3 district shall exceed a height of three and one-half (3-1/2) stories or thirty-five (35) feet, whichever is less.

Sec. 490. Required usable open space.

There shall be provided in the RO-3 district a minimum of one hundred fifty (150) square feet of usable open space per person in accordance with the table of densities set forth in the definition of "open space, usable" in sections 2 and 9.

Secs. 491-495. Reserved.

DIVISION 12. R-1 HIGH DENSITY RESIDENTIAL DISTRICT

Sec. 496. Purpose.

The purpose of the R-1 district in the city is to provide for high density (one hundred fifty (150) persons per acre), multiple-family residential structures required to serve the city's insurance, finance, government and retail trade. Areas of the city designated for the R-1 district are on the perimeter of the downtown development district, on Asylum Hill, and in other areas which are desirable sites because of their close proximity to parks, commerce, transportation and the like.

Sec. 497. Uses permitted.

(a) R-1 land and water areas shall be used and buildings or structures shall be erected, altered, enlarged or used only for one (1) or more of the uses indicated in the R-1 column of the table of permitted uses, subject to such standards as may be referred to in that column and in the special requirements column of such table and in article IV, division 2 (relating to required conditions for certain uses).
(b) In the case of an individual lot associated with an individual attached or semidetached dwelling, the provisions set forth in this division for permitted lot coverage, required lot area, lot width, front setback, side setback, rear setback, required usable open space and parking shall apply to the zoning lot of which such individual lot forms a part, rather than to such individual lot.
(c) Single-family (one-unit) and two-family (two-unit) structures are permitted in this district. Three-family (three-unit) structures may be erected or established upon approval of an application for a special permit pursuant to section 937.

Sec. 498. Permitted accessory uses.

(a) Customary R-1 accessory uses are permitted as set forth in article VI (relating to accessory uses) of these regulations.
(b) Accessory structures shall conform to the provisions set forth in article VI, except that accessory structures exceeding a height of fifteen (15) feet shall, in addition to the provisions of article VI, conform to the setback provisions set forth herein for principal structures.

Sec. 499. Required parking and loading areas.

R-1 off-street parking and off-street loading shall be provided in accordance with the provisions of article V (relating to off-street parking and off-street loading) of these regulations.

Sec. 500. Limitations on persons per acre.

The maximum number of persons per acre for R-1 residential structures shall not exceed one hundred fifty (150).

Sec. 501. Permitted lot coverage.

(a) All R-1 principal residential structures shall occupy not more than a total of thirty (30) percent of the area of the lot.
(b) The lot coverage of principal residential structures may be increased beyond the permitted lot coverage of thirty (30) percent of the area of the lot up to a maximum of forty-five (45) percent of the area of the lot at the rate of three hundred (300) square feet of lot coverage beyond the permitted thirty (30) percent of the area of the lot for each on-site covered parking space provided for the principal residential structures.
(c) In no instances shall the total lot coverage exceed more than forty-five (45) percent of the area of the lot.

Sec. 502. Requirements for floor space per dwelling unit.

Every R-1 dwelling unit shall meet the requirements of floor space per unit as set forth in section 16 (relating to floor area) of these regulations.

Sec. 503. Required lot area.

Every parcel of property to be utilized for residential purposes in the R-1 district shall have a minimum lot area of six thousand (6,000) square feet.

Sec. 504. Lot width.

Every R-1 lot shall have a minimum lot width at the street line of not less than fifty (50) feet.

Sec. 505. Front setback.

There shall be a front setback for every R-1 principal structure in conformance with the existing building line and veranda line.

Sec. 506. Side setback.

There shall be a minimum total width of R-1 side setback for every principal residential structure of fifteen (15) feet with a minimum side setback requirement of five (5) feet, or one-fourth the height of the adjacent wall of the principal residential structure, whichever is greater.

Sec. 507. Rear setback.

There shall be a minimum R-1 rear setback of thirty (30) feet for every principal residential structure.

Sec. 508. Maximum height limit.

No building or structure in the R-1 district shall exceed a height of four (4) stories or forty (40) feet, whichever is less. Application may be made to the commission for a special permit to exceed this height limit for parcels containing in excess of ten thousand (10,000) square feet. The commission may modify the height requirement if it finds that such an adjustment will provide a better arrangement of buildings and open space or in specific cases where desirable or warranted, owing to unusual topography or other physical conditions and the use and character of adjacent properties, with due regard to the protection of such properties and their access to light and air, the zoning districts in which such properties are located, and the public interest.

Sec. 509. Required usable open space.

There shall be provided a minimum of fifty (50) square feet of R-1 usable open space per person in accordance with the table of densities set forth in the definition of "density" in section 2 and in accordance with the provisions under the definition of "open space, usable" in sections 2 and 9.

Secs. 510-530. Reserved.

DIVISION 13. R-2 MEDIUM DENSITY RESIDENTIAL DISTRICT

Sec. 531. Purpose.

The purpose of the R-2 district in the city is to provide for medium density residential structures outside the Asylum Hill and central areas where greater open space and a lower residential density (one hundred (100) persons per acre) are appropriate.

Sec. 532. Uses permitted.

(a) R-2 land and water areas shall be used and buildings or structures shall be erected, altered, enlarged or used only for one (1) or more of the uses indicated in the R-2 column of the table of permitted uses, subject to such standards as may be referred to in that column and in the special requirements column of such table and in article IV, division 2 (relating to required conditions for certain uses).
(b) In the case of an individual lot associated with an individual attached or semidetached dwelling, the provisions set forth in this division for permitted lot coverage, required lot area, lot width, front setback, side setback, rear setback, required usable open space and parking shall apply to the zoning lot of which the individual lot forms a part, rather than to the individual lot.

(c) Single-family (one-unit) and two-family (two-unit) structures are permitted in this district. Three-family (three-unit) structures may be erected or established upon approval of an application for a special permit pursuant to section 937.

Sec. 533. Permitted accessory uses.

(a) Customary R-2 accessory uses are permitted as set forth in article VI (relating to accessory uses) of these regulations.
(b) Accessory structures shall conform to the provisions set forth in article VI, except that accessory structures exceeding a height of fifteen (15) feet shall, in addition to the provisions of article VI, conform to the setback provisions set forth herein for principal structures.

Sec. 534. Required parking and loading areas.

R-2 off-street parking and off-street loading shall be provided in accordance with the provisions of article V (relating to off-street parking and off-street loading) of these regulations.

Sec. 535. Limitation on persons per acre.
The maximum number of persons per acre for R-2 residential structures shall not exceed one hundred (100).

Sec. 536. Permitted lot coverage.

(a) All principal residential structures shall occupy not more than a total of twenty-five (25) percent of the area of the lot.
(b) The lot coverage of principal residential structures may be increased beyond the permitted lot coverage of twenty-five (25) percent of the area of the lot up to a maximum of forty (40) percent of the area of the lot at the rate of three hundred (300) square feet of lot coverage beyond the permitted twenty-five (25) percent of the area of the lot for each on-site covered parking space provided for the principal residential structures.
(c) In no instances shall the total lot coverage of all structures exceed more than forty (40) percent of the area of the lot.

Sec. 537. Requirements for floor space per dwelling unit.

Each R-2 dwelling unit shall meet the requirements of floor space per unit as set forth in section 16 (relating to floor area).

Sec. 538. Required lot area.

Every parcel of property to be utilized for residential purposes in the R-2 district shall have a minimum lot area of six thousand (6,000) square feet.

Sec. 539. Lot width.

Every R-2 lot shall have a minimum lot width at the street line of not less than fifty (50) feet.

Sec. 540. Front setback.

There shall be a front setback for every R-2 principal structure in conformance with the existing building line and veranda line.

Sec. 541. Side setback.

There shall be a minimum total width of R-2 side setback for every principal residential structure of fifteen (15) feet with a minimum side setback requirement of five (5) feet or one-fourth of the height of the adjacent wall of the principal residential structure, whichever is greater.

Sec. 542. Rear setback.

There shall be a minimum R-2 rear setback of thirty (30) feet for every principal residential structure.

Sec. 543. Maximum height limit.

No building or structure in the R-2 district shall exceed a height of four (4) stories or forty (40) feet, whichever is less. Application may be made to the commission for a special permit to exceed this height limit for parcels containing in excess of ten thousand (10,000) square feet. The commission may modify the height requirement if it finds that such an adjustment will provide a better arrangement of buildings and open space or in specific cases where desirable or warranted, owing to unusual topography or other physical conditions and the use and character of adjacent properties, with due regard to the protection of such properties and their access to light and air, the zoning districts in which such properties are located, and the public interest.

Sec. 544. Required usable open space.

There shall be provided in the R-2 district a minimum of ninety (90) square feet of R-2 usable open space per person in accordance with the table of densities set forth in the definition of "density" in section 2, and in accordance with the provisions under the definition of "open space, usable" in sections 2 and 9.

Secs. 545-565. Reserved.

DIVISION 14. R-3 MEDIUM DENSITY RESIDENTIAL DISTRICT

Sec. 566. Purpose.

The purpose of the R-3 district in the city is to provide for housing at a maximum density of seventy-five (75) persons per acre, allow for new forms of medium density multiple residences and encourage new and modern construction by limiting the conversion of older structures.

Sec. 567. Uses permitted.

(a) R-3 land and water areas shall be used and buildings or structures shall be erected, altered, enlarged or used only for one (1) or more of the uses indicated in the R-3 column of the table of permitted uses, subject to such standards as may be referred to in that column and in the special requirements column of such table and in article IV, division 2 (relating to required conditions for certain uses).
(b) In the case of an individual lot associated with an individual attached or semidetached dwelling, the provisions set forth in this division for permitted lot coverage, required lot area, lot width, front setback, side setback, rear setback, required usable open space and parking shall apply to the zoning lot of which the individual lot forms a part, rather than to the individual lot.
(c) Single-family (one-unit) and two-family (two-unit) structures are permitted in this district. Three-family (three-unit) structures may be erected or established upon approval of an application for a special permit pursuant to section 937.

Sec. 568. Permitted accessory uses.

(a) Customary R-3 accessory uses are permitted as set forth in article VI (relating to accessory uses) of these regulations.

(b) Accessory structures shall conform to the provisions set forth in article VI, except that accessory structures exceeding a height of fifteen (15) feet shall, in addition to the provisions of article VI, conform to the setback provisions set forth herein for principal structures.

Sec. 569. Required parking and loading areas.

R-3 off-street parking and off-street loading shall be provided in accordance with the provisions of article V (relating to off-street parking and off-street loading provisions) of these regulations.

Sec. 570. Limitation on persons per acre.

The maximum number of persons per acre for R-3 residential structures shall not exceed seventy-five (75).

Sec. 571. Permitted lot coverage.

(a) All principal residential structures shall occupy not more than a total of twenty-five (25) percent of the area of the lot.
(b) The lot coverage of principal residential structures may be increased beyond the permitted lot coverage of twenty-five (25) percent of the area of the lot up to a maximum of forty (40) percent of the area of the lot at the rate of three hundred (300) square feet of lot coverage beyond the permitted twenty-five (25) percent for each on-site covered parking space provided for the principal residential structures.
(c) In no instances shall the total lot coverage of all structures exceed more than forty (40) percent of the area of the lot.

Sec. 572. Requirements for floor space per dwelling unit.

Every R-3 dwelling unit shall meet the requirements of floor space per unit as set forth in section 16 (relating to floor area).

Sec. 573. Required lot area.

Every parcel of property to be utilized for residential purposes in the R-3 district shall have a minimum lot area of six thousand (6,000) square feet.

Sec. 574. Lot width.

Every R-3 lot shall have a minimum lot width at the street line of not less than fifty (50) feet.

Sec. 575. Front setback.

There shall be a front setback for every principal structure in conformance with the existing building line and veranda line.

Sec. 576. Side setback.

There shall be a minimum total width of side setback for every R-3 principal residential structure of fifteen (15) feet with a minimum side setback requirement of five (5) feet or one-fourth of the height of the adjacent wall of the principal structure, whichever is greater.

Sec. 577. Rear setback.

There shall be a minimum R-3 rear setback of thirty (30) feet for every principal residential structure.

Sec. 578. Maximum height limit.

No building or structure in the R-3 district shall exceed a height of three and one-half (3-1/2) stories or thirty-five (35) feet, whichever is less.

Sec. 579. Required usable open space.

There shall be provided in the R-3 district a minimum of one hundred fifty (150) square feet of usable open space per person in accordance with the table of densities set forth in the definition of "density" in section 2, and in accordance with the provisions under the definition of "open space, usable" in sections 2 and 9.

Secs. 580-600. Reserved.

DIVISION 15. R-4 THREE-FAMILY RESIDENTIAL DISTRICT

Sec. 601. Purpose.

The purpose of the R-4 district in the city is to provide for three-family dwellings on a lot having a minimum area of seven thousand (7,000) square feet, and to protect, conserve and allow for the private rehabilitation of low density residence areas by restricting the upward conversion of the dwellings to accommodate a larger number of families.

Sec. 602. Uses permitted.

(a) R-4 land and water areas shall be used and buildings or structures shall be erected, altered, enlarged or used only for one (1) or more of the uses indicated in the R-4 column of the table of permitted uses, subject to such standards as may be referred to in that column and in the special requirements column of such table and in article IV, division 2 (relating to required conditions for certain uses).
(b) In the case of an individual lot associated with an individual attached or semidetached dwelling, the provisions set forth in this division for permitted lot coverage, required lot area, lot width, front setback, side setbacks, rear setback, required usable open space and parking shall apply to the zoning lot of which the individual lot forms a part, rather than to the individual lot.
(c) Single-family (one-unit) and two-family (two-unit) structures are permitted in this district. Three- family (three-unit) structures may be erected or established upon approval of an application for a special permit pursuant to section 937.

Sec. 603. Permitted accessory uses.

(a) Customary R-4 accessory uses are permitted as set forth in article VI (relating to accessory uses) of these regulations.
(b) Accessory structures shall conform to the provisions set forth in article VI, except that accessory structures exceeding a height of fifteen (15) feet shall, in addition to the provisions of article VI, conform to the setback provisions set forth in this division for principal structures.

Sec. 604. Required parking and loading areas.

R-4 off-street parking and off-street loading shall be provided in accordance with the provisions of article V (relating to off-street parking and off-street loading) of these regulations.

Sec. 605. Permitted lot coverage.

(a) All principal residential structures shall occupy not more than a total of twenty-five (25) percent of the area of the lot.
(b) The lot coverage of principal residential structures may be increased beyond the permitted lot coverage of twenty-five (25) percent of the area of the lot up to a maximum of forty (40) percent of the area of the lot at the rate of three

hundred (300) square feet of lot coverage beyond the permitted twenty-five (25) percent of the area of the lot for each on-site covered parking space provided for the principal residential structures.
(c) In no instances shall the total lot coverage exceed more than forty (40) percent of the area of the lot.

Sec. 606. Requirements for floor space per dwelling unit.

Every R-4 dwelling unit shall meet the requirements of floor space per unit as set forth in section 16 (relating to floor area).

Sec. 607. Required lot area.

Every parcel of property to be utilized for residential purposes in the R-4 district shall have a minimum lot area of seven thousand (7,000) square feet.

Sec. 608. Lot width.

Every R-4 lot shall have a minimum lot width at the street line of not less than fifty (50) feet.

Sec. 609. Front setback.

There shall be an R-4 front setback for every principal structure in conformance with the existing building line and veranda line.

Sec. 610. Side setbacks.

There shall be a minimum total width of side setbacks for every principal residential structure of fifteen (15) feet with a minimum side setback requirement of five (5) feet or one-fourth (1/4) of the height of the adjacent wall of the principal residential structure, whichever is greater.

Sec. 611. Rear setback

There shall be a minimum R-4 rear setback of thirty (30) feet for every principal residential structure.

Sec. 612. Maximum height limit.

No building or structure in the R-4 district shall exceed a height of three and one-half (3-1/2) stories or thirty-five (35) feet, whichever is less.

Sec. 613. Required usable open space.

There shall be provided in the R-4 district a minimum of twenty-five hundred (2,500) square feet of usable open space per lot in accordance with the table of densities set forth in the definition of "density" in section 2, and in accordance with the provisions under the definition of "open space, usable" in sections 2 and 9.

Secs. 614-635. Reserved.

DIVISION 16. R-5 LOW DENSITY RESIDENTIAL DISTRICT

Sec. 636. Purpose.

The purpose of the R-5 district in the city is to provide for one- and two-family dwellings sited on a lot having a minimum area of seven thousand (7,000) square feet, and to protect the basic single-family character of areas developed with a mixture of one- and two-family dwellings. Conversion is permitted only from a one-family to a two-family dwelling, and roomers and boarders are limited as described in section 983.

Sec. 637. Uses permitted.

(a) R-5 land and water areas shall be used and buildings or structures shall be erected, altered, enlarged or used only for one (1) or more of the uses indicated in the R-5 column of the table of permitted uses, subject to such standards as may be referred to in that column and in the special requirements column of such table and in article IV, division 2 (relating to required conditions for certain uses).
(b) In the case of an individual lot associated with an individual semidetached dwelling, the provisions set forth in this division for permitted lot coverage, required lot area, lot width, front setback, side setbacks, rear setbacks, required usable open space and parking shall apply to the zoning lot of which the individual lot forms a part, rather than to the individual lot.

Sec. 638. Permitted accessory uses.

(a) Customary R-5 accessory uses are permitted and those permitted in accordance with the provisions set forth in article VI (relating to accessory uses) of these regulations.
(b) Accessory structures shall conform to the provisions set forth in article VI of these regulations.

Sec. 639. Required parking and loading areas.

R-5 off-street parking and off-street loading shall be provided in accordance with the provisions of article V (relating to off-street parking and off-street loading) of these regulations.

Sec. 640. Permitted lot coverage.

All R-5 principal residential structures shall occupy not more than a total of twenty-five (25) percent of the area of the lot.

Sec. 641. Requirements for floor space per dwelling unit.

Every dwelling unit shall meet the requirements of floor space per unit as set forth in section 16 (relating to floor area) of these regulations.

Sec. 642. Required lot area.

Every parcel of property to be utilized for residential purposes in the R-5 district shall have a minimum lot area of seven thousand (7,000) square feet, and there shall be provided a minimum lot area of three thousand five hundred (3,500) square feet per dwelling unit.

Sec. 643. Lot width.

Every R-5 lot shall have a minimum lot width at the street line of not less than fifty (50) feet.

Sec. 644. Front setback.

There shall be a front setback for every principal structure in conformance with the existing building line and veranda line.

Sec. 645. Side setbacks.

There shall be a minimum total width of side setbacks for every principal residential structure of thirty (30) percent of the lot frontage with a minimum side setback requirement of six (6) feet.

Sec. 646. Rear setback.

There shall be a minimum rear setback of thirty (30) feet for every principal residential structure.

Sec. 647. Maximum height limit.

No R-5 residential structure shall exceed a height of three and one-half (3-1/2) stories.

Sec. 648. Required usable open space.

There shall be provided in the R-5 district a minimum of twenty-five hundred (2,500) square feet of usable open space per lot in accordance with the table of densities set forth in the definition of "density" in section 2, and in accordance with the provisions under the definition of "open space, usable" in sections 2 and 9.

Secs. 649-665. Reserved.

DIVISION 17. R-6 LOW DENSITY RESIDENTIAL DISTRICT

Sec. 666. Purpose.

The purpose of the R-6 district in the city is to provide for and protect moderate sized single-family residences sited on a lot having a minimum area of six thousand (6,000) square feet. No conversions are permitted, and roomers and boarders are limited as described in section 983.

Sec. 667. Uses permitted.

R-6 land and water areas shall be used and buildings or structures shall be erected, altered, enlarged or used only for one (1) or more of the uses indicated in the R-6 column of the table of permitted uses subject to such standards as may be referred to in that column and in the special requirements column of such table and in article IV, division 2 (relating to required conditions for certain uses).

Sec. 668. Permitted accessory uses.

(a) Customary R-6 accessory uses are permitted and those permitted in accordance with the provisions set forth in article VI (relating to accessory uses) of these regulations.
(b) Accessory structures shall conform to the provisions set forth in article VI of these regulations.

Sec. 669. Required parking and loading areas.

R-6 off-street parking and off-street loading shall be provided in accordance with the provisions of article V (relating to off-street parking and off-street loading) of these regulations.

Sec. 670. Permitted lot coverage.

All R-6 principal residential structures shall occupy not more than a total of twenty-five (25) percent of the area of the lot.

Sec. 671. Requirements for floor space per dwelling unit.

Every R-6 dwelling unit shall meet the requirements of floor space per unit as set forth in section 16 (relating to floor area).

Sec. 672. Required lot area.

Every parcel of property to be utilized for residential purposes in the R-6 district shall have a minimum lot area of six thousand (6,000) square feet per dwelling unit.

Sec. 673. Lot widths.

Every lot shall have a minimum lot width at the street line of not less than fifty (50) feet.

Sec. 674. Front setbacks.

There shall be an R-6 front setback for every principal structure in conformance with the existing building line and veranda line.

Sec. 675. Side setbacks.

There shall be a minimum total width of R-6 side setbacks for every principal residential structure of thirty (30) percent of the lot frontage with a minimum side setback requirement of six (6) feet.

Sec. 676. Rear setbacks.

There shall be a minimum R-6 rear setback of thirty (30) feet for every principal residential structure.

Sec. 677. Maximum height limit.

No R-6 residential structure shall exceed a height of three and one-half (3-1/2) stories.

Sec. 678. Required usable open space.

There shall be provided in the R-6 district a minimum of twenty-five hundred (2,500) square feet of usable open space per lot in accordance with the table of densities set forth in the definition of "density" in section 2, and in accordance with the provisions under the definition of "open space, usable" in sections 2 and 9.

Secs. 679-695. Reserved.

DIVISION 18. R-7 LOW DENSITY RESIDENTIAL DISTRICT

Sec. 696. Purpose.

The purpose of the R-7 district in the city is to provide for and protect single-family residences sited on a lot having a minimum area of seventy-five hundred (7,500) square feet, and to conserve the single-family character of these areas by prohibiting conversions or rooming houses and limiting roomers and boarders as described in section 983.

Sec. 697. Uses permitted.

R-7 land and water areas shall be used and buildings or structures shall be erected, altered, enlarged or used only for one (1) or more of the uses indicated in the R-7 column of the table of permitted uses subject to such standards as may be referred to in that column and in the special requirements column of such table and in article IV, division 2 (relating to required conditions for certain uses).

Sec. 698. Permitted accessory uses.

(a) Customary R-7 accessory uses are permitted and those permitted in accordance with the provisions set forth in article VI (relating to accessory uses) of these regulations.
(b) Accessory structures shall conform to the provisions set forth in article VI of these regulations.

Sec. 699. Required parking and loading areas.

R-7 off-street parking and off-street loading shall be provided in accordance with the provisions of article V (relating to off-street parking and off-street loading provisions) of these regulations.

Sec. 700. Permitted lot coverage.

All R-7 principal residential structures shall occupy not more than a total of twenty-five (25) percent of the area of the lot.

Sec. 701. Requirements for floor space per dwelling unit.

Every dwelling unit shall meet the requirements of floor space per unit as set forth in section 16 (relating to floor area).

Sec. 702. Required lot area.

Every parcel of property to be utilized for residential purposes in the R-7 district shall have a minimum lot area of seventy-five hundred (7,500) square feet per dwelling unit.

Sec. 703. Lot width.

Every R-7 lot shall have a minimum lot width at the street line of not less than sixty (60) feet.

Sec. 704. Front setbacks.

There shall be an R-7 front setback for every principal structure in conformance with the existing building line and veranda line.

Sec. 705. Side setbacks.

There shall be a minimum total width of R-7 side setbacks for every principal residential structure of thirty (30) percent of the lot frontage with a minimum side setback requirement of six (6) feet.

Sec. 706. Rear setbacks.

There shall be a minimum R-7 rear setback of thirty (30) feet for every principal residential structure.

Sec. 707. Maximum height limit.

No R-7 residential structure shall exceed a height of three and one-half (3-1/2) stories.

Sec. 708. Required usable open space.

There shall be provided in the R-7 district a minimum of twenty-five hundred (2,500) square feet of usable open space per lot in accordance with the table of densities set forth in the definition of "density" in section 2, and in accordance with the provisions under the definition of "open space, usable" in sections 2 and 9.

Secs. 709-730. Reserved.

DIVISION 19. R-8 LOW DENSITY RESIDENTIAL DISTRICT

Sec. 731. Purpose.

The purpose of the R-8 district in the city is to provide for and protect single-family residences sited on a lot having a minimum area of twelve thousand (12,000) square feet. The R-8 district provisions encourage the future development of these very low density residential areas for primarily residential purposes by prohibiting conversions, roomers, most institutional uses and all business uses.

Sec. 732. Uses permitted.

R-8 land and water areas shall be used and buildings or structures shall be erected, altered, enlarged or used only for one (1) or more of the uses indicated in the R-8 column of the table of permitted uses subject to such standards as may be referred to in that column and in the special requirements column of such table and in article IV, division 2 (relating to required conditions for certain uses).

Sec. 733. Permitted accessory uses.

(a) Customary R-8 accessory uses are permitted and those permitted in accordance with the provisions set forth in article VI (relating to accessory uses) of these regulations.
(b) Accessory structures shall conform to the provisions set forth in article VI of these regulations.

Sec. 734. Required parking and loading areas.

R-8 off-street parking and off-street loading shall be provided in accordance with the provisions of article V (relating to off-street parking and off-street loading) of these regulations.

Sec. 735. Permitted lot coverage.

All R-8 principal residential structures shall occupy not more than a total of twenty-five (25) percent of the area of the lot.

Sec. 736. Requirements for floor space per dwelling unit.

Every R-8 dwelling unit shall contain not less than fifteen hundred (1,500) square feet of floor space for living quarters.

Sec. 737. Required lot area.

Every parcel of property to be utilized for residential purposes in the R-8 district shall have a minimum lot area of twelve thousand (12,000) square feet per dwelling unit.

Sec. 738. Lot width.

Every R-8 lot shall have a minimum lot width at the street line of not less than eighty (80) feet.

Sec. 739. Front setbacks.

There shall be an R-8 front setback for every principal structure in conformance with the existing building line and veranda line.

Sec. 740. Side setbacks.

There shall be a minimum total width of R-8 side setbacks for every principal residential structure of thirty (30) feet with a minimum side setback requirement of fifteen (15) feet.

Sec. 741. Rear setbacks.

There shall be a minimum R-8 rear setback of thirty (30) feet for every principal residential structure.

Sec. 742. Maximum height limit.

No R-8 residential structure shall exceed a height of three and one-half (3-1/2) stories.

Sec. 743. Required usable open space.

There shall be provided in the R-8 district a minimum of five thousand (5,000) square feet of usable open space per lot in accordance with the table of densities set forth in the definition of "density" in section 2, and in accordance with the provisions under the definition of "open space, usable" in sections 2 and 9.

Secs. 744-760. Reserved.

DIVISION 20. P PUBLIC PROPERTY AND CEMETERY DISTRICT

Sec. 761. Purpose.

The purpose of the P district in the city is to establish a separate category for park and recreational uses so that appropriate regulations may apply including as permitted uses, skating rinks, public swimming pools, refectories and zoos. Residential structures (except those of a caretaker), general commercial and industrial uses are not permitted. Large cemeteries and expressways and highways are included in this district.

Sec. 762. Uses permitted.

P land and water areas shall be used and buildings or structures shall be erected, altered, enlarged or used only for one (1) or more of the uses indicated in the P column of the table of permitted uses subject to such standards as may be referred to in that column and in the special requirements column of such table and in article IV, division 2 (relating to required conditions for certain uses).

Sec. 763. Permitted accessory uses.

Customary P accessory uses are permitted.

Sec. 764. Required parking and loading areas.

P off-street parking and off-street loading shall be provided in accordance with the provisions of article V (relating to off-street parking and off-street loading provisions) of these regulations.

Sec. 765. Maximum height limit.

There shall be no P maximum height requirement.

Sec. 766. Commission review of park infrastructure.

(a) The commission hereby declares the design and installation of physical infrastructure in the parks and parkettes of the city to fundamentally shape the experience of enjoying such parks and parkettes, and careful commission review of such infrastructure is intended to preserve health, safety, and general welfare and provide beautiful and functional places for the general public to recreate. Accordingly, the commission shall review and approve the design of any and all pieces of furniture (including but not limited to benches, chairs, and tables), trash receptacles, drinking water fountains, lighting fixtures, fencing, buildings, structures, historic and monument sites, playground equipment, athletic equipment, decorative fountains, man-made ponds and water features, sculpture, and artwork within any park or parkette in the P district, prior to such items being installed. Notwithstanding the preceding sentence, the

commission may also approve and adopt a schedule of approved furniture, trash receptacles, drinking water fountains, lighting fixtures, and fencing for each park or parkette, or groups of parks or parkettes, in the P district, and any item on the approved schedule may be installed for the relevant park(s) or parkette(s) without requiring additional commission review. The commission's review of proposals for any artwork to be placed in the P district may be conducted simultaneously with the advisory review of the city commission on cultural affairs, or the council if no commission on cultural affairs exists or is available to act, pursuant to section 2-178 of the city code.
(b) In exercising its review capabilities pursuant to section 8-24(2) of the general statutes, the commission interprets the phrase "substantially improve… any… park" to include city agency or council actions, or private party actions sanctioned or permitted or otherwise approved by city agencies or the council, regarding the design and/or installation of any and all pieces of furniture (including but not limited to benches, chairs, and tables), trash receptacles, drinking water fountains, lighting fixtures, fencing, buildings, structures, historic and monument sites, playground equipment, athletic equipment, decorative fountains, man-made ponds and water features, sculpture, and artwork within any park or parkette in the P district. Notwithstanding the preceding sentence, the commission may also approve and adopt a schedule of approved furniture, trash receptacles, drinking water fountains, lighting fixtures, and fencing for each park or parkette, or groups of parks or parkettes, in the P district, and any item on the approved schedule may be installed for the relevant park or parkette without requiring additional commission review pursuant to section 8-24(2) of the general statutes.

Secs. 767-785. Reserved.

DIVISION 21. FP FLOODPLAIN DISTRICT

Sec. 786. Purpose.

(a) The purpose of the FP district in the city is to apply special regulations to the use of the land in the floodplains of all rivers, streams, and bodies of water in the city which have or tend to have flooded or overflowed their banks. These special regulations are designed to:

(1) Prevent or minimize loss of life, injuries, property damage and other losses, both private and public;
(2) Promote the health, public safety, and general welfare of the people; and
(3) Help control and minimize the extent of floods and reduce the depth and violence of flooding.

(b) The provisions of this section shall apply in any zoning district which is located within a floodplain area. The boundaries of any floodplain district will be indicated on floodplain maps, which shall be on file in the office of the city clerk and the office of the Greater Hartford Flood Commission or its successor. The rules and regulations governing the use and occupancy of a floodplain district shall be on file at the office of the city clerk, and the office of the Greater Hartford Flood Commission or its successor.

Sec. 787. Uses permitted.

(a) The floodplain district is superimposed upon the other districts provided for by these regulations. Permitted uses are only those allowed in the underlying districts and in accordance with the requirements thereof, limited further by the provisions of the special regulations governing the floodplain district. Land and water areas shall be used as a matter of right and buildings or structures shall be erected, altered, enlarged or used as a matter of right only for one (1) or more of the uses indicated with an "F" in the FP column of the table of permitted uses, subject to such standards as may be referred to in that column and in the special requirements column of such table and in article IV, division 2 (relating to required conditions for certain uses), and subject to the approval, in writing, of the Greater Hartford Flood Commission, or its successor.
(b) Other uses allowed in the underlying districts, which may require the erection of structures and are therefore not permitted as a matter of right in the floodplain district and are not designated with an "F" in the FP column of the table of permitted uses may be permitted upon approval, in writing, of the Greater Hartford Flood Commission, or its successor, subject to the standards and regulations set forth by the Flood Commission, or its successor, in the FP district along minor brooks subject to flooding and in areas subject to flooding from headwater pools, except that no such uses may be permitted within the floodplain district along the North and South Branches of the Park River, unless adequate and proper measures, as recommended and approved by the Greater Hartford Flood Commission, or its successor, are specifically undertaken in connection with the location and/or construction of such use or uses to

ensure that the water storage volume as required by the July 1966 U.S. Army Corps of Engineers' Report on the Park River Basin is substantially maintained without upstream flooding, without endangering properties of adjacent owners and without interfering or diminishing the basic flow of the Park River.
(c) Any land filling, grading, or excavating shall be permitted only upon approval, in writing, by the Greater Hartford Flood Commission, or its successor.

Sec. 788. Floodplain elevation.

The elevation of the flood plain district, except for the area north of Albany Avenue and the Connecticut River, shall be contour level fifty-four (54) feet, Metropolitan District Commission datum. In the area north of Albany Avenue and the Connecticut River the elevation of the flood plain district shall be based on the base flood elevations as shown in the flood insurance study (FIS) and the flood insurance rate map (FIRM) prepared by the Federal Emergency Management Agency. The FIS and FIRM are hereby adopted by reference and declared to be a part of these regulations as fully as if set out in this section.

Sec. 789. Required parking and loading areas.

FP off-street parking and off-street loading shall be provided in accordance with the provisions of article V (relating to off-street parking and off-street loading provisions) of these regulations.

Sec. 790. Density.

For the purpose of computing the permitted density on an FP lot, the total area of such lot may be used, including such portion as may be included in the floodplain district.

Sec. 791. Approval by flood commission.

Prior to the issuance of a zoning or building permit for any structure, use or filling in the floodplain district, the Greater Hartford Flood Commission, or its successor, shall approve, in writing, such structure, use or filling in accordance with the Flood Commission's general powers and duties as set forth in section 39 of the appendix to the charter (relating to general powers and duties of the flood control commission) or any other rules and regulations the Flood Commission or its successor may adopt from time to time. In so certifying, the Flood Commission shall indicate any changes which are necessary in the boundaries of the floodplain district and shall institute the appropriate action to implement such changes.

Secs. 792-815. Reserved.

DIVISION 22. HOD HOUSING OVERLAY DISTRICT

Sec. 816. Purpose.

The purpose of the housing overlay district in the city is to establish a residential development requirement for land areas determined to be desirable for housing development but designated for mixed use/office development by the underlying zoning district designation and the city's plan of conservation and development.

Sec. 817. Uses permitted.

HOD land and water areas shall be used and buildings or structures shall be erected, altered, enlarged or used only for one (1) or more of the uses indicated in the B-1 and B-2 columns of the table of permitted uses subject to such standards as may be referred to in that column and in the special requirements column of such table and in article IV, division 2 (relating to required conditions for certain uses). For buildings located within the districts noted in this section and upon land on which the housing overlay district has been superimposed, at least twenty-five (25) percent of the gross floor area proposed for an office or parking structure shall be provided on the same lot or zoning lot for

uses that are designated as residential uses under the table of permitted uses, article IV, division 1 (relating to permitted uses generally), and permitted in the B-1 and B-2 districts.

Sec. 818. Required parking and loading areas.

HOD off-street parking and off-street loading shall be provided in accordance with the provisions of article V (relating to off-street parking and off-street loading) of these regulations.

Sec. 819. Floor area ratio.

The minimum total floor area ratio (FAR) for all buildings shall be five (5) for any lot or zoning lot in the B-1 downtown development district and the B-2 downtown development perimeter district. Space used for residential purposes, in accordance with the mandate of section 817 (relating to HOD district permitted uses), shall be exempt and not counted in the calculation of the floor area ratio (FAR).

Sec. 820. Limitations on persons per acre.

The maximum number of persons per acre for all HOD structures shall be that permitted by the underlying zoning district.

Sec. 821. Permitted lot coverage.

The permitted lot coverage for all structures shall be that permitted by the underlying zoning district.

Sec. 822. Requirements for floor space per dwelling unit.

Every HOD dwelling unit shall meet the requirements of floor space per unit as set forth in article IV, division 1 (relating to permitted uses generally) of these regulations.

Sec. 823. Required lot area.

Every parcel of property to be utilized for HOD residential purposes under section 817 (relating to HOD district permitted uses) shall have a minimum lot area of ten thousand (10,000) square feet.

Sec. 824. Lot width.

Every HOD lot shall have a minimum lot width at the street line as required by the underlying zoning district.

Sec. 825. Front setback.

There shall be a front setback for every HOD principal structure in conformance with the existing building line.

Sec. 826. Side setback.

The minimum required HOD side setback shall be that required by the underlying zoning district.

Sec. 827. Rear setback.

The minimum required HOD rear setback shall be that required by the underlying zoning district.

Sec. 828. Maximum height limit.

There shall be no HOD maximum height limit.

Sec. 829. Required usable open space.

Required HOD usable open space shall be provided in accordance with the provisions of the underlying zoning district.

DIVISION 23. INDUSTRIAL RE-USE OVERLAY DISTRICT

Sec. 830. Purpose.

The purpose of the Industrial Re-use Overlay District (IROD) in the city is to allow for the re-use of industrial structures built generally before World War II which have become obsolete for modern production processes. Structures that are appropriate for the district are located primarily in the industrial corridors that were developed along the railroad lines that branch out from the center of the city. IRODs shall be overlain only on properties located in the I-2 and C-1 zoning districts.

Sec. 831. Uses permitted.

IROD land and water areas shall be used and buildings or structures shall be erected or altered, enlarged or used only for one (1) or more of the uses indicated by an "I" in the C-1 and I-2 columns of the table of permitted uses. In mixed occupancy buildings or structures, all spaces used for residential purposes shall be physically separated from spaces used for commercial or industrial purposes, when on the same floor, or shall be located above existing commercial or industrial uses; in no instance shall space utilized for residential purposes be located below any such commercial or industrial uses.

Sec. 832. Required parking and loading areas.

IROD off-street parking and loading must conform to the requirements contained in article V. The commission may reduce the requirements for parking and/or loading for a specific proposal, if it finds such reduction to be consistent with the objectives of the IROD, facilitates the re-use of industrial buildings, and protects public health, welfare and safety. In determining whether a waiver is appropriate, the commission may require a transportation management plan.

Sec. 833. Limitations on persons per acre.

The maximum density for an IROD is seventy-five (75) people per acre. The commission may allow for densities higher than seventy-five (75) people per acre for a specific proposal if the commission finds the proposal consistent with the surrounding uses and that the health, welfare and safety of the residents is protected.

Sec. 834. Permitted lot coverage.

The permitted lot coverage for all structures shall be that permitted by the underlying zoning district.

Sec. 835. Requirements for floor space per dwelling unit.

Every IROD dwelling unit shall meet the requirements of floor space per unit as set forth in section 16 (relating to floor area) of these regulations.

Sec. 836. Required lot area.

The minimum lot size of every parcel of property to be utilized for IROD purposes shall be that of the underlying zoning district.

Sec. 837. Lot width.

Every IROD lot shall have a minimum lot width at the street line as required by the underlying zoning district.

Sec. 838. Front setback.

There shall be a front setback for every IROD principal structure in conformance with the existing building line.

Sec. 839. Side setback.

The minimum required IROD side setback shall be that required by the underlying zoning district.

Sec. 840. Rear setback.

The minimum required IROD rear setback shall be that required by the underlying zoning district.

Sec. 841. Maximum height limit.

There shall be no IROD maximum height limit.

Sec. 842. Required usable open space.

The minimum required open space in the IROD shall be that required by the underlying zoning district. The commission may reduce such open space requirement for a specific proposal if it finds such reduction to be consistent with the objectives of the IROD, facilitates the re-use of industrial buildings, and protects public health, welfare and safety; and if adequate open space exists in the neighborhood.

Secs. 843-850. Reserved.

ARTICLE IV. PERMITTED USES

DIVISION 1. GENERALLY

Sec. 851. Description of tables.

(a) Land, water, buildings and structures may be used only for the purposes set forth in the following tables of permitted uses and only within those districts specified in the table of permitted uses.
(b) Unless otherwise indicated, the table of permitted uses designates only the principal or primary uses permitted and all uses customarily incidental to the actual principal use are permitted on the same lot with such principal use.
(c) In the I-1, I-2 and C-1 districts, retail sales is a permitted accessory use.

Sec. 852. Interpretation of table.

(a) In the interpretation of the table of permitted uses, where a use is not specifically listed in the table, its status under this section shall, upon application, be determined by the commission by reference to that listed use, if any, which is so like the use in question in purpose, function, character, and effect as to be substantially similar to such listed use.
(b) If the commission determines that the use in question is substantially similar to a use specifically listed in the table, such use shall be permitted in the zoning districts in the same manner as the substantially similar listed use and subject to the same conditions and requirements controlling the substantially similar listed use.
(c) If the commission determines that the use in question is not substantially similar to a use specifically listed in the table, such use may be permitted and added to the table only by amending these regulations as provided for in section 41 (relating to amendments).
(d) In determining the status of the use in question, the commission shall consider all other codes, ordinances, laws and statutes.

Sec. 853. Key to tables.

The symbols used in the tables of permitted uses are as follows:

A - means that the use is permitted as an accessory use in the designated district, subject to the conditions set forth in article VI and the applicable provisions of the zoning regulations.

C - means that the use is permitted in the designated district, but subject to conditions as set forth in article IV, division 2 and the applicable provisions of the zoning regulations.

E - means that only those uses existing as of February 28, 1968, are permitted in the R-8 district, and those cemeteries already existing in the P district. Such existing uses shall not be construed to be nonconforming uses, but any additions to or expansions of such uses shall be subject to the conditions, excepting lot area, set forth for such uses in article IV, division 2 (relating to required condition for certain uses). If no such provisions are set forth in article IV, division 2, such uses shall comply with the development provisions for the R-8 district set forth in article III, division 18 Existing Use (R-8), as defined in section 2.

F - means that the use is permitted as a matter of right in the floodplain district. Additional uses may be permitted in the floodplain district, subject to the conditions set forth in article III, division 21 (relating to the floodplain district).

H - means that the use is permitted as a matter of right in the designated district, but only after the adoption of an Industrial Re-use Overlay District (IROD) and subject to the conditions set forth in article III, division 23 (relating to the industrial re-use overlay district).

I - means those uses that are appropriate for an Industrial Re-use Overlay District (IROD) and subject to the conditions set forth in article III, division 23 (related to the industrial re-use overlay district), and otherwise permitted ("P") in the underlying zone, unless a "C" is also included in the relevant box, in which case the use is subject to conditions.

P - means that the use is permitted as a matter of right in the designated district.

Sec. 854. Table of Permitted Uses.

USES	RO1	RO2	RO3	R1	R2	R3	R4	R5	R6	R7	R8	P	FP	I-1	I-2	C-1	B1	B2	B3	B4
Culture, Entertainment & Recreational Uses																				
Amusement															P					
Billiards & pool halls															P	P	P	P		
Bazaars & festivals	C	C	C	C	C	C	C	C	C	C	C	C			C		C	C	C	C
Carnivals, races, & circuses												C			C					
Go-cart tracks													F		P	P				
Golf driving range												P	F		P	P				
Miniature golf													F		P	P				
Penny arcades															P			P		
Aquariums												P			P	P				
Art galleries	P	P	P									P			I	I	P	P	P	P
Botanical gardens/arboretums												P	F							
Historic & monument sites	P	P	P	P	P	P	P	P	P	P	P	P	F	P	P	P	P	P	P	P
Libraries	P	P	P								E				I	I	P	P	P	P
Museums	P	P	P								E	P			I	I	P	P	P	P
Parks - General recreation												P	F							
Parks - Leisure & ornamental	C	C	C	C	C	C	C	C	C	C	C	P	F	P	P	P	P	P	P	P
Parkettes	C	C	C	C	C	C	C	C	C	C	C	P	F	P	P	P	P	P	P	P
Planetariums												P			P	P				
Zoos												C								
Public Assembly																				
Amphitheaters												P								
Auditoriums & coliseums															P	P	P	P		
Bandshell												P					P	P		
Civic center															P	P	P	P		
Clubhouse															C	C	C	C	C	
Veterans posts															P	P		P	P	P
Community center	C	C	C	C	C	C	C								I	I			C	C
Drive-in movies															C					
Exhibition halls															P	P	P	P		
Legitimate theaters															I	P	P	P	P	P

USES	RO1	RO2	RO3	R1	R2	R3	R4	R5	R6	R7	R8	P	FP	I-1	I-2	C-1	B1	B2	B3	B4
Motion picture theaters															I	P	P	P	P	P
Sports arenas & field houses															P	P	P	P		
Sport race tracks												P			P					
Stadiums												P			P		SP			
Recreational Activities																				
Camping & picnicking areas												P	F							
Marinas												P	F							
Playgrounds & Athletic Areas																				
Athletic clubs															P	P	P	P	P	P
Gymnasiums															P	P	P	P	P	P
Playgrounds	C	C	C	C	C	C	C	C	C	C	E	P	F						P	P
Playfields or athletic fields												P	F							
Tot lots	C	C	C	C	C	C	C	C	C	C									P	P
Recreation centers	C	C	C	C	C	C	C	C				P				P	P	P	P	P
Sports Activities																				
Archery ranges, indoor												P			P	P		P		
Archery ranges, outdoors												P	F	P	P					
Bowling															P	P	P	P	P	C
Firing ranges, indoor												P			P	P				
Firing ranges, outdoor												P	F	P	P					
Golf courses												P	F							
Ice skating												P	F		P	P	P	P	P	
Riding stables												P								
Roller skates												P			P	P		P		
Swimming pools	A	A	A	A	A	A	A	A	A	A	A	P	F		P	P	P	P	P	P
Tennis courts	A	A	A	A	A	A	A	A	A	A	A	P	F		P	P	P	P	P	P
Resorts & Group Camps																				
Group or organized camps												P								

USES	RO1	RO2	RO3	R1	R2	R3	R4	R5	R6	R7	R8	P	FP	I-1	I-2	C-1	B1	B2	B3	B4
Residential																				
Single family dwelling - Detached	P	P	P	P	P	P	P	P	P	P	P								P	P
Single family dwelling - Semidetached	P	P	P	P	P	P	P	P											P	P
Single family dwelling - Attached	P	P	P	P	P	P	P												P	P
Two family dwelling – Detached or semidetached	P	P	P	P	P	P	P	P											P	P
Two family dwelling - Attached	P	P	P	P	P	P	P												P	P
Three family dwelling – Detached, semidetached, or attached (including both new construction and conversions from one use to a three-family use)	SP	SP	SP	SP	SP	SP	SP												SP	SP
Multiple (four or more family)	SP	SP	SP	SP	SP	SP	SP							I	I	SP	SP	SP	SP	SP
Accessory historic barn dwelling units								C	C	C										
Accessory Residential Uses																				
Customary accessory uses	A	A	A	A	A	A	A	A	A	A	A						A	A	A	A
Customary home occupations	A	A	A	A	A	A	A	A	A	A							A	A	A	A
Short-Term Lodgings																				
Residential or apartment hotel	P	P															P	P	P	P
Hotel	P	P													P		P	P	P	
Motel	P	P													P	P	P	P	P	
Transient lodgings	C														C	C	C	C		

USES	RO1	RO2	RO3	R1	R2	R3	R4	R5	R6	R7	R8	P	FP	I-1	I-2	C-1	B1	B2	B3	B4
Group Quarters																				
Boarding house or rooming house																		SP	SP	SP
Renting of rooms and providing of board to two (2) or fewer roomers or boarders as provided in section 983								A	A	A										
Convalescent, nursing or rest home; retirement center; or adult day care center	C	C	C	C	C	C	C	C											C	C
Dormitory or residence hall	C	C	C	C	C	C	C	C	C	C	C					C		C	C	
Group dwelling development	SP	SP	SP	SP	SP	SP	SP				SP						SP	SP	SP	SP
Extended care residence	C	C	C			C	C	C												
Foster home	P	P	P	P	P	P	P	P	P	P	P									
Fraternity or sorority house	C	C	C	C	C	C	C	C	C	C	C					C			C	
Maternity home	P	P	P	P	P	P	P											P	P	P
Orphanage or children home	P	P	P	P	P	P	P	C	C	C	E									
Rehabilitation home																			SP	
Freestanding group dwelling								C	C	C										
Work studio/dwelling															C	C	C	C		
Business Service																				
Miscellaneous professional services (advertising, business and management consulting, credit reporting, employment service, news syndicates, research & development, stenographic, and the like)	P	P	P												P	P	P	P	P	P
Automobile rental															P	P	P	P	P	C
Blueprinting & photocopying															P	P	P	P	P	P
Data processing															P	P		P	P	
Delivery service															P	P	P	P	P	C
Detective & protective service	P	P													P	P	P	P	P	P
Direct mail service															P	P	P	P	P	P
Duplicating & mailing															P	P	P	P	P	P
Dwelling & other building services															P	P		P	P	
Limousine service															P	P	P	P	P	C
Motion picture distribution & services															P	P	P	P	P	
Office equipment rental & leasing services	P	P													P	P	P	P	P	P

USES	RO1	RO2	RO3	R1	R2	R3	R4	R5	R6	R7	R8	P	FP	I-1	I-2	C-1	B1	B2	B3	B4
Photofinishing services															P	P	P	P	P	P
Semifinished electronic products assembly															P	P		P	C	C
Trading stamp service																P	P	P	P	P
Truck rental service															P	P				
Contract Construction Service																				
Concrete service														P	P					
Crane & crane services														P	P					
General contract construction services														P	P	P				
Temporary outside storage of equipment and materials associated with specified construction projects.	C	C	C	C	C	C	C	C	C	C	C	C				C	C	C	C	C
Inside equipment & materials storage - special construction services																			C	C
Salvage & wrecking services														C						
Special construction trade services														P	P	P		P	P	P
Water well drilling services														P	P					
Educational Services																				
Child day care center	C	C	C	C	C	C	C	C	C	C	E	C			P	P	P	P	C	C
School - Aviation															P					
School - Barber or Beauty	A	A													I	I	P	P	P	P
School – Visual or Performing Arts															I	I	P	P	P	P
School - Driving, automobile															I	P	P	P	P	P
School - Driving, truck															P	P				
School - Nursery	C	C	C	C	C	C	C	C	C	C	E	C					P		C	C

USES	RO1	RO2	RO3	R1	R2	R3	R4	R5	R6	R7	R8	P	FP	I-1	I-2	C-1	B1	B2	B3	B4
Elementary, intermediate, and secondary schools	C	C	C	C	C	C	C	C	C	C	E	C							C	C
Secretarial & stenographic	P	P															P	P	P	P
Special education	C	C	C	C	C	C	C	C	C	C	E	C							C	C
Technical trade & vocational															P	P	P	P	P	
Theological	C	C	C	C	C	C	C	C	C	C	E								C	
University, college, junior college, & professional school education	C	C	C	C	C	C	C	C	C	C	E					P	P	P	P	
Adult education				C	C	C	C													
Finance, Insurance, & Real Estate Services																				
Banking, bonding, credit, holding, investment, savings, loan, securities, and commodities services	P	P													P	P	P	P	P	P
Insurance carriers, agents, brokers, & service	P	P	P												P	P	P	P	P	P
Real estate & related services	P	P	P												P	P	P	P	P	P
Other finance, insurance & real estate services	P	P													P	P	P	P	P	P
Governmental Services																				
Correction institution															P					
Executive, legislative & judicial functions	P	P	P														P	P	P	
Post office															P	P	P	P	P	P

USES	RO1	RO2	RO3	R1	R2	R3	R4	R5	R6	R7	R8	P	FP	I-1	I-2	C-1	B1	B2	B3	B4
Military Bases & Reservations																				
Administrations or command centers	P														P	P	P	P		
Armory	P														P	P				
Communication center															P	P				
Defense installations														P	P	P				
Maintenance centers															P	P				
Storage depot & transportation centers															P	P				
Training bases														P	P					
Protective Functions & Related Activities																				
Civil defense	P														P	P	P	P	P	P
Fire stations	P	P	C	C	C	C	C	C	C	C		P		P	P	P	P	P	P	P
Police station														P	P	P	P	P	P	P
Personal Services																				
Beauty, barber & hairdressing services	A	A													I	I	P	P	P	P
Cemeteries												E								
Crematory services												C			C					
Diaper service															P	P			P	
Funeral service	P	P																	P	C
Fur repair & storage																P		P	P	P
Laundering, dry cleaning & dyeing services															P	P		P	P	P
Laundry & dry cleaning, self service	A	A													I	P	P	P	P	P
Laundry & dry cleaning (pick-up & delivery only)	A	A													I	I	P	P	P	P
Linen supply & industrial laundry service															P	P			P	
Photographic services															P	P	P	P	P	P
Therapeutic massage establishment																	P	P		
Pressing, alteration & garment repair services															I	I	P	P	P	P
Rug cleaning & repair															P	P			P	
Shoe repair & hat cleaning services															I	I	P	P	P	P
Shoeshining	A	A															P	P	P	P

USES	RO1	RO2	RO3	R1	R2	R3	R4	R5	R6	R7	R8	P	FP	I-1	I-2	C-1	B1	B2	B3	B4
Medical Services																				
Medical & other health service																				
Convalescent & rest home	C	C	C	C	C	C	C	C											C	
Dental laboratory services															P	P	P	P	P	P
Dental service	P	P	P												P	P	P	P	P	P
Community health center	P	P													P	P	P	P	P	P
Hospital services	C	C																		
Medical clinics - outpatient	C	C													C	C	C	C	C	C
Medical laboratory services														P	P	P	P	P	P	C
Physicians' & surgeons'	P	P	P												P	P	P	P	P	P
Ambulance service															P	P			P	P
Miscellaneous Services																				
Non-medical office uses serving attorneys, business associations, civic, social, private, religious & fraternal associations, labor unions, and professional membership associations	P	P	P												P	P	P	P	P	P
Check cashing															C					
Churches, synagogues & temples	P	P	C	C	C	C	C	C	C	C	E						P	P	P	P
Dog pound														P	P					
Junk & scavenger yards														C						
Motor vehicle wrecking yard or motor vehicle junk yard														SP						
Pawnshop															C					
Scrap metal processing														C						
Sign painters															P	P		P	P	P
Tattoo parlor															C					
Welfare & charitable services															C	C		C		

USES	RO1	RO2	RO3	R1	R2	R3	R4	R5	R6	R7	R8	P	FP	I-1	I-2	C-1	B1	B2	B3	B4
Repair Services																				
Automobile laundry															P	P		P		
Large truck laundry														P	P					
General repair & service															P	P				
Limited repair & service															P	P		P	P	
Automobile wash, self-service															C	C			C	
Retail Trade – Apparel & Accessories																				
New clothing, accessories, furs, jewelry, and shoes															I	I	P	P	P	P
Secondhand clothing, accessories, furs, jewelry, and shoes																				C
Custom tailoring	A	A													I	I	P	P	P	P
Retail Trade - Automotive, Marine Craft, Aircraft & Accessories																				
Aircraft & accessories															P	P				
Marine craft & accessories															P	P			P	
Automobiles															P	P				
Motor vehicle fueling only station														SP	SP	SP			SP	
Motor vehicle or gasoline fueling station														P	SP	SP	SP	SP	SP	
Motor vehicle or gasoline service station														P	SP	SP	SP	SP	SP	
Automotive, marine craft, aircraft tires, batteries, & accessories															P	P		P	P	P

USES	RO1	RO2	RO3	R1	R2	R3	R4	R5	R6	R7	R8	P	FP	I-1	I-2	C-1	B1	B2	B3	B4
Retail Trade - Building Materials, Hardware & Farm Equipment																				
Building materials and hardware supplies, other than lumber and farm equipment															I	P	P	P	P	P
Farm equipment															P	P				
Lumber															P	P				
Retail Trade-Eating & Drinking																				
Brew pubs															P	I	P	P		
Drinking places (alcoholic beverages)	C	C	C	C	C	C	C	C	C	C	C				P	C	P	C	C	C
Drive-in establishments (including eating places with drive-in or curb service)															SP	SP			SP	
Eating places without drive-in or curb service	A	A													P	P	P	P	P	P
Eating places serving liquor	C	C													P	C	P	C	C	C
Eating places serving beer & wine only	P	P													P	P	P	P	P	P
Outdoor café serving alcohol															C	C	C	C	C	C
Retail Trade – Food																				
Alcoholic beverages	C	C	C	C	C	C	C	C	C	C	C				C	C	C	C	C	C
Bakeries																				
- with on-site baking																P		P	P	P
- without on-site baking	A	A													I	I	P	P	P	P
Carry-out service: prepared foods															I	I	P	P	P	P
Grocery store															I	I	C	C	C	C
Grocery store / convenience store															I	I	C	C	C	C

USES	RO1	RO2	RO3	R1	R2	R3	R4	R5	R6	R7	R8	P	FP	I-1	I-2	C-1	B1	B2	B3	B4
Retail Trade - Furniture, Home Furnishings & Equipment																				
New furniture, home furnishings, household appliances, music supplies, and household electronics																P	P	P	P	P
Secondhand furniture, home furnishings, music supplies, and household electronics																				C
Historical antique furniture															I	P	P	P	P	P
Retail Trade - General Merchandise																				
Department stores and general stores other than "dollar" discount stores																P	P	P	P	P
"Dollar" discount stores															P	P				
Merchandise vending machine operators																P			P	
Retail Trade - Other																				
Adult establishments														C	C					
Bottled gas															P	P			P	
Cigars, cigarettes & tobacco	A	A													I	I	P	P	P	P
Drug & proprietary	A	A													I	I	P	P	P	P
Farm & garden supplies															P	P			P	P
Florists	A	A													I	P	P	P	P	P
Fuel oil															P	P			P	P
Gifts, novelties, & souvenirs	A	A													I	I	P	P	P	P
Liquor																C	C	C	C	C
Hookah lounge																	C	C	C	C

USES	RO1	RO2	RO3	R1	R2	R3	R4	R5	R6	R7	R8	P	FP	I-1	I-2	C-1	B1	B2	B3	B4
Newspaper & magazines	A	A													I	I	P	P	P	P
Nursery															P	P			P	P
Optical goods	A	A													I	I	P	P	P	P
Other retail not otherwise considered in this section, such as books, pet supplies, sporting goods, stationery, and similar items															I	I	P	P	P	P
Outdoor display of merchandise or other items for sale or advertisement																			A	A
Signs & Outdoor Advertising - See also Article VII																				
Electronic outdoor advertising sign												SP		SP	SP	SP				
Wholesale Trade																				
Wholesale trade of equipment, machinery, materials, food, alcoholic beverages, tobacco, chemicals, supplies, metals, minerals, and other goods and related products—other than petroleum bulk stations & terminals and scrap & waste materials															P	P				
Petroleum bulk stations & terminals														P	P	P				
Scrap & waste material														P						

USES	RO1	RO2	RO3	R1	R2	R3	R4	R5	R6	R7	R8	P	FP	I-1	I-2	C-1	B1	B2	B3	B4
Aircraft Transportation																				
Airport & flying fields															P					
Heliport landing – takeoff pads	P														P	P	P	P		
Other aircraft transportation															P					
Automobile Parking Garage																				
Commercial	C	C													P	P	C	P	P	C
Community			C	C	C	C	C													
Small accessory	A	A	A	A	A	A	A	A	A	A	A			P	P	P	P	P	P	P
Large accessory	A	A	A	A	A	A	A	A	A	A	A			A	A	A	A	A	A	A
Automobile Parking Lot																				
Private	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	F	P	P	P			P	P
Public	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	F	P	P	P			P	P
Commercial	C	C	C									SP	F	P	P	P			P	P
For motor vehicles that are not automobiles														SP						
Communications Facilities																				
Communication antennas subject to Connecticut Siting Council review	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP		SP	SP	SP	SP	SP	SP	SP
Communication antennas not subject to Connecticut Siting Council review	C	C	C	C	C	C	C	C	C	C	C	C		C	C	C	C	C	C	C
Communications broadcasting studios (only)	C	C												C	C	C	C	C	C	C
Communications towers														SP	SP	SP				
Other communications equipment	C	C												C	C	C	C	C	C	C

USES	RO1	RO2	RO3	R1	R2	R3	R4	R5	R6	R7	R8	P	FP	I-1	I-2	C-1	B1	B2	B3	B4
Highway & Street Right-of-Way																				
Freeways, expressways, and parkways												P	F							
Arterial, collector, local access streets	P	P	P	P	P	P	P	P	P	P	P	P	F	P	P	P	P	P	P	P
Alleys	P	P	P	P	P	P	P	P	P	P	P	P	F	P	P	P	P	P	P	P
Other highway & street rights of way	P	P	P	P	P	P	P	P	P	P	P	P	F	P	P	P	P	P	P	P
Marine Craft Transportation																				
Freight														P	P					
Passenger												P		P	P					
Passenger & freight														P	P					
Agriculture & Farming																				
Community gardens	C	C	C	C	C	C	C	C	C	C	C	C		C	C	C	C	C	C	C
Single-operator gardens		SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP		SP	SP	SP				
Farmers' markets	C	C	C	C	C	C	C	C	C	C	C	C		C	C	C	C	C	C	C
Henhouses	A	A	A	A	A	A	A	A	A	A	A	P		P	P	P	A	A	A	A
Keeping of honey bees	C	C	C	A	A	A	A	A	A	A	A	A		A	A	A	A	A	A	A
Agriculture processing														P	P					
Farming using heavy machinery beyond single-operator gardens														P	P					
Horticultural specialties												P	F	P	P	P				
Animal care services														P	P	P	P	P	P	P
Animal services														P	P	P			P	

USES	RO1	RO2	RO3	R1	R2	R3	R4	R5	R6	R7	R8	P	FP	I-1	I-2	C-1	B1	B2	B3	B4
Motor Vehicle Transportation																				
Bus Transportation																				
Garage & equipment maintenance															P					
Passenger Terminal																				
- Intercity															P	P	P	P		
- Local																	P	P	P	
- Intercity & local															P	P	P	P		
Motor Freight Transportation																				
Garage & maintenance															P					
Terminal															P	P				
Railroad, Rapid Rail Transit & Street Railroad Transportation																				
Railroad transportation																				
Maintenance & storage														P	P					
Freight terminal														P	P	P		P		
Freight & passenger terminal															P	P		P		
Passenger terminal															P	P		P		
Right of way														P	P	P				
Switching & marshalling yards														P	P					
Rapid rail transit & street railway																				
Garage & maintenance														P	P					
Passenger terminal															P	P	P	P		
Right of way														P	P	P				
Taxicab Transportation																				
Garage & maintenance															P	P			P	
Stands	P	P														P	P	P	P	P
Transport center															P	P	P	P		

USES	RO1	RO2	RO3	R1	R2	R3	R4	R5	R6	R7	R8	P	FP	I-1	I-2	C-1	B1	B2	B3	B4
Utilities																				
Electric Utility																				
Generating plants														P	P					
Regulating substations	C	C	C	C	C	C	C	C	C	C				P	P	P	P	P	P	P
Gas Utility																				
Storage & distribution points														P	P	P				
Pressure control stations														P	P	P				
Production plants														P	P					
Sewage Disposal																				
Pressure control stations														P	P	P				
Sludge drying beds														P						
Treatment plants														P	P					
Solid Waste Disposal																				
Central garbage grinding & extraction														P	P					
Compositing plants														P						
Bio-medical waste treatment facility																				
Recycling facility or plant														C	C					
Refuse disposal														P						
Refuse incineration														P						
Sanitary landfills														P	P					
Water Utilities & Irrigation																				
Pressure control station														P	P	P				
Storage														P	P	P				
Treatment plant (purification)														P	P					
Other Transportation & Utilities																				
District heating &/or cooling facility														P	P	C				
Petroleum pressure control stations														P	P	P				
Transportation Services & Arrangements																				
Freight-forwarding service															P	P				
Packing & crating service															P	P				
Transportation ticket services	A	A													P	P	P	P	P	P
Travel arranging	A	A													P	P	P	P	P	P

USES	RO1	RO2	RO3	R1	R2	R3	R4	R5	R6	R7	R8	P	FP	I-1	I-2	C-1	B1	B2	B3	B4
Renewable Energy																				
Building-integrated solar energy system	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Building-mounted solar energy system	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Small ground-mounted solar energy system				A	A	A	A	A	A	A	A			A	A	A				A
Parking lot canopy solar energy system	SP	SP										SP		SP	SP	SP			SP	SP
Small wind energy system												SP		SP	SP	SP			SP	SP
Roof-mounted wind energy system	C	C	C	C	C	C	C	C	C	C	C	C		C	C	C	C	C	C	C
Manufacturing Uses																				
Apparel & Other Finished Textile Products, Manufacturing																				
Apparel – stitching															P	P		P	P	C
Leather tanning finishing																				
Other manufacturing of fur goods, hats, caps, leather products (other than leather tanning), clothing, and accessories fabricated textile products															P					
Chemicals & Allied Products, Manufacturing																				
Corrosive, poisonous or malodorous acids & chemicals, glue, gelatin, fertilizer, fat rendering, explosives (other than firearms or small arms ammunition), printing ink & carbon black																				
Drugs														P	P					
Medical marijuana dispensary and production															C					
Other inorganic and organic chemicals not listed in the preceding two entries														P						
Warehousing & Storage Services																				
Inside storage															P	P			C	C
Outside storage															P					

USES	RO1	RO2	RO3	R1	R2	R3	R4	R5	R6	R7	R8	P	FP	I-1	I-2	C-1	B1	B2	B3	B4
Fabricated Metal Products & Furniture Products – Manufacturing																				
All fabricated metal products														P	P					
All furniture and fixture manufacturing															P					
Food & Kindred Products– Manufacturing																				
Abattoir & slaughterhouse														P						
Beverage-bottling & canning of soft drinks & carbonated waters only															P	P				
Ice														P	P					
Meat products														P	P					
All other food manufacturing, including bakery, confectionary, sugar, nonalcoholic beverages, canning/preserving food products, dairy products, grain mill products, noodle products, and the like															P					
Wood, Paper, and Metal Manufacturing																				
Millwork, veneer, plywood & prefabricated structural products														P	P					
Paper														P						
Paperboard & paperboard products														P	P					
Foundries (iron, steel, and nonferrous)														P						
Rolling, drawing & extruding of nonferrous metals														P						
Printing, Publishing, & Allied Industries																				
All printing & publishing of books, newspapers, cards, and similar products															P	P		P	P	

USES	RO1	RO2	RO3	R1	R2	R3	R4	R5	R6	R7	R8	P	FP	I-1	I-2	C-1	B1	B2	B3	B4
Professional, Scientific & Controlling Instruments; Photographic & Optical Goods; Watches & Clocks; Manufacturing																				
Engineering, laboratory, scientific, research instruments & equipment															P					
Instruments for measuring controlling & indicating physical characteristics															P					
Ophthalmic goods															P					
Optical instruments															P					
Optical lenses															P	P	P	P	P	
Optical lenses – grinding not manufacturing															P	P	P	P	P	P
Photographic equipment & supplies															P					
Surgical, medical & dental Instruments & supplies															P					
Watches, clocks, clockwork operative devices & parts															P					
Rubber & Miscellaneous Plastic Products, Manufacturing																				
Reclaiming rubber														P						
Rubber footwear														P						
Tires & inner tubes														P						
Miscellaneous plastic products														P	P					
Other fabricated rubber products														P	P					
Stone, Clay & Grass Products, Manufacturing																				
Abrasive, asbestos & miscellaneous nonmetallic mineral products														P						
Concrete, gypsum & plaster products														P						
Cut stone & stone products														P	P					
Flat glass														P						
Glass & glassware														P	P					
Pottery, earth ware, porcelain & related products														P	P					
Structural clay products														P	P					

USES	RO1	RO2	RO3	R1	R2	R3	R4	R5	R6	R7	R8	P	FP	I-1	I-2	C-1	B1	B2	B3	B4
Textile Mill Products, Manufacturing																				
Broad & narrow woven fabrics & other small wares (cotton, manmade fibers, silk & wool)														P	P					
Dyeing & finishing of textiles														P	P					
Floor coverings (rugs & carpets)														P	P					
Knit goods														P	P					
Yarns & threads														P	P					
Other textile goods														P	P					
Miscellaneous Manufacturing																				
Taxidermy studios														C	C	C				
Costume jewelry, novelties, buttons & miscellaneous notions															P					
Jewelry, silverware, & plated ware															P					
Motion picture production															P	P				
Musical instruments & parts															P					
Pens, pencils & other office & artists' materials															P					
Signs & advertising display															P					
Tobacco														P	P					
Toys, amusements, sporting & athletic goods															P					
Other miscellaneous manufacturing excepting that which is dangerous by reason of fire, radiation or explosion, or injurious, noxious or detrimental to the surrounding neighborhood by reason of the possible emission of excessive dust, odor, fumes, gas, smoke, wastes, refuse matter, noise, vibration or because of any other objectionable feature, or is presently or in the future is likely to be a hazard or nuisance to adjacent property or the community at large, as determined by the zoning administrator, fire marshal, or director of health														P	P					

Secs. 855-873. Reserved.

DIVISION 2. REQUIRED CONDITIONS

Sec. 874. General provisions.

Every use listed in this division shall comply with the regulations of the district in which it is located as is shown on the table of permitted uses in division 1 of this article, and, in addition, with the conditions and requirements specified in this division for the districts in which the use is listed as "C" in the table of permitted uses. Every application for the use of property subject to conditions set forth in this division shall be filed with the zoning administrator in accordance with these regulations and shall be subject to approval by the zoning administrator and any other commission, board or agency stipulated in this division.

Sec. 875. Expansion of or addition to existing uses.

The ZBA shall have the power to grant a special exception, as set forth in article II, division 3 (relating to zoning board of appeals), to permit the expansion of or addition to any use existing at the time of adoption of these regulations and subject to the conditions and requirements specified in this division, which use does not or will be unable to comply with such conditions and requirements specified in this division either prior or subsequent to such expansion or addition, provided the expansion or addition shall comply as closely as possible to such conditions and requirements specified in this division.

Sec. 876. Adult education.

Adult education facilities are permitted in the R-1, R-2, R-3, and R-4 zoning districts subject to the following conditions:

1. The facility shall not operate after 9:00 p.m.
2. There shall be onsite parking in accordance with section 954 relating to direct walk-in office space.

Sec. 877. Medical marijuana dispensary and production.

The purpose of this section is to regulate the location and operation of medical marijuana dispensary facilities and production facilities in accordance with general statutes sections 21a-408 to 21a-408z with all subsequent amendments.

(a) *Limitations and restrictions.*

(1) No medical marijuana dispensary facility or medical marijuana production facility shall be permitted within the same building, structure or portion thereof that is used for residential purposes, or that contains another medical marijuana dispensary facility or medical marijuana production facility.

(2) No medical marijuana dispensary facility or medical marijuana production facility shall be permitted on a site that is less than one thousand (1,000) feet from any site containing a church, school, public building, public park or recreation area, residential property; unless the above referenced land uses are separated by an interstate highway or railroad.

(3) All distances contained in this section shall be measured by taking the nearest straight line between the respective lot boundaries of each site.

(4) The total number of medical marijuana distribution and medical marijuana production facilities in the city shall be limited to one (1) medical marijuana distribution facility and one (1) medical marijuana production facility.

(5) Hours of operation for dispensary facilities shall be between the hours of 8:00 AM and 5:00 PM.

(b) *Sign and exterior display requirements.*

(1) No exterior text or graphic material shall be permitted on the proposed facility.

(2) Exterior signage shall be restricted to a single name plate with the address of the dispensary or the address of the production facility no larger than four (4) square feet. No illuminated, electronic or motion signage of any kind shall be permitted.

Sec. 878. Alcoholic beverages, sale of.

(a) The sale of alcoholic beverages is permitted in the I-2, C-1, B-1, B-2, B-3, and B-4 districts as indicated in the table of permitted uses and, the following conditions shall apply:

(1) No building or premises shall be used, and no building shall be erected or altered, which is arranged, intended or designed to be used for a:

a. Package store selling alcoholic liquor or grocery store/convenience store selling beer under a grocery beer permit if any part of such building or premises is situated on any part of a lot within a one thousand, five hundred (1,500) foot radius in any direction of any lot upon which is located a building or premises used for the purpose of a package store selling alcoholic liquor;

b. Restaurant, cafe, tavern, clubhouse, package store or grocery store/convenience store selling beer under a grocery beer permit if any part of such building or premises is situated on any part of a lot within a two-hundred (200) foot radius of any part of a lot used or reserved to be used for the purposes of a public school or library, a school other than a public school operated as a benevolent institution and not for profit, a hospital operated as a benevolent institution, a medical clinic, a funeral home, a church or a charitable institution whether supported by public or private funds.

(2) Paragraph (a)(1) shall not be deemed to be retroactive except that where an existing package store selling alcoholic liquor or grocery store/convenience store selling beer under a grocery beer permit shall discontinue such use for a period of thirty (30) days, such use shall not be resumed except in conformity to paragraph (a)(1).

(3) Paragraph (a)(1) shall not apply to full-service grocery stores permitted in accordance with section 912 of these regulations which sell beer under a grocery store beer permit.

(4) A grocery store/convenience store selling beer under a grocery beer permit shall have no more than five (5) percent of its total floor are dedicated to the sale of beer.

(5) In the B-2, B-3, and B-4 zoning districts, the provisions of paragraphs (a)(1) and (a)(4) shall not apply to structures having a gross floor area of fifty thousand (50,000) square feet exclusive of garages. Such structures shall be permitted one (1) permit for each fifty thousand (50,000) square feet of gross floor area exclusive of garage area.

(6) The zoning administrator is authorized to administratively approve an application by a restaurant for the sale of liquor subject to the following conditions:

a. The sale of liquor shall be subordinate and incidental to the use of the premises as a restaurant as defined in section 2 (relating to definitions);

b. The restaurant to which the sale of liquor is subordinate and incidental shall contain an active commercial floor area of no less than one thousand (1,000) square feet, exclusive of kitchen, office and storage areas;

c. In a mixed use residential/commercial building, the residential uses shall be on a different floor than the restaurant.

(7) The zoning administrator shall refer every application for a café/night club, or a café with entertainment to the commission for review and public hearing. The commission is authorized to grant a special permit to allow a café/night club, or a café with live entertainment. All applications must provide the following for review and approval by the commission:

a. Menu

b. Security plan

c. Parking management plan, except in the B-1 zoning district where there shall be no parking requirement for such use

d. Floor plan(s)

e. Noise mitigation plan

The commission may also require any additional information pertaining to the application that it deems necessary to aid in its decision.

(8) Notwithstanding the above section, the zoning administrator is authorized to administratively approve an application to allow a café/nightclub, or a café with live entertainment at a location with a previous approval for such use provided that the new use will abide by the same conditions set forth in the

previous special permit and if the zoning administrator determines that there have not been complaints filed about the operation of the previous use.

(9) The zoning administrator is authorized to administratively approve applications for a café/no live entertainment or a tavern provided the applicant submits a:

a. Menu
b. Security plan
c. Parking management plan, except for the B-1 zoning district where there shall be no parking requirement for such use
d. Floor plan(s)
e. Noise mitigation plan

(10) The sale of beer and wine under a university permit issued pursuant to the provisions of the general statutes shall be permitted on a university or college campus as defined in paragraph 909(1). Such university permit shall be subject to the provisions of subparagraph 909(2)l.

(11) Notwithstanding anything to the contrary in section 878(a)(1), the distance requirements contained in this section shall not apply to a stadium approved pursuant to section 924 of these regulations.

(b) In the RO-1 and RO-2 zoning districts, the following conditions shall apply:

(1) The sale of alcoholic beverages is a permitted use as indicated in the table of permitted uses and subject to the provisions of section 982 (relating to accessory uses). Paragraphs (1)-(4) of subsection (a) shall apply to such uses except that in the case of nonresidential structures having one hundred thousand (100,000) square feet or more of gross floor area exclusive of garages and twenty thousand (20,000) square feet or more of lot area, the sale of alcoholic beverages shall be subject to the distance requirements set forth as follows:

a. For a package store selling alcoholic liquor or grocery store/convenience store selling beer under a grocery beer permit, no part of a lot on which such structure is situated shall be within a one-thousand (1,000) foot radius in any direction of any lot upon which is located a building or premises used for the purpose of a package store selling alcoholic liquor;
b. For a restaurant, grill, cafe, tavern, package store, or grocery store/convenience store selling beer under a grocery beer permit, no part of a lot on which such structure is situated shall be within a one-hundred (100) foot radius in any direction of any lot used or reserved to be used for the purposes of a public school or library, a school other than a public school operated as a benevolent institution and not for profit, a hospital operated as a benevolent institution, a church, or a charitable institution whether supported by public or private funds.

(2) The sale of beer and wine under a university permit issued pursuant to the provisions of the general statutes shall be permitted on a university or college campus as defined in paragraph 909(1) (relating to university, college uses). Such university permit shall not be subject to the provisions of paragraph (1) of this subsection, but shall be subject to the provisions of subparagraph 909(2)l.

(3) A grocery store/convenience store selling beer under a grocery beer permit shall have no more than five (5) percent of its total floor area dedicated to the sale of beer.

(c) In the RO-3, R-1, R-2, R-3, R-4, R-5, R-6, R-7, and R-8 districts, the following conditions shall apply:

(1) The sale of beer and wine as defined under a university permit issued pursuant to the provisions of the general statutes shall be permitted on a university or college campus as defined in paragraph 909(1) (relating to university, college uses). Such university permit shall be subject to the provisions of subparagraph 909(2)l;

(2) The sale of alcoholic beverages under a nonprofit theater permit issued under the provisions of general statutes section 30-35a (relating to nonprofit theater alcohol permits) shall be permitted in connection with a theater located on a university or college campus and operated by either the university/college, or a nonprofit organization under a lease agreement with the university/college.

(d) In the I-2, C-1, B-1, B-2, B-3 and B-4 zoning districts, the sale of alcoholic beverages and food shall be permitted to be extended beyond the building line for outdoor cafes under the following conditions:

(1) The outdoor cafe shall be an accessory to an existing use which serves alcoholic beverages;

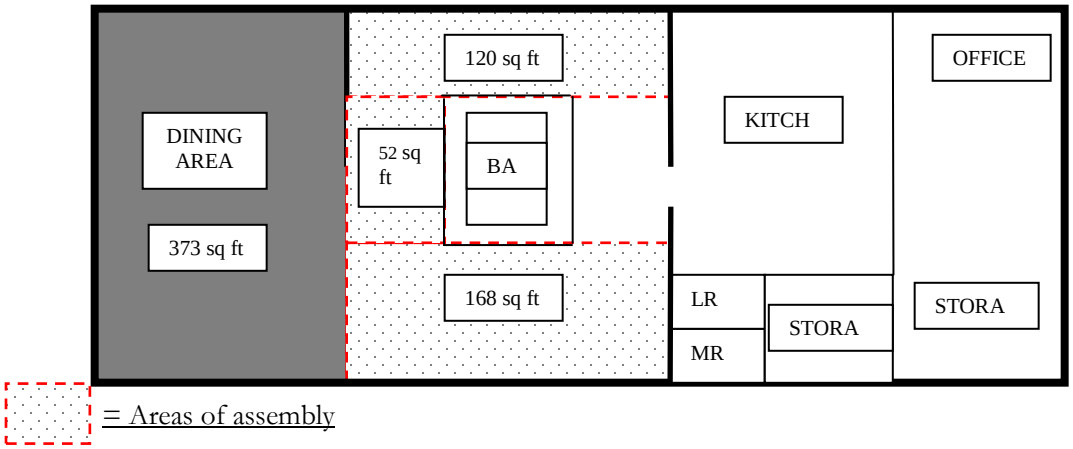
(2) The total area occupied by the outdoor cafe shall not exceed six hundred (600) square feet in area, provided the existing use and cafe extension shall occupy not more than sixty (60) percent of the area of the lot;

(3) The outdoor cafe shall not extend fifteen (15) feet beyond the building line;

(4) The outdoor cafe shall not extend beyond the street line and where the street line and the building line are coincident, no outdoor cafe shall be permitted;
(5) Notwithstanding the above, outdoor cafes may be permitted to extended beyond the street line where it is coincident with the building line and property line subject to administrative approval by the planning division and the department of public works;
(6) The outdoor cafe shall be enclosed by a fence enclosure with a minimum height of four (4) feet and a maximum height of six (6) feet, which may include a one-foot high masonry wall under the fence;
(7) The outdoor cafe may have a covering or overhead enclosure and shall be open-air;
(8) Any encroachment over the building line or street line shall require the permission of the director of the department of public works pursuant to code section 9-2 (relating to obstructions between building lines and street lines);
(9) The outdoor cafe must comply with paragraph (a)(1) of this section and the building and health provisions of the code;
(10) If associated with a principal use on a corner lot, only one (1) frontage shall be utilized for outdoor cafe purposes.

(e) Where the sale of alcohol is permitted the occupancy for cafes, taverns and restaurants is determined by dividing the net floor area in square feet of places of assembly with in a café, tavern or restaurant by fifteen (15) net square feet per person, or as provided for in the most current building code.

Example –



Occupancy = (168 +120+52+373) / 15 = 47.5 – 47 people*

Sec. 879. Automobile wash, self-service.

Self-service automobile washes are a permitted use in the I-2, C-1 and B-3 districts, subject to the following conditions:
(a) Every self-service automobile wash shall be screened from any adjacent residential property by a planting screen or suitable fence not less than six (6) feet in height and providing year-round screening;
(b) The premises shall be properly lighted with particular attention to the proper shielding thereof in order to prevent any direct illumination of any adjacent residential property;
(c) Entrance and exit to the premises shall be from and to a major street;
(d) Vehicular entrance to the automobile wash structure shall be from the rear of the structure in order that vehicles will exit from the structure toward the street;
(e) All entrances and exits shall be approved by the director of the department of public works.

Sec. 880. Automobile parking garage--Commercial.

Commercial parking garages are a permitted use in the B-1, B-4, RO-1 and RO-2 districts, subject to the following conditions:

(a) In the B-1 district there shall be no exits or entrances on Main Street and all exits and entrances shall be so located as to provide the least amount of interference with the movement of pedestrians and vehicular traffic;
(b) In the B-4, RO-1 and RO-2 districts:

(1) The garages shall conform to all standards required for nonresidential structures in the zoning district in which they are located, except as provided in section 404 (relating to maximum height limit) for the B-4 zoning district,
(2) All exits and entrances shall be on predominantly nonresidential streets, except where this is not possible, on the streets having the higher residential density. Each entrance and exit shall be at least twenty (20) feet distant from any adjacent residential property or residential district,
(3) Such parking garage shall be used solely for the parking of passenger vehicles (namely, automobiles),
(4) There shall be no commercial repair work or service of any kind conducted in such garage and there shall be no display of motor vehicles for purposes of sale or rent on such premises,
(5) No sign of any kind, other than those designating entrances, exits and conditions of use shall be maintained on such garage. Such signs shall not exceed fifteen (15) square feet in area each, and an overall height of ten (10) feet;

(c) Every exit and entrance shall be located a minimum distance of seventy-five (75) feet from any street intersection;
(d) No exit or entrance shall be located within designated bus loading or unloading zones;
(e) Every entrance and exit shall be approved by the director of the department of public works.
(f) In addition to the above, garages located in the B-4 district, and abut an R-4, R-5, R-6, R-7 or R-8 district shall require a special permit from the commission. In addition to the considerations enumerated in section 172, the commission shall ensure compliance with the following:

(1) During all open hours the garage shall be naturally or artificially lighted to an average minimum level of five (5) footcandles. Artificial lighting shall be so arranged as to not impinge upon adjoining residential premises to the greatest extent practical. If the owner or operator of the garage segregates areas of the garage as not available for parking at a given time, then only those areas available for parking shall be lighted as required by this section.
(2) All such garages shall have all wall openings within ten (10) feet or less of grade other than pedestrian doorways and automobile entries and exits, fenced with chain-link fencing or other materials designed to prevent access through such openings. In the event part of such opening is within ten (10) feet of grade and part is beyond, the entire continuous opening shall be so fenced to prevent access through such space. In addition, during the time the facility is closed, all pedestrian doorways and all automobile entrances and exits shall be capable of being closed to pedestrian and automobile access by doors, gates or other means designed to prevent such access. If such garage is open twenty-four (24) hours per day and every day of the year, the requirement for such doors, gates or other means of preventing pedestrian and/or automobile access shall be waived for the purposes of this section only.
(3) All such garages to be constructed after the effective date of this subsection or for which a permit has not been issued shall be required to submit a plan setting forth the security provisions for such project. The security plan shall be submitted to the division of licenses and inspections at the time an application for a building permit is made. A copy of the security plan shall also be forwarded to the chief of police for review. The chief shall, within thirty (30) days, issue written comments to the zoning administrator concerning the security plan, which recommendations shall be incorporated into the project wherever possible.

Sec. 881. Automobile parking garage--Community.

A community garage is a permitted use in the RO-3, R-1, R-2, R-3 and R-4 districts, subject to the following conditions:
(a) Every community garage shall occupy not more than forty (40) percent of the area of the lot;
(b) Every community garage shall be set back from abutting property in accordance with the setback provisions of the zoning district in which such community garage is located;
(c) Every community garage shall be used for the storage of automobiles only for the occupants of lots in the same or adjacent block or blocks;
(d) Every community garage shall be used solely for the parking of passenger vehicles (namely, automobiles);

(e) There shall be no commercial repair work or service of any kind conducted in a community garage and there shall be no display of motor vehicles for purposes of sale or rent on such premises;
(f) No sign of any kind other than those designating entrances, exits, and conditions of use shall be maintained in or on a community garage. Such signs shall not exceed fifteen (15) square feet in area each, and an overall height of ten (10) feet;
(g) No exit or entrance shall be located within any designated bus loading or unloading zone;
(h) Every entrance and exit shall be approved by the director of the department of public works;
(i) Every community garage shall conform to the height limit required for residential structures in the zoning district in which it is located, except as provided in sections 508 (relating to maximum height limit) and 543 (relating to maximum height limit) for the R-1 and R-2 zoning districts.

Sec. 882. Taxidermy studio.

Taxidermy studios shall be permitted in the zoning districts shown in section 854, subject to the following conditions:
(a) The applicant shall submit a plan for disposal of wastewater, waste chemicals, and biological remains, which must be approved by commission staff prior to the commencement of operations. At a minimum, any waste produced on site shall be bagged and disposed of in secured metal trash bins or dumpsters.
(b) The applicant shall submit a plan for proper ventilation, both internal and external to the facility, which must be approved by commission staff prior to the commencement of operations.
(c) There shall be no outdoor storage of animal remains prior to their disposal or chemicals.
(d) Incidental tanning is permitted.
(e) The applicant shall obtain and maintain all required licenses from the state of Connecticut, including any licenses from the Department of Energy and Environmental Protection, and any other relevant government agency for the duration of the operation of the taxidermy studio.

Sec. 883. Automobile parking lot; private, commercial and/or public.

Private, commercial and/or public parking lots are a permitted use in the RO-1, RO-2, and RO-3 districts, subject to the following conditions:
(a) Commercial and/or public automobile parking lots in the RO-1, RO-2, and RO-3 districts may be conducted within a structure or at the surface,
(b) Surface parking lots shall meet all the requirements set forth in article V of these regulations (relating to off-street parking and off-street loading) for parking in residential districts, except such lot may be open twenty-four (24) hours a day,
(c) All exits and entrances shall be located a minimum of seventy-five (75) feet distant from any street intersections;
(d) There shall be no exits or entrances located within a designated bus loading or unloading zone,
(e) All entrances and exits shall be approved by the director of the department of public works.

Sec. 884. Bazaar, festival, carnival, race, or circus.

(a) Bazaars, festivals, carnivals, races, or circuses are permitted in the I-2 and P districts, subject to the following conditions:

(1) Proof of permission for use of the subject property must be obtained from the owner, or other person with authority to grant same, and be submitted to the zoning administrator;
(2) The bazaar, festival, carnival, race, or circus is of a temporary nature;
(3) A minimum lot area of one-half (1/2) acre shall be required;
(4) The bazaar, festival, carnival, race, or circus does not operate nightly beyond the hour of 11:00 p.m.;
(5) The bazaar, festival, carnival, race, or circus shall be operated in accordance with all applicable statutes, ordinances and regulations of the state and the city, and shall have obtained and submitted to the zoning administrator any permits, certificates, permissions, licenses, and authorizations required;
(6) Proper insurance, protecting the city and being evidenced by an insurance certificate, approved by the city's risk manager, shall be submitted to the zoning administrator;
(7) For bazaars, festivals, carnivals, races, or circuses taking place in the P district, a deposit or bond benefitting the city, in an amount and form determined by the director of the department of public

works, shall be tendered by the applicant to the department of development services, and shall be forfeited by the applicant to the department of development services in the event of any damage to any property or person in and around the site of the bazaar, festival, carnival, or circus during the operation thereof, provided that whether the deposit or bond is forfeited, and the amount of deposit or bond that is forfeited, shall be in the sole discretion of the director of the department of public works;

(8) The use of the specific bazaar, festival, carnival, race, or circus in the P district is authorized by the commission or its designate as an appropriate use of land in the P district, pursuant to subsection (c) of this section, setting forth additional conditions on such use.

(b) Bazaars or festivals only are permitted in the B-1, B-2, B-3, B-4, RO-1, RO-2, RO-3, R-1, R-2, R-3, R-4, R-5, R-6, R-7 and R-8 districts, subject to the following conditions:

(1) Proof of permission for use of the subject property must be obtained from the owner, or other person with authority to grant same, and be submitted to the zoning administrator;

(2) The bazaar or festival is of a temporary nature;

(3) The bazaar or festival is accessory to, directly associated with and sponsored by a nonprofit organization, as defined in general statutes section 7-172 (relating to qualifications for sponsorship of or participation in bazaar or raffle);

(4) The bazaar or festival is located on the same zoning lot as the organization which it is accessory to, associated with and sponsored by;

(5) The bazaar or festival does not operate nightly beyond the hour of 11:00 p.m.;

(6) The bazaar or festival shall be operated in accordance with all applicable statutes, ordinances, and regulations of the state and the city, and shall have obtained and submitted to the zoning administrator any permits, certificates, permissions, licenses, and authorizations required.

(7) Proper insurance, protecting the city and being evidenced by an insurance certificate, approved by the city's risk manager, shall be submitted to the zoning administrator.

(c) The director of licenses and inspections may issue permits for specific bazaars, festivals, carnivals, races, or circuses, pursuant to the municipal code, provided that such permits shall only be issued if consistent with these regulations, and consistent with any commission decisions regarding the appropriate uses of land. The commission hereby delegates its authority to determine whether specific bazaars, festivals, carnivals, races, or circuses, and similar large events in the P district are appropriate uses of land to the park superintendent in the department of public works. In making decisions regarding such uses of land in the P district, the park superintendent shall consider: the impact of the proposed activities on existing furniture, lighting fixtures, historic and monument sites, sculptures, artwork, pathways, trees, shrubs, grasses, other landscaping, watersheds, watercourses, inland wetlands, and the environment generally; runoff; sewage and solid waste management plans of the applicant; suitability of the proposed site for the proposed activities; the financial capability and experience of the applicant in managing an event of the proposed nature and scale; the need for street closures or other impacts on any public rights of way; public safety; parking; fencing materials and the impact thereof; and the adequate provision of lighting, drinking water, essential services, and connections to public utilities. The park superintendent shall base his or her approval of such uses, and any conditions thereon, on careful consideration of each of the preceding matters and in no event shall approve a use that: is likely to cause irreparable harm to physical property, real or personal, natural or artificial, in the P district; is so poorly planned or managed that significant threats to public safety may occur; will result in environmental hazards; or is being proposed or run by an individual, business entity, nonprofit organization, or other group that has in the past violated any aspect of the code, including the noise ordinance, and appears likely to do so again during its involvement in this activity.

(d) If the park superintendent intends to find a specific bazaar, festival, carnival, race, or circus, or similar large event to be an appropriate use of land for property contained within the P district, he or she must report such an intent to the staff and the chair of the commission prior to any formal approval being given to the applicant for such uses. Such an intent to approve is reviewable by the commission and may be rejected if the commission determines that the decision to approve was made in error, if the decision to approve was arbitrary or capricious, or if the park superintendent failed to fully consider the concerns in the preceding subsection or the conditions set forth in these regulations.

(e) The park superintendent shall be required to submit quarterly reports to the commission regarding the number, attendance, and impact of any activities approved pursuant to this section on the property contained within the P district.

Sec. 885. Churches, synagogues and temples.

Churches, synagogues and temples and the like are permitted uses in the RO-3, R-1, R-2, R-3, R-4, R-5, and R-6, subject to the following conditions:

(a) In the RO-3, R-1, R-2, R-3, R-4, R-5, R-6 districts:

(1) There shall be a minimum lot area of three (3) acres in the RO-3, R-1, R-2, R-3 and R-4 districts, a minimum lot area of four (4) acres in the R-5 district and a minimum lot area of five (5) acres in the R-6 and R-7 districts,

(2) No church, including accessory structures, shall occupy more than thirty (30) percent of the area of the lot,

(3) There shall be minimum side and rear setbacks of twenty-five (25) feet, with a minimum setback of one hundred (100) feet from all adjacent residential properties,

(4) Entrances and exits to the parking lot shall be located, where possible, on nonresidential streets,

(5) Off-street parking shall be provided in accordance with the provisions of article V of these regulations (relating to off-street parking and off-street loading) and shall be located a minimum distance of ten (10) feet from any adjacent residential property and shall be screened by a planting screen or suitable fence providing year-round screening,

(6) All exits and entrances shall be located a minimum of seventy-five (75) feet distant from any street intersections,

(7) There shall be no exits or entrances located within a designated bus loading or unloading zone,

(8) All entrances and exits shall be approved by the director of the department of public works,

(9) Density and open space requirements for residential structures are as set forth for religious quarters in section 902 (relating to freestanding group dwellings),

(10) Bazaars and festivals shall be a permitted accessory use, provided they are of a temporary nature, are associated with a nonprofit organization and do not operate beyond the hour of 11:00 p.m.

(b) In the R-7 and R-8 districts, only existing churches, synagogues and temples are a permitted use, and any addition to or expansion of such churches, synagogues or temples or their accessory parking facilities shall not be permitted.

Sec. 886. Clubhouse for nonprofit associations.

Clubhouses for use by nonprofit athletic clubs, business associations, civic, social, private, religious and fraternal associations, professional membership organizations and labor unions are a permitted use in the I-2, C-1, B-1, B-2 and B-3 districts, subject to the following conditions:

(a) There shall be a minimum lot area of ten thousand (10,000) square feet;

(b) There shall be minimum side and rear setbacks of twenty-five (25) feet;

(c) In addition to the setback requirements above, every building, except those existing at the time of adoption of these regulations, shall be set back a minimum distance of fifty (50) feet from any adjacent residential property;

(d) No new structure shall be erected to a height in excess of two (2) stories;

(e) Off-street parking, on site or adjacent to the clubhouse, shall be provided in accordance with the provisions of article V of these regulations (relating to off-street parking and off-street loading) and shall be located a minimum distance of ten (10) feet from any adjacent residential property and shall be screened by a planting screen or suitable fence providing year-round screening;

(f) New clubhouses that abut a residential zoning district shall not be located within fifteen hundred (1,500) feet of another clubhouse;

(g) There shall be no loitering outside of the premises after 10:00 p.m.;

(h) There shall be annual licensing by the division of licenses and inspections to ensure the absence of illegal activity on the premises, adequate maintenance of the interior and exterior of the premises, the absence of public disturbance or nuisance, and compliance with the zoning regulations.

Sec. 887. Community centers.

Community centers are a permitted use in the B-3, B-4, RO-1, RO-2, RO-3, R-1, R-2, R-3 and R-4 districts, subject to the following conditions:

(a) There shall be a minimum lot area of one (1) acre;

(b) The total lot coverage of all structures shall be not more than thirty (30) percent of the area of the lot;
(c) There shall be minimum side and rear setbacks of twenty-five (25) feet;
(d) In addition to the setback requirements above, every building except those existing at the time of adoption of these regulations, shall be set back a minimum distance of fifty (50) feet from any adjacent residential property;
(e) No new structure shall be erected to a height in excess of two (2) stories;
(f) In the B-3 and B-4 zoning districts, the provisions of paragraphs (a) through (e) shall not apply;
(g) Off-street parking shall be provided in accordance with the provisions of article V of these regulations (relating to off-street parking and off-street loading) and shall be located a minimum distance of ten (10) feet from any adjacent residential property and shall be screened by a planting screen or suitable fence providing year-round screening;
(h) There shall be adult on-site supervision during all hours of operation;
(i) There shall be annual licensing to ensure a schedule of supervisors for the center, adequate maintenance of the interior and exterior of the premises, and the absence of public disturbance or nuisance.

Sec. 888. Convalescent home; rest home; nursing home; retirement center.

Convalescent homes, rest homes, nursing homes, retirement centers, and adult day care centers are permitted uses in the B-3, B-4, RO-1, RO-2, RO-3, R-1, R-2, R-3, R-4 and R-5 districts, subject to the following conditions:
(a) There shall be a minimum lot area of one (1) acre;
(b) The total lot coverage of all structures shall be not more than thirty (30) percent of the area of the lot;
(c) There shall be minimum side and rear setbacks of twenty-five (25) feet;
(d) In addition to the setback requirements above, every building shall be set back a minimum distance of fifty (50) feet from any adjacent residential property which is located in an R-5, R-6, R-7 or R-8 district;
(e) The maximum number of persons permitted on any one (1) lot and the minimum amount of usable open space required on any lot shall be determined by the district in which the home or center is located and shall be calculated in accordance with the table of densities set forth under the definition of "density" in section 2 except in the R-5 district where the maximum number of persons per acre shall not exceed thirty-five (35), and where there shall be provided four hundred (400) square feet of usable open space per person;
(f) Off-street parking shall be provided in accordance with the provisions of article V of these regulations (relating to off-street parking and off-street loading) and shall be located a minimum distance of ten (10) feet from any adjacent residential property and shall be screened by a planting screen or suitable fence providing year-round screening;
(g) Every convalescent home, rest home, nursing home, retirement center, and adult day care centers shall conform to the height limit of the zoning district in which it is located, except as provided in sections 369 (relating to maximum height limit), 404 (relating to maximum height limit), 508 (relating to maximum height limit) and 543 (relating to maximum height limit) for the B-3, B-4, R-1 and R-2 zoning districts.

Sec. 889. Dormitory or residence hall.

Dormitory or residence halls are a permitted use in the C-1, B-2, B-3, RO-1, RO-2, RO-3, R-1, R-2, R-3, R-4, R-5, R-6, R-7 and R-8 districts, subject to the following conditions:
(a) Dormitory or residence halls shall be permitted only on the campus of a college or university in the C-1 district and shall abide by the provisions set forth for residential structures in the B-2 district;
(b) Dormitory or residence halls shall be permitted on- or off-campus of a college or university or the site of a hospital in the B-2, B-3, RO-1, RO-2, RO-3, R-1, R-2, R-3 and R-4 districts:

(1) Dormitories or residence halls, whether on or off a campus or site of a hospital, shall abide by the standards set forth for residential structures in the district in which such dormitory or residence hall is located, except as provided in sections 369 (relating to maximum height limit), 508 (relating to maximum height limit) and 543 (relating to maximum height limit) for the B-3, R-1 and R-2 zoning districts.
(2) In addition, there shall be minimum side and rear setbacks of twenty-five (25) feet for every dormitory or residence hall off a campus or hospital site and, further, every dormitory or residence hall, whether on or off a campus or hospital site, shall be set back a minimum distance of fifty (50) feet from any adjacent residential property which is located in an RO-1, RO-2, RO-3, R-1, R-2, R-3 or R-4 district and a minimum distance of one hundred (100) feet from any adjoining residential property which is located in an R-5, R-6, R-7 or R-8 district.

(c) Dormitory or residence halls shall be permitted only on the campus of a college or university in the R-5, R-6, R-7 and R-8 districts:

(1) There shall be minimum side and rear setbacks of fifty (50) feet except that every side setback shall be at least equal in width and every front and rear setback at least equal in depth to the height of the adjacent wall of the dormitory or residence hall,

(2) In addition to the setback requirements set forth in subparagraph (c)(1) above, every dormitory or residence hall shall be set back a minimum distance of one hundred (100) feet from any adjacent residential property which is located in an R-5, R-6, R-7 or R-8 district, and a minimum distance of fifty (50) feet from any adjacent residential property which is located in an RO-1, RO-2, RO-3, R-1, R-2, R-3 or R-4 district,

(3) There shall be no height requirement for dormitory or residence halls,

(4) The maximum number of persons per acre in the R-5 district shall not exceed thirty-five (35), and the maximum number of persons per acre in the R-6, R-7 and R-8 districts shall not exceed twenty (20),

(5) In addition to the setback requirements above, there shall be provided four hundred (400) square feet of usable open space per person in the R-5 district and five hundred (500) square feet of usable open space per person in the R-6, R-7 and R-8 districts.

(d) When a dormitory or residence hall is located on a university or college campus, the lot area of such campus may be counted toward the lot area and usable open space requirements for such dormitory or residence hall, except that the total lot coverage of all structures on the campus shall be not more than thirty (30) percent of the lot area of the campus and the total density of all residential structures on the campus shall not exceed that set forth above and the total usable open space on the campus shall meet the requirements set forth in this section above. See also section 909 (relating to university, college uses);

(e) Off-street parking shall be provided in accordance with the provisions of article V of these regulations (relating to off-street parking and off-street loading), and shall be located a minimum distance of ten (10) feet from any adjacent residential property and shall be screened by a planting screen or suitable fence providing year-round screening. The location of off-street parking may be as provided in section 909 (relating to university, college uses).

Sec. 890. Dwelling development, group.

Every application for a group dwelling development having a floor area ratio (FAR) of five (5) or more in the B-1 downtown development district, or three (3) or more, in the B-2 downtown development perimeter district, shall be filed in accordance with the provisions of sections 297 (relating to procedures for standard projects) and 333 (relating to procedures for projects). In all other instances, the zoning administrator shall refer every application for a group dwelling development to the commission. The commission is authorized to grant a special permit to allow a group dwelling development in the B-1, B-2, B-3, B-4, RO-1, RO-2, RO-3, R-1, R-2, R-3, R-4 and R-8 districts, subject to the following conditions (in addition to the considerations enumerated in section 172):

(a) *Required lot area.* There shall be a minimum zoning lot area of twenty thousand (20,000) square feet (one (1) acre in the B-2 district) but not more than one (1) acre. In the R-8 district, only lots of record containing not less than ten (10) acres nor more than fifteen (15) acres, as of the date of adoption of this section, shall be utilized for group dwelling developments. Group dwelling developments located on a zoning lot of one (1) acre or more in area shall be considered planned residential developments and shall conform to the provisions set forth in article VIII of these regulations (relating to planned developments). There shall be no requirement for lot area and lot width for an individual lot associated with an individual dwelling (attached, semidetached, etc.), provided that each such individual lot shall front onto a public street, private street, alley, driveway or pedestrian way having a permanent hard-surface finish with minimum width of twelve (12) feet. Except in the case of a lot of record in the R-8 district, the zoning lot, rather than the individual lot, shall be used in applying the provisions set forth in this section;

(b) *Required structures.* There shall be a minimum of two (2) principal residential structures within a group dwelling development;

(c) *Uses permitted.* Within a group dwelling development only those residential structures which are permitted in the zoning district in which such development is located shall be permitted, in addition to such accessory uses as are permitted in the zoning district in which the development is located. Any combination of the permitted dwellings may be erected as long as they meet the requirements set forth in this section;

(d) *Permitted lot occupancy*. The total zoning lot occupancy of all structures within a group dwelling development shall exceed not more than the permitted lot occupancy requirement for the zoning district in which the group dwelling development is located;
(e) *Density*. The maximum number of persons or families per acre within a group dwelling development shall exceed not more than the limitations on persons or families per acre requirement for the zoning district in which the group dwelling development is located;
(f) *Floor area ratio*. The maximum total floor area ratio for all structures within a group dwelling development shall exceed not more than the floor area ratio requirement for the zoning district in which the group dwelling development is located;
(g) *Requirements of floor space per dwelling unit*. Every dwelling unit within a group dwelling development shall meet the requirements of floor space per unit as set forth in section 16 (relating to floor area);
(h) *Minimum lot width*. Every group dwelling development zoning lot shall have a minimum width at the street line of not less than that required for a lot in the zoning district in which the group dwelling development is located, except in the case of a lot of record in an R-8 district, the minimum width at the street line shall be not less than two hundred (200) feet;
(i) *Required usable open space*. Any arrangement of structures is permitted, subject to the grouping provisions set forth in paragraph (j), and provided the total amount of usable open space within a group dwelling development is equal to or greater than the required usable open space requirements for the zoning district in which the group dwelling development is located, and as long as adequate light and air are provided each dwelling.
(j) *Grouping*.

(1) The minimum distance between any two (2) front or rear facing walls (long dimension) of any principal structure or structures shall be not less than twice the height of the highest adjacent facing wall where no such facing wall exceeds three (3) stories in height, and where any such facing wall does exceed three (3) stories in height the minimum distance as required herein between any two (2) facing walls shall be not less than the sum of twice the total height of the first three (3) stories plus the total height of all stories above the first three (3) stories of the highest adjacent facing wall,
(2) The minimum distance between any end wall (short dimension) of any principal structure or structures and any front or rear facing wall (long dimension) of any principal structure or structures shall be as set forth for facing walls in subparagraph (j)(1),
(3) The minimum distance between any two (2) end walls (short dimension) of any principal structure or structures shall be not less than the height of the highest adjacent end wall when either or both end walls contain fenestration, and not less than fifteen (15) feet when neither end wall contains any fenestration,
(4) If all the walls of a principal structure have the same horizontal dimension all such walls shall be considered facing walls for the purpose of this section, except that if any complete vertical portion (from ground to roof) of a circular structure or a complete wall of any other such structure contains no fenestration for its entire height, such vertical portion or wall shall be considered an end wall for the purposes of this division,
(5) All minimum distances required in this section shall be measured in a straight line between the points of the structure or structures which are nearest each other, provided such line is perpendicular to at least one (1) of the walls, except that in all instances the minimum distance between any two (2) facing walls, end walls, or facing and end walls, or any two (2) corners, shall be fifteen (15) feet,
(6) The commission may modify the grouping requirements in specific cases where desirable or warranted, owing to unusual topography or other physical conditions and the use and character of the adjacent properties, with due regard to the protection of such properties, the zoning district in which such group dwelling development is to be located, and the public interest.

(k) *Setbacks*. The commission may modify all setback requirements in specific cases where desirable or warranted, owing to unusual topography or other physical conditions and the use and character of adjacent properties, with due regard to the protection of such properties the zoning district in which such group development is to be located, and the public interest, except that where a group dwelling development fronts upon a public street or streets, the front setback requirement of such street or streets shall be met;
(l) *Maximum height limit*. The maximum height of any structure in a group dwelling development shall not exceed the height limit of the zoning district in which such group dwelling development is located;

(m) *Landscaping.* The commission shall require that group dwelling developments provide suitable planting and screening of structures and landscaping at its perimeter so as to provide protection for adjacent properties on a year-round basis;
(n) *Required parking.* Off-street parking shall be provided in accordance with the provisions of article V of these regulations (relating to off-street parking and off-street loading) and shall be located a minimum distance of ten (10) feet from any adjacent residential property and shall be screened by a planting screen or suitable fence providing year-round screening;
(o) Group dwelling developments shall conform to all the provisions of the zoning district in which such group dwelling development is located unless otherwise specifically provided for in this section.

Sec. 891. Fire station.

Fire stations are a permitted use in the R-1, R-2, R-3, R-4, R-5, R-6 and R-7 districts, subject to the following conditions:
(a) There shall be a minimum lot area of fifteen thousand (15,000) square feet;
(b) The total lot coverage of all structures shall be not more than thirty (30) percent of the area of the lot;
(c) All buildings shall be set back from every adjacent property a minimum distance of twenty-five (25) feet and, in addition, not closer than fifty (50) feet from any adjacent residential property;
(d) There shall be no exterior motor vehicle washing;
(e) There shall be no parking or storage of motor vehicles in the front setback and off-street parking shall be located a minimum distance of ten (10) feet from any adjacent residential property and shall be screened by a planting screen or suitable fence providing year-round screening;
(f) All fire stations shall conform to the height limit of the zoning district in which they are located except as provided in sections 369 (relating to maximum height limit), 508 (relating to maximum height limit) and 543 (relating to maximum height limit) for the B-3, R-1 and R-2 zoning districts.

Sec. 892. Fraternity houses and sorority houses.

Fraternity houses and sorority houses are permitted uses in the C-1, B-3, RO-1, RO-2, RO-3, R-1, R-2, R-3, R-4, R-5, R-6, R-7 and R-8 districts, subject to the following conditions:
(a) In the C-1 district fraternity or sorority houses shall be permitted only on the campus of a college or university and shall abide by the provisions set forth for residential structures in the B-3 district;
(b) Fraternity and sorority houses shall be permitted on or off the campus of a college or university in the B-3, RO-1, RO-2, RO-3, R-1, R-2, R-3 and R-4 districts:

(1) Fraternity and sorority houses in these districts, whether on or off a campus, shall abide by the standards set forth for residential structures in the district in which the fraternity or sorority house is located, except as provided in sections 369 (relating to maximum height limit), 508 (relating to maximum height limit) and 543 (relating to maximum height limit) for the B-3, R-1 and R-2 zoning districts.
(2) In addition, there shall be minimum side and rear setbacks of twenty-five (25) feet and, further, every fraternity and sorority house shall be set back a minimum distance of fifty (50) feet from any adjacent residential property which is located in an R-5, R-6, R-7 or R-8 district.

(c) Fraternity and sorority houses shall be permitted only on the campus of a college or university in the R-5, R-6, R-7 and R-8 districts:

(1) There shall be minimum side and rear setbacks of twenty-five (25) feet,
(2) In addition to the setback requirements above, every fraternity and sorority house shall be set back a minimum distance of fifty (50) feet from any adjacent residential property which is located in an R-5, R-6, R-7 or R-8 district,
(3) No fraternity or sorority house shall exceed a height of three and one-half (3-1/2) stories,
(4) The maximum number of persons per acre in the R-5 district shall not exceed thirty-five (35) and the maximum number of persons per acre in the R-6, R-7 and R-8 districts shall not exceed twenty (20),
(5) In addition to the setback requirements in this section, there shall be provided four hundred (400) square feet of usable open space per person in the R-5 district and five hundred (500) square feet of usable open space per person in the R-6, R-7 and R-8 districts;

(d) When a fraternity or sorority house is located on a university or college campus, the lot area of such campus may be counted toward the lot area and usable open space requirements for the fraternity or sorority house, except that the total lot coverage of all structures on the campus shall not be more than thirty (30) percent of the lot area of the campus and the total density of all residential structures on the campus shall not exceed that set forth above, and the total usable open space on the campus shall meet the requirements set forth in this section. See also section 909 (relating to university, college uses);
(e) Off-street parking shall be provided in accordance with the provisions of article V of these regulations (relating to off-street parking and off-street loading) and shall be located a minimum distance of ten (10) feet from any adjacent residential property and shall be screened by a planting screen or suitable fence providing year-round screening. The location of on-campus parking shall be as provided in section 909 (relating to university, college uses).

Sec. 893. Hospitals, public and private.

Public and private hospitals are a permitted use in the RO-1 and RO-2 districts, subject to the following conditions:
(a) There shall be a minimum lot area of fifteen (15) acres;
(b) The total lot coverage of all structures shall be not more than thirty (30) percent of the area of the lot;
(c) All buildings shall be set back from every adjacent property a minimum distance of twenty-five (25) feet and, in addition, shall be no closer than fifty (50) feet from any adjacent residential property;
(d) Off-street parking shall be provided in accordance with the provisions of article V of these regulations (relating to off-street parking and off-street loading) and shall be located a minimum distance of ten (10) feet from any adjacent residential property and shall be screened by a planting screen or suitable fence providing year-round screening;
(e) Any facilities used for blood donors shall be approached through a major street;
(f) The emergency entrance shall be approached through a major street;
(g) The power plant may utilize only gas, oil or electricity as fuel and shall be located a minimum distance of one hundred (100) feet from any adjacent residential property;
(h) The hospital laundry, if located in a separate building, shall be located a minimum distance of one hundred (100) feet from any adjacent residential property;
(i) In addition to customary accessory uses, the following accessory uses shall be permitted within the hospital complex: Drugstore, gift shop, restaurant, snack bar, cafeteria, florist shop, optician, and sale of orthopedic equipment.

Sec. 894. Junk yard, salvage company, scavenger yard and wrecking companies.

Junk yard, salvage company, scavenger yard and wrecking company uses are permitted uses in the I-1 district, subject to the following conditions:
(a) There shall be a minimum lot area of twenty thousand (20,000) square feet;
(b) The property shall be surrounded by a solid fence not less than eight (8) feet high which shall bear no advertising other than the name of the premises;
(c) All structures shall occupy not more than a total of forty (40) percent of the area of the lot and the total lot coverage of all structures and material shall exceed not more than eighty (80) percent of the area of the lot;
(d) There shall be no burning of any materials on the property unless carried out in a properly designed incinerator as approved by the director of licenses and inspections, the director of health and the city fire marshal, and all goods shall be stored in such a fashion as to avoid the inviting of rodents;
(e) Heavy machinery, compacting and shearing machinery shall be located on a solid foundation to avoid vibration.
(f) No inoperable or unregistered motor vehicles shall be stored or otherwise kept at the premises.

Sec. 895. Motor vehicle or gasoline service stations/motor vehicle or gasoline fueling stations.

In kind replacement of any or all canopies, pumps, and storage tanks for a motor vehicle or gasoline service station, or for a motor vehicle or gasoline fueling station, shall be subject to an administrative review. The zoning administrator shall refer each application for a new, renovated, or expanded motor vehicle or gasoline service station/motor vehicle or gasoline fueling station to the commission. The commission is authorized to grant a special permit to allow a new, renovated, or expanded motor vehicle or gasoline service station/motor vehicle or gasoline fueling station in the I-2, C-1, B-1, B-2 and B-3 districts and subject to the following conditions:

(a) In the I-2 district:

(1) There shall be a minimum lot area of fifteen thousand (15,000) square feet for motor vehicle or gasoline service stations and thirty thousand (30,000) square feet for motor vehicle or gasoline fueling stations.
(2) There shall be a minimum lot width of one hundred twenty (120) feet.
(3) All buildings shall be set back from every adjacent property a minimum distance of ten (10) feet and, in addition, not closer than twenty (20) feet from any adjacent residential property.
(4) There shall be a minimum distance of forty (40) feet between any two (2) curb cuts and a minimum distance of twenty-five (25) feet between any curb cut and the corner of any lot which is adjacent to two (2) streets.
(5) There shall be no products displayed in front of the building line.
(6) A landscaped area at least three (3) feet in width shall be provided between the pump areas and the front lot line and side street lot line (if any) for the full length of the frontages including the area required for curb cuts.
(7) There shall be no more than one (1) freestanding identification sign per frontage.
(8) All signs shall be located behind the building line.
(9) There shall be no streamers or fin signs on the lot or structures.
(10) Every motor vehicle or gasoline service station/motor vehicle or gasoline fueling station shall be screened from any adjacent residential property by a suitable opaque fence (which shall bear no advertising), or planting screen, not less than six (6) feet in height and providing year-round screening.
(11) Any trash or storage area shall be enclosed by a suitable opaque fence not less than six (6) feet in height.
(12) All entrances and exits shall be approved by the director of the department of public works.
(13) There shall be no outside storage of inoperable or unregistered motor vehicles.
(14) No building or structure shall exceed a height of eighteen (18) feet above grade to the highest point of the roof or canopy.
(15) In addition to the considerations enumerated in section 172, the special permit shall not be issued if it is found that the proposed location is unsuitable due to the proximity of schools, churches, theaters or other places of public assembly, the location and character of intersecting streets, traffic conditions, width of highway, and effect on public travel, or that the proposed location will otherwise imperil the safety of the public.

(b) In the C-1, B-1, B-2 and B-3 districts:

(1) Only motor vehicle or gasoline service stations/motor vehicle or gasoline fueling stations which have been operating prior to the effective date of this section and continuously thereafter are permitted.
(2) The area of the lot or zoning lot shall not exceed that which exists as of the effective date of this section.
(3) All buildings shall be set back from every adjacent property a minimum distance of ten (10) feet and, in addition, not closer than twenty (20) feet from any adjacent residential property.
(4) There shall be a minimum distance of forty (40) feet between any two (2) curb cuts and a minimum distance of twenty-five (25) feet between any curb cut and the corner of any lot which is adjacent to two (2) streets.
(5) There shall be no products displayed in front of the building line.
(6) A landscaped area at least three (3) feet in width shall be provided between the pump areas and the front lot line and side street lot line (if any) for the full length of the frontages excluding the area required for curb cuts.
(7) There shall be no more than one (1) freestanding identification sign per frontage.
(8) All signs shall be located behind the building line.
(9) There shall be no streamers or fin signs on the lot or structures.
(10) Every motor vehicle or gasoline service station/motor vehicle or gasoline fueling station shall be screened from any adjacent residential property by a suitable opaque fence (which shall bear no advertising), or planting screen, not less than six (6) feet in height and providing year-round screening.
(11) Any trash or storage area shall be enclosed by a suitable opaque fence not less than six (6) feet in height.
(12) All entrances and exits shall be approved by the director of the department of public works.

(13) There shall be no outside storage of inoperable motor vehicles.
(14) No building or structure shall exceed a height of eighteen (18) feet above grade to the highest point of the roof or canopy.
(15) In addition to the considerations contained in section 172, in reviewing a special permit application, the commission shall consider the location and number of pump islands, the location and number of pumps, and the capacity and location of fuel tanks, lighting, signage, landscaping, screening, and the arrangement of structures.

Sec. 896. Motor vehicle wrecking yard or motor vehicle junkyard.

The zoning administrator shall refer every application for a new, renovated, or expanded motor vehicle wrecking yard or motor vehicle junkyard to the commission, which commission is authorized to grant a special permit to allow a motor vehicle wrecking yard or motor vehicle junkyard in the I-1 district, subject to the following conditions:
(a) Every motor vehicle wrecking yard or motor vehicle junkyard shall have a minimum lot area of one (1) acre;
(b) Every motor vehicle wrecking yard or motor vehicle junkyard shall be completely surrounded by a solid fence not less than eight (8) feet in height which shall bear no advertising other than the name of the owner and the use of the premises, with a suitable gate which shall be closed and locked except during the working hours of such yard or junkyard. All unregistered motor vehicles, used parts, old iron, metal, glass, paper, and any other material which may have been parts of such vehicles shall be enclosed within this location. Any dismantling and any burning of material or cutting up of parts of such vehicles must be carried on within this enclosure;
(c) All structures shall occupy not more than a total of forty (40) percent of the area of the lot and the total lot coverage of all structures and material shall exceed not more than eighty (80) percent of the area of the lot;
(d) Motor vehicles may be stored in a motor vehicle wrecking yard or motor vehicle junkyard at a height not to exceed that of one (1) automobile piled upon another;
(e) The salvaging of motor vehicles and the retail sales of used parts of motor vehicles shall be conducted entirely within a structure, which structure shall be of such a nature to screen the operation or operations from public view;
(f) Heavy machinery, compacting and shearing machinery shall be located on a solid foundation to avoid vibration;
(g) There shall be no outside burning of motor vehicle parts or bodies on the premises. Any inside burning shall be carried out in a properly designed incinerator as approved by the director of licenses and inspections, the director of health, and the city fire marshal;
(h) All parking, loading and storage of motor vehicles must be entirely upon private property;
(i) Each motor vehicle wrecking yard or motor vehicle junkyard shall be in compliance with all applicable state laws and regulations including but not limited to, general statutes section 14-67g *et seq*. Each motor vehicle wrecking yard or motor vehicle junkyard licensee shall maintain a suitable office and keep accurate records of all motor vehicles received and dismantled;
(j) In addition to the considerations enumerated in section 172, in considering each application for a motor vehicle wrecking yard or motor vehicle junkyard, the commission shall take into account the proximity of churches, schools, hospitals, public buildings or other places of public gathering; the sufficiency in number of other such yards or businesses in the vicinity; the health, safety and general welfare of the public and the suitability of the applicant to establish, maintain or operate such yard or business and to receive a license therefor.

Sec. 897. Movies, drive-in.

Drive-in movies are a permitted use in the I-2 district, subject to the following conditions:
(a) Any projection screen which is so oriented that its face (i.e., that portion of the screen on which the picture is projected) is visible in any way from any point on an interstate highway, which point is located within one thousand (1,000) feet from the lot on which the drive-in movie is located, shall be located a minimum distance of one thousand (1,000) feet from any point on such interstate highway; any projection screen, the face of which is not visible in any way from any point on an interstate highway, which point is located within one thousand (1,000) feet from the lot on which the drive-in movie is located, shall be located a minimum distance of one hundred (100) feet from any point on the interstate highway;
(b) Every lot containing a drive-in movie shall be completely surrounded by a solid fence not less than six (6) feet in height which shall bear no advertising other than the name of the owner and the use of the premises;

(c) All buildings and structures, except the perimeter fence, shall be located a minimum distance of thirty (30) feet from any property line;
(d) Plans shall be subject to the approval of the director of the department of public works with respect to the adequacy of entrances, exits, acceleration or deceleration lanes and space for patrons in automobiles awaiting admission to the theater or any other feature of vehicular circulation which may affect the flow of traffic upon adjacent streets.

Sec. 898. Nurseries, children's day (child day care centers).

Children's day nurseries (child day care centers) are a permitted use in the B-3, B-4, RO-1, RO-2, RO-3, R-1, R-2, R-3, R-4, R-5, R-6, R-7, and P districts, subject to the following conditions:
(a) In the B-3, B-4, RO-1, RO-2, RO-3, R-1, R-2, R-3, R-4, R-5, R-6, and R-7 districts:

(1) There shall be a minimum lot area of six thousand (6,000) square feet,
(2) There shall be a minimum lot area for each child of two hundred fifty (250) square feet,
(3) There shall be provided a minimum of one hundred (100) square feet of open play space on the lot for each child,
(4) The total lot coverage of all structures shall be not more than thirty (30) percent of the area of the lot,
(5) In addition to the zoning district setback requirements, every building shall be set back a minimum distance of twenty-five (25) feet from any adjacent residential property which is located in an R-5, R-6, R-7, or R-8 district,
(6) Off-street parking shall be provided in accordance with the provisions of article V of these regulations (relating to off-street parking and off-street loading) and shall be located a minimum distance of ten (10) feet from any adjacent residential property and shall be screened by a planting screen or suitable fence providing year-round screening,
(7) No new structure shall be erected to a height in excess of two (2) stories or twenty-four (24) feet, whichever is less, in the B-3, B-4, R-1, R-2, R-3, R-4, R-5, R-6 and R-7 districts.

(b) In the P district:

(1) There shall be a minimum lot area of five (5) acres,
(2) Every proposal shall be approved by the director of parks and recreation,
(3) Every building utilized for a child day care center as well as its associated open play area shall be set back a minimum distance of one hundred (100) feet from any adjacent property located in a residential district or property used for residential purposes,
(4) In reviewing such proposal, the commission shall consider all aspects of the proposal, in particular, the location of the structure or structures, outdoor play areas, parking, the vehicular and pedestrian circulation pattern, landscaping, screening, and whether the proposal is compatible with adjacent land uses and does not adversely impact public use of the park facilities.

Sec. 899. Orphanages or children's home.

Orphanages or children's homes are a permitted use in the R-5, R-6, and R-7 and districts, subject to the following conditions:
(a) There shall be a minimum lot area of five (5) acres,
(b) There shall be minimum side and rear setbacks of fifty (50) feet,
(c) In addition to the setback requirements above, every building shall be set back a minimum distance of one hundred (100) feet from any adjacent residential property,
(d) The total lot coverage of all structures shall be not more than thirty (30) percent of the area of the lot,
(e) The maximum number of persons per acre in the R-5 district shall not exceed thirty-five (35), and the maximum number of persons per acre in the R-6 and R-7 districts shall not exceed twenty (20),
(f) In addition to the setback requirements of this section, there shall be provided four hundred (400) square feet of usable open space per person in the R-5 district and five hundred (500) square feet of usable open space per person in the R-6 and R-7 districts,
(g) Off-street parking shall be provided in accordance with the provisions of article V of these regulations (relating to off-street parking and off-street loading) and shall be located a minimum distance of ten (10) feet from any adjacent residential property and shall be screened by a planting screen or suitable fence providing year-round screening.

Sec. 900. Parks, parkettes, playfields, playgrounds and tot lots.

Parks and parkettes are permitted uses in the RO-1, RO-2, RO-3, R-1, R-2, R-3, R-4, R-5, R-6, R-7 and R-8 districts and playfields, playgrounds and tot lots are permitted uses in the RO-1, RO-2, RO-3, R-1, R-2, R-3, R-4, R-5, R-6, R-7, and R-8 districts, subject to the following conditions:
(a) A park, general recreation, shall have a minimum lot area of five (5) acres;
(b) A park, leisure and ornamental, and a parkette, shall have no minimum lot area, except that there shall be a minimum lot area of six thousand (6,000) square feet for tot lot facilities, ten thousand (10,000) square feet for playground facilities exclusive of court facilities, and twenty thousand (20,000) square feet for court facilities;
(c) A playfield shall have a minimum lot area of one (1) acre;
(d) A playground shall have a minimum lot area of ten thousand (10,000) square feet, except that court facilities shall be provided only in playgrounds containing twenty thousand (20,000) square feet or more of lot area;
(e) A tot lot shall have a minimum lot area of six thousand (6,000) square feet except where it is an accessory use;
(f) All permanent service structures shall occupy not more than ten (10) percent of the total area of the lot;
(g) All play structures shall be located at least ten (10) feet from any adjacent residential property. Play structures shall include, but are not limited to, sandboxes, tree houses, swings, basketball courts, skating rinks, slides, jungle gyms, horseshoe pits, and the like;
(h) Signs identifying the use and directing traffic shall be allowed, provided that they are located behind the building line;
(i) There shall be no electrically operated amusement devices, unless otherwise permitted by the director of parks and recreation and the director of licenses and inspections;
(j) Playfields, playgrounds and tot lots which have a substantial portion of their area within one hundred (100) feet of any residential property shall comply with the requirements of this section and, in addition, shall be:

(1) Surrounded by a chain link or opaque wood fence at least six (6) feet in height,
(2) Open only between the hours of 9:00 a.m. to dusk, and
(3) Properly lighted with particular attention to proper shielding thereof in order to prevent any direct illumination of any abutting residential property;

(k) In the R-8 district, only existing playgrounds shall be permitted. Such existing uses shall not be construed to be nonconforming uses, but any additions or expansions of such uses shall not be permitted.

Sec. 901. Recreation centers.

Recreation centers are a permitted use in the RO-1, RO-2, RO-3, R-1, R-2, R-3, R-4 and R-5 districts, subject to the following conditions:
(a) There shall be a minimum lot area of six thousand (6,000) square feet, except in the R-5 district there shall be a minimum lot area of seventy-five hundred (7,500) square feet;
(b) The total lot coverage of all structures shall be not more than thirty (30) percent of the area of the lot;
(c) All buildings shall be set back from any adjacent residential property a minimum distance of thirty (30) feet;
(d) Off-street parking shall be provided in accordance with the provisions set forth in article V (relating to off-street parking and off-street loading), and shall be set back a minimum distance of ten (10) feet from any adjacent residential property;
(e) No structure shall exceed the height limit of the zoning district in which it is located;
(f) All recreation activities shall be conducted inside the recreation center, except in the case of recreation centers which are located in a park, playground or recreation area;
(g) In the case of buildings existing on the effective date of these regulations, which have not previously been used as a recreation center and which do not or are unable to comply with the conditions set forth herein for recreation centers, the commission shall have the power to grant a special permit to use such building for a recreation center provided that, in addition to satisfying the considerations enumerated in section 172, such building shall be made to comply as closely as possible to the conditions and requirements for a recreation center specified in this section.

Sec. 902. Freestanding group dwellings for six (6) or more non-related individuals.

Freestanding group dwellings for six (6) or more non-related individuals, including religious quarters, are a permitted use in the R-5, R-6, and R-7 districts, subject to the following conditions:
(a) There shall be a minimum lot area of one (1) acre,
(b) There shall be minimum side and rear setbacks of twenty-five (25) feet,
(c) In addition to the setback requirements of subparagraph (b), every building shall be set back a minimum distance of fifty (50) feet from any adjacent residential property,
(d) The total lot coverage of all structures shall be not more than thirty (30) percent of the area of the lot,
(e) The maximum number of persons per acre in the R-5 district shall not exceed thirty-five (35), and the maximum number of persons per acre in the R-6 and R-7 districts shall not exceed twenty (20),
(f) In addition to the setback requirements of this section, there shall be provided four hundred (400) square feet of usable open space per person in the R-5 district and five hundred (500) square feet of usable open space per person in the R-6 and R-7 districts,
(g) Off-street parking shall be provided in accordance with the provisions of article V of these regulations (relating to off-street parking and off-street loading) and shall be located a minimum distance of ten (10) feet from any adjacent residential property and shall be screened by a planting screen or suitable fence providing year-round screening.

Sec. 903. Schools, public, private and parochial nursery, elementary (primary), intermediate (middle), secondary (high), and special education.

Public, private and parochial nursery, elementary, intermediate, secondary, and special education schools are permitted uses in the B-3, B-4, RO-1, RO-2, RO-3, R-1, R-2, R-3, R-4, R-5, R-6, R-7, R-8 and P districts, subject to the following conditions:
(a) In the B-3, B-4, RO-1, RO-2, RO-3, R-1, R-2, R-3, R-4, R-5, R-6 and R-7 districts:

(1) There shall be a minimum lot area of five (5) acres for nursery, elementary, and special education schools; ten (10) acres for intermediate schools; and fifteen (15) acres for high schools,
(2) There shall be minimum side and rear setbacks of fifty (50) feet,
(3) In addition to the setback requirements above, every building shall be set back a minimum distance of one hundred (100) feet from any adjacent residential property which is located in an R-5, R-6, R-7 or R-8 district,
(4) The total lot coverage of all structures shall be not more than thirty (30) percent of the area of the lot,
(5) Playgrounds shall be separated from any adjacent R-3, R-4, R-5, R-6, R-7 or R-8 district by a planting strip not less than twenty (20) feet in width,
(6) All off-street parking shall be provided in accordance with the provisions of article V of these regulations (relating to off-street parking and off-street loading) and shall be located a minimum distance of ten (10) feet from any adjacent residential property and shall be screened by a planting screen or suitable fence providing year-round screening,
(7) All buildings or structures shall conform to the height limit for the zoning district in which they are located, except as provided in sections 369 (relating to maximum height limit), 404 (relating to maximum height limit), 508 (relating to maximum height limit) and 543 (relating to maximum height limit) for the B-3, B-4, R-1 and R-2 districts.

(b) In the R-8 district only schools existing at the effective date of these regulations shall be permitted and any expansion of or addition to thereof shall be in accordance with the provisions set forth in paragraph (a) for schools in the R-7 district, subject to the provisions of section 877 of these regulations (relating to expansion of existing uses);
(c) In the P district, if a public school is located adjacent to or within a public park, the area of such park may be counted toward a maximum of fifty (50) percent of the minimum lot area requirement set forth in this section.

Sec. 904. Reserved.

Sec. 905. Urban agriculture.

This section covers all aspects of urban agriculture, including: home gardens, community gardens, single-operator garden, farmers' markets, compost bins, farm structures, henhouses, and honey bee keeping.
(a) Home gardens shall be a permitted accessory use in all districts. Such garden may be outdoors, in accessory greenhouses, or on the roof of a structure. Accessory farm structures in home gardens shall be allowed subject to any

additional conditions of subsection (f) of this section. The ownership, care and control are the responsibility of a resident of the dwelling on the lot.

(b) Community gardens shall be a conditional use in all districts and may be approved by staff subject to the application meeting the following conditions:

(1) Applicants must establish operating rules addressing the governance structure of the garden, hours of operation, maintenance, and security requirements.

(2) Applicants must identify a garden coordinator to perform the coordinating role for the management of the community gardens and to liaise with the City, which coordinator shall be an employee or volunteer of a public entity, nonprofit organization, or other community-based organization. Applicants must file the name and telephone number of the garden coordinator and a copy of the operating rules with the City Department of Health and Human Services.

(3) Community gardens may be divided into separate plots for cultivation by one (1) or more individuals or may be farmed collectively by members of the group and may include common areas maintained or used by community group members.

(4) The community garden shall have reliable and legal access to an onsite source of water. Use of water storage systems is allowed.

(5) The community garden shall be operated in a manner that prevents the drainage of water or chemicals onto any neighboring property.

(6) Operators of community gardens shall ensure that soils are suitable and shall obtain any permits for operation required by law. Prior to development of a community garden, soils shall be tested to ensure the viability and safety of the location. This requirement is waived when soils have been remediated and/or demonstrated to meet the Residential Direct Exposure Criteria as specified by the Connecticut Department of Energy and Environmental Protection. At a minimum, soil shall be tested for the following heavy metals: boron, arsenic, mercury, selenium, lead, cadmium, chromium, nickel, zinc and copper. Analytical test shall be conducted with methods and procedures suitable for soil media. Suitable soil shall be defined as soil that meets the standards set forth by the Connecticut Department of Energy and Environmental Protection. Soil results shall be submitted with a permit application.

(7) Tools, supplies, and machinery shall be stored in an enclosed structure or removed from the property daily. All chemicals and fuels shall be stored off the ground in an enclosed, locked structure when the site is unattended.

(8) Community gardens must be maintained using organic agricultural practices. Use of pesticides must meet the standards detailed in the Connecticut Pesticide Control Act, general statutes 22a-46.

(9) A composting and waste management plan, and a soil remediation plan (if necessary) must be approved by the City Department of Health and Human Services prior to the issuance of any zoning permit.

(10) A community garden may have one (1) temporary farm stand selling and/or distributing agriculture and horticultural products produced on site for no more than two (2) consecutive days on two (2) different occasions during a calendar year, provided, however, that such stand shall be attended during all hours of sales and/or distribution.

(11) At the end of the growing season (and no later than December 15 of each year), all plant material must be cut to no more than six (6) inches in height unless there is an agricultural reason for keeping the plant materials uncut.

(12) Community gardens shall be required to post one (1) identification sign containing the name and phone number of the contact person for the community garden, which shall be visible from the most active adjacent street, and shall otherwise conform with article VII of these regulations.

(c) Single-operator gardens shall be allowed pursuant to a special permit as provided in section 854, which permit shall be renewed every five (5) years. In making its determination regarding a special permit and any conditions thereon, the commission shall consider issues including but not limited to: water quality, water runoff, soil quality, traffic and parking impact, visual impact and screening, the potential for excessive noise and excessive odor, the impact of any organic agricultural chemicals, the impact of mechanical equipment, and the impact of the single-operator garden on any surrounding residential properties. The following concepts and conditions all apply to applications for a single-operator garden:

(1) The single-operator garden shall have reliable and legal access to an onsite source of water. Use of water storage systems is allowed.

(2) The single-operator garden shall be operated in a manner that prevents the drainage of water or chemicals onto any neighboring property.

(3) Operators of single-operator garden shall ensure that soils are suitable and shall obtain any permits for operation required by law. Prior to development of a single-operator garden, soils shall be tested to ensure the viability and safety of the location. This requirement is waived when soils have been remediated and/or demonstrated to meet the Residential Direct Exposure Criteria as specified by the Connecticut Department of Energy and Environmental Protection. At a minimum, soil shall be tested for the following heavy metals: boron, arsenic, mercury, selenium, lead, cadmium, chromium, nickel, zinc and copper. Analytical test shall be conducted with methods and procedures suitable for soil media. Suitable soil shall be defined as soil which meets the standards set forth by the Connecticut Department of Energy and Environmental Protection. Soil tests results shall be submitted with application.

(4) Tools, supplies, and machinery shall be stored in an enclosed structure or removed from the property daily. All chemicals and fuels shall be stored off the ground in an enclosed, locked structure when the site is unattended.

(5) Single-operator gardens must be maintained using organic agricultural practices, including the use of organic chemicals only. Use of pesticides must meet the standards detailed in the Connecticut Pesticide Control Act, general statutes section 22a-46.

(6) At the end of the growing season (and no later than December 15 of each year), all plant material must be cut to no more than six (6) inches in height, unless there is an agricultural reason for keeping the plant materials uncut.

(7) Single-operator gardens shall be required to post one (1) identification sign containing the name and phone number of the contact person for the single-operator garden, which shall be visible from the most active adjacent street, and shall otherwise conform with article VII of these regulations.

(8) Lighting for single-operator gardens should be limited to that required for operational and safety purposes of any activity defined as urban agriculture so as not to create a nuisance through excessive brightness to abutting residential uses.

(9) A composting and waste management plan, a plan for the use of organic agricultural chemicals, and a soil remediation plan (if necessary) must be approved by the City Department of Health and Human Services prior to the issuance of any zoning permit.

(10) The single-operator garden shall only operate between the maximum hours of 7 a.m. and 9 p.m. in any residential district or on any lot abutting a residential district or residential building; otherwise the single-operator garden shall only operate between the maximum hours of 5 a.m. and 9 p.m.

(11) No odors or fumes from an single-operator garden shall be allowed to escape into the open air in such amounts as to be detrimental to the health of any individuals or the public or create a nuisance.

(12) A single-operator garden may have one (1) farm stand selling and/or distributing agriculture and horticultural products produced on site, provided, however, that such stand shall be attended during all hours of sales and/or distribution.

(13) In addition to the requirements for special permit applications set forth in section 68, applicants shall submit a description of the type of equipment necessary or intended for use in each season and the frequency and duration of anticipated use.

(14) In any residential zone where a single-operator garden is located, the operator of the garden shall utilize no more than one (1) motorized tractor, of a compact utility size or smaller, over the course of any calendar year, shall utilize said tractor for no more than fifteen (15) days per calendar year, and shall utilize no other large-scale motorized vehicles. The preceding sentence shall not apply to walk-behind tractors or other small motorized devices (such as snow blowers or tillers) primarily moved by human power.

(15) In any residential zone, a single-operator garden may only be located on college or university campuses or similar institutional settings, in new subdivisions, or on a historic industrial site.

(d) Farmers' markets shall be a conditional use in all districts, provided that:

(1) Proof of permission for use of the subject property must be obtained from the owner, or other person with authority to grant same, and be submitted to the zoning administrator;

(2) The farmers' market is of a temporary nature, namely, in operation only one (1) day or two (2) days per week;
(3) A minimum lot area of one hundred (100) square feet per stand shall be provided;
(4) The farmers' market operates between the maximum hours of 8 a.m. and 8 p.m.;
(5) The farmers' market shall be operated in accordance with all applicable statutes, ordinances and regulations of the state and the city, and shall have obtained and submitted to the zoning administrator any permits, certificates, permissions, licenses, and authorizations required;
(6) Proper insurance, protecting the city and being evidenced by an insurance certificate, approved by the city's risk manager, shall be submitted to the zoning administrator;
(7) For farmers' markets taking place in the P district, a deposit or bond benefitting the city, in an amount and form determined by the director of the department of public works, shall be tendered by the applicant to the department of development services, and shall be forfeited by the applicant to the department of development services in the event of any damage to any property or person in and around the site of the farmers' market during the operation thereof, provided that whether the deposit or bond is forfeited, and the amount of deposit or bond that is forfeited, shall be in the sole discretion of the director of the department of public works.
(8) The farmers' markets shall allow as vendors predominantly local farmers, farmers' cooperatives and producers selling any of the following: whole produce; value-added agricultural products such as jams, jellies, and pickles; prepared food; all agricultural and horticultural products including but not limited to whole produce, plants, flowers, meats, dairy products, and other food-related products.
(9) A parking plan for attendees of the farmers' market shall be provided and approved by the zoning administrator.

(e) Compost bins shall be allowed as an accessory use for home gardens, community gardens, and single-operator gardens provided that they shall be:

(1) Designed, constructed, and situated in such a way as to control odor, prevent rodent or other pest infestation, eliminate runoff into waterways and onto adjacent properties, and not otherwise create a nuisance for nearby properties;
(2) Used only to compost agricultural materials generated on site, and not used for cooked foods, animal proteins, and fats;
(3) Screened from view in a manner that is not visible from any adjacent property or street; and
(4) Located in a rear yard in residential districts, on residential properties, or properties located adjacent to a residential district or residential property and not closer than twenty (20) feet to a residential building on any adjacent lot.

(f) Accessory farm structures shall be allowed for home gardens, community gardens, and single-operator gardens provided that they shall abide by the provisions of article VI to the extent such provisions do not conflict the provisions stated in this section, and provided that in the event of such conflict the provisions in this section shall prevail:

(1) Be located in a rear yard in residential districts or residential properties where the farm structure is an accessory use to a residence;
(2) Not occupy more than twenty-five (25) percent of the lot on which they are located, or if located on a zoning lot being used primarily for residential purposes may not occupy more than twenty-five (25) percent of a required rear setback, provided that the total amount of farm structures on any such residential zoning lot shall in no instance exceed five hundred (500) square feet in size;
(3) Not exceed more than twenty (20) feet in height in the case of greenhouses, hoophouses, coldframes, and similar structures which are located on the site of an approved single-operator garden or community garden not in a residential district, or, ten (10) feet in height in the case of all other farm structures, unless a lower height is required by the building code;
(4) Not contain more than two (2) shade pavilions in the case of a community garden, and shall not contain any shade pavilions in the case of a home garden;
(5) Not contain any farm stands in the case of a home garden; and
(6) Not interfere with public rights of way or be built beyond the building line for any lot.

(g) Henhouses shall be permitted as an accessory use to any residential structure or as an accessory use on any lot containing a community garden or single-operator garden, provided that all of the following conditions are met:

(1) Any lot containing a residential structure may have no more than one (1) henhouse holding not more than (6) hens, and for any lot containing a community garden or single-operator gardens, the number of hens allowed on such lot shall be increased by one (1) additional hen for every thousand (1,000) square feet of lot area over ten thousand (10,000) square feet with a maximum of twelve (12) hens on any lot.
(2) No rooster shall be kept on any lot.
(3) No sales of eggs shall occur on the lot containing the henhouse, except in the case of a henhouse operator located on a single-operator garden where there is a farm stand, in which case the henhouse operator shall be permitted to sell eggs at the farm stand.
(4) The henhouse shall be located in a rear yard.
(5) The henhouse shall be located at least twenty-five (25) feet from any street line, at least fifteen (15) feet from any residential dwelling, and at least fifteen (15) feet from any property line. In the instance that more than one distance requirement shall apply, the greater distance requirements shall apply.
(6) The henhouse shall be made of washable and sanitizable material such as fiberglass reinforced plastic and no part of the henhouse (including the area for a run) shall exceed eight (8) feet in height. The henhouse shall be designed to be: predator proof, thoroughly ventilated, watertight, and easily accessed and cleaned. Direct access from the coop to an outdoor enclosure shall be provided with the outdoor enclosure designed to be: predator proof, easily accessed and cleaned, and fenced to contain the chickens.
(7) The flock shall be cared for using consistent biosecurity practices as detailed by the U.S. Department of Agriculture Animal and Plant Health Inspection Service to prevent the spread of diseases.
(8) No discharge of water or waste from the henhouse shall occur on any neighboring property or on a public way.
(9) All outdoor roaming areas shall be enclosed and screened from public ways and from neighboring properties by a fence which is sixty (60) percent opaque or year-round landscaping at least four (4) feet in height.
(10) The property owner or henhouse operator shall obtain any and all necessary permits prior to the operation of any henhouse.
(11) The on-site slaughtering of chickens is prohibited.
(12) The presence of obnoxious odors or unsanitary conditions which annoy the immediate neighborhood, is hereby declared to be a public nuisance and may be summarily abated by the proper city officials.

(h) The keeping of honey bees shall be permitted as an accessory use to any structure, as an accessory use on any lot containing a community garden or single-operator garden, or as a conditional use on any lot in the C-1, I-1, or I-2 zoning districts, provided that:

(1) For any lot containing a residential structure, the number of colonies shall be limited to four (4) colonies per lot, with one (1) additional colony allowed per each one thousand (1,000) square feet of lot area over ten thousand (10,000) square feet in lot area, with the total number of colonies on such lot not to exceed ten (10) colonies. For any lot containing a community garden or single-operator garden lot and for any lot in the C-1, I-1, and I-2 zoning districts, the number of colonies shall be limited to ten (10) colonies per lot. Notwithstanding the foregoing, there shall be no limitation on the number of colonies located on rooftops in the C-1, I-1, and I-2 zoning districts.
(2) The colony shall be located in a rear or side yard in a residential zone or lot with a residential use.
(3) No colony shall be located closer than ten (10) feet from any property line, or closer than ten (10) feet from a public sidewalk or twenty-five (25) feet from a principal building on an abutting lot.
(4) No colony shall exceed twenty (20) cubic feet in volume.
(5) A flyway barrier of at least six (6) feet in height must shield any part of a property line within twenty-five (25) feet of a colony, provided that such flyway barrier shall consist of a wall, fence, dense vegetation, or a combination thereof and shall be positioned to transect both legs of a triangle extending from an apex at the colony to each end point of the part of the property to be shielded, and further provided, however, that a flyway barrier shall not be required if the base of the colony is located more than six (6) feet above the ground.

(6) No sales of honey shall occur on the lot containing the honey bee colony, except in the case of a honey bee colony located on a single-operator garden where there is a farm stand, in which case the operator of the honey bee colony shall be permitted to sell honey at the farm stand.

(7) The property owner shall obtain any necessary permits prior to the installation of any colony and shall annually, on or before the first day of October, make application to the State Entomologist for the registration of bees, as required by Connecticut general statutes section 22-89.

Sec. 906. Scrap metal processing.

Scrap metal processing is a permitted use in the I-1 district, subject to the following conditions:
(a) There shall be a minimum lot area of ten (10) acres;
(b) The property shall be surrounded by a solid fence not less than eight (8) feet high which shall bear no advertising other than the name of the premises;
(c) All structures shall occupy not more than a total of forty (40) percent of the area of the lot and the total lot coverage of all structures, material, and impervious surface shall exceed not more than eighty (80) percent of the area of the lot;
(d) There shall be no burning of any materials on the property unless carried out in a properly designed incinerator as approved by the director of licenses and inspections, the director of health and the city fire marshal, and all goods shall be stored in such a fashion as to avoid the inviting of rodents;
(e) Heavy machinery, compacting and shearing machinery shall be located on a solid foundation to avoid vibration.

Sec. 907. Substations, electrical.

Electrical substations are a permitted use in the RO-1, RO-2, RO-3, R-1, R-2, R-3, R-4, R-5, R-6 and R-7 districts, subject to the following conditions:
(a) There shall be a minimum lot area of six thousand (6,000) square feet;
(b) The total lot coverage of all buildings and structures shall be not more than thirty (30) percent of the area of the lot;
(c) All buildings and structures shall be set back from every adjacent property a minimum distance of twenty-five (25) feet and, in addition, not closer than fifty (50) feet from any adjacent residential property;
(d) Transformers shall be located within buildings;
(e) The lines between the substation and the street shall be underground;
(f) The substation shall be suitably screened from any adjacent residential property by a solid fence or planting screen which shall provide year-round screening.

Sec. 908. Communications facilities.

(a) Communications facilities shall be permitted as a conditional use or pursuant to a special permit, as shown in section 854.
(b) The following conditions shall apply to all stand-alone communications facilities:

(1) *Minimum lot area.* There shall be a minimum lot area of six thousand (6,000) square feet for any communications facility.

(2) *Fencing and landscaping.* Unless the communications facility is mounted on an existing structure, a permanent fence with a maximum height of eight (8) feet shall be required to secure the base of the facility. Landscaping on the perimeter of such fencing, which complies with article X of these regulations, shall be required to shield the base of any communications facility.

(3) All communications facilities shall be designed and constructed to all applicable standards of the American National Standards Institute, ANSI/EIA-222-E manual, as amended, where applicable.

(c) The following criteria shall be applied to any special permit for communications towers and certain communications antennas:

(1) *Communications tower.* If a new communications tower is constructed, the tower shall not exceed the height of one hundred and sixty (160) feet, shall be a monopole, and shall be located a minimum of one hundred and sixty (160) feet or the height of the tower from the property line of the nearest residential property, measured from the base of tower to the property line. This tower setback provision may be

altered based upon engineering documentation prepared by a professional engineer demonstrating to the Planning and Zoning Commission's satisfaction that the proposed design shall prevent collapse of the tower off of the site.

(2) *Communications antenna.* Only communications antennas subject to Connecticut Siting Council Review shall be required to undergo the special permit review process. If the communications antenna is located on the roof of an existing building or structure (other than a communications tower), the area of such communications antenna shall not occupy more than twenty-five (25) percent of the roof area. Setbacks from roof edge shall be ten (10) feet, or ten (10) percent of roof depth (measured from edge facing public street to opposite edge of roof), whichever is greater. The applicant shall demonstrate that the antenna is the minimum height required to function satisfactorily. No antenna that is taller than this minimum height shall be approved.

(d) In all instances where a special permit is required for a communications facility, the commission shall evaluate the special permit application using the criteria in section 172 and the following criteria:

(1) Any topographic or other barriers to transmission;
(2) Screening potential of existing or proposed vegetation, structures and topographic features;
(3) Compatibility with adjacent land uses, provided that the commission shall not look favorably on sites proximate to single family zoning districts;
(4) Least number of sites to serve desired area;
(5) Proposals to mitigate possible visual impact, including the preservation of view corridors and vistas;
(6) Potential for preservation of preexisting character of site;
(7) Minimal impact on residential areas surrounding commercial, business or industrial zoned sites; and
(8) Accessibility of roads, electric power, land based telephone lines or microwave link capability, other utilities required for the proper functioning of the communication facility.

The commission may deny an application to construct a new communications antenna if it is determined that the applicant has not made a good faith effort to mount the communications antenna on an existing structure. In addition, the commission shall give consideration to the site selection criteria for communications facilities as follows:

(1) On existing buildings, communications towers, and smokestacks.
(2) In locations where the existing topography, vegetation, buildings or other structures provide the greatest amount of screening.
(3) In locations that mitigate the visual and operational effects that contribute to blighting or deterioration of the surrounding neighborhood.
(4) In locations that do not mitigate such visual and operational effects.

Sec. 909. University, college, etc., profit and nonprofit.

Profit and nonprofit universities, college, junior colleges, and professional schools are permitted uses in the RO-1, RO-2, RO-3, R-1, R-2, R-3, R-4, R-5, R-6, R-7 and R-8 districts, subject to the following conditions:

(a) Fraternity and sorority houses or other similar student organizations which may be separately owned but which are qualified organizations under the rules and regulations of the university or college with which they are associated may be calculated as accessory uses and part of the campus area when located on property which is contiguous to or separated only by the property of other similar uses, streets or other public rights-of-way from the principal campus area. However, before such separate organization may utilize the entire campus area in calculating its own maximum permitted density, an authorization from the school shall be required before the issuance of any zoning, building or occupancy permit for such use;

(b) In the RO-1, RO-2, RO-3, R-1, R-2, R-3, R-4, R-5, R-6 and R-7 districts:

(1) There shall be a minimum lot area in the RO-1, RO-2, RO-3, R-1 and R-2 districts of ten (10) acres,
(2) There shall be a minimum lot area in the R-3, R-4, R-5, R-6 and R-7 districts of twenty (20) acres,
(3) The total coverage of all structures shall be not more than thirty (30) percent of the area of the university, college, junior college, or professional school campus. However, land which is owned by separate but associated organizations shall not be calculated in determining maximum permitted building coverage on any campus. Any building occupied by a separate but associated organization as set forth in paragraph (1), which is located upon a lot in separate ownership shall cover not more than thirty (30) percent of the lot which it occupies,

(4) Residential uses, whether on or off a university, college, junior college, or professional school campus, shall abide by the standards for density and open space set forth for residential uses in the district in which the school is located. The maximum number of persons per acre in the R-5 district shall not exceed thirty-five (35), and the maximum number of persons per acre in the R-6 and R-7 districts shall not exceed twenty (20). There shall be provided four hundred (400) square feet of usable open space per person in the R-5 district and five hundred (500) square feet of usable open space per person in the R-6 and R-7 districts,

(5) All buildings shall be set back from every adjacent property a minimum distance of twenty-five (25) feet and, in addition, not closer than fifty (50) feet from any adjacent residential property,

(6) Any building used for musical instruction shall be located a minimum of one hundred (100) feet from any adjacent residential property,

(7) Any powerhouse or heating plant shall be located not less than one hundred (100) feet from any adjacent residential property and shall use only gas, oil or electricity for fuel,

(8) All stadia must be located a minimum of one hundred (100) feet from any adjacent residential property,

(9) Accessory uses may include, but are not limited to, a bookstore, restaurant or dining room within the interior of a building only, but there shall be no exterior show windows or exterior signs advertising such use,

(10) Off-street parking shall be provided in accordance with the provisions of article V of these regulations (relating to off-street parking and off-street loading) and shall be located a minimum distance of ten (10) feet from any adjacent residential property and shall be screened by a planting screen or suitable fence providing year-round screening, except that parking areas need not be located in any particular relationship to particular buildings they may serve. However, separate but associated organizations as described in paragraph (1) above which are located upon property in separate ownership shall provide their required parking upon the lot they occupy in the amount and in the manner specified by article V of these regulations unless alternate parking arrangements are provided and authorized upon the campus at the time a zoning, building or occupancy permit is issued. Such alternate parking area shall be identified and designated and made a matter of record at the time a zoning, building or occupancy permit is issued,

(11) Before a building permit is issued, the director of licenses and inspections shall certify that sewer and water facilities in the area are adequate to meet the needs of the educational institution,

(12) The sale of beer and wine is permitted on a university or college campus as an accessory use under a university permit. Such use shall be located a minimum of one hundred (100) feet from any residential property adjacent to such campus,

(13) All buildings or structures shall conform to the height limit for the zoning district in which they are located, except as provided in sections 508 (relating to maximum height limit) and 543 (relating to maximum height limit) for the R-1 and R-2 districts.

(c) In the R-8 district any colleges and universities existing at the time of adoption of these regulations shall be permitted and any expansion of or addition to thereof shall be in accordance with the provisions set forth above for colleges and universities in the R-7 district, subject to the provisions of this division.

Sec. 910. Zoos.

Zoos are a permitted use in the P district, subject to the conditions that they shall be permitted only in public parks and only upon approval of the director of the department of public works, the director of health, and the director of licenses and inspections.

Sec. 911. Accessory historic barn dwelling units.

(a) The purpose of this section is:

(1) To permit accessory dwelling units in historic barns and carriage houses in certain residential zoning districts where lots are developed principally with single-family dwellings; and

(2) To provide for the preservation of historic barns and carriage houses while increasing the City's tax base and providing incentive for private community investment.

(b) Accessory dwelling units in the R-5, R-6, and R-7 zoning districts are permitted by special permit and with the following qualifying conditions:

(1) The property proposed for an accessory dwelling unit shall contain an existing single-family dwelling and no property shall contain more than one accessory dwelling unit.
(2) The property must be improved with an historic barn or carriage house built before 1940 that contributes to the architectural or historic character of the city.
(3) The property must be owner-occupied in the principal structure.
(4) The property owner shall, on the first day of every year, sign and file an affidavit with the zoning administrator that the said property is owner-occupied in the principal structure and that the historic barn accessory unit complies with the municipal zoning code.
(5) The proposed accessory historic barn unit must be within the existing footprint and height of the historic accessory building, and be configured to include a kitchen, a separate bathroom, two (2) means of egress, a separate entrance/exit, and comply with all applicable city building code requirements.
(6) Parking for the accessory historic barn unit must be provided on-site.
(7) The property containing the accessory historic barn unit shall not be subdivided unless it meets the regulations of the zoning district. The accessory historic barn unit may not be offered for sale but may be rented.
(8) The orientation of the proposed accessory historic barn unit shall, to the maximum extent practical, maintain the privacy of residents in adjoining dwellings as determined by the physical characteristics surrounding the accessory unit including landscaped screening, fencing, and window and door placement.
(9) The property owner applying for the accessory historic barn unit shall supply the commission with certification that the water supply and sewage disposal facilities are adequate for the projected number of residents.
(10) The lot size must be a minimum of twelve thousand (12,000) square feet.
(11) A carriage house is defined as a detached outbuilding originally constructed to house horse-drawn vehicles and related equipment, or horses, or used to store grain or shelter animals and incorporates a hay loft, second story or half-story, or open interior space under a pitched roof in excess of fifteen (15) feet from the floor to the roof peak.
(12) The structure must also demonstrate characteristics of contributing buildings within the historic district in which it is located.

Sec. 912. Grocery stores and grocery stores/convenience stores.

(a) Grocery stores and grocery stores/convenience stores shall be authorized as a conditional use in the B-1, B-2, B-3, and B-4 districts, provided that they satisfy the following condition: no grocery store or grocery store/convenience store shall be located within fifteen hundred (1,500) feet of any other grocery store or grocery store/convenience store.

(b) Notwithstanding subsection (a), the commission may grant a special permit for a full-service grocery store in the B-1, B-2, B-3, and B-4 districts that is located within fifteen hundred (1,500) feet of any other grocery store or grocery store/convenience store, provided that the proposal for such full-service grocery store otherwise satisfies the requirements for granting a special permit pursuant to these regulations, and further provided that the commission finds there to be a compelling need for a full-service grocery store in the immediate area, in light of other available food-related retail options.

Sec. 913. Drive-in establishments.

(a) The zoning administrator shall refer each application for a drive-in establishment in the I-2, C-1, or B-3 zoning district to the commission. The commission is authorized to grant a special permit to allow drive-in establishments in the I-2, C-1, or B-3 zoning district after receiving a report of recommendations from the director of the department of public works and chief of police, subject to the following conditions (in addition to the considerations enumerated in section 172):

(1) There shall be a minimum lot area of fifteen thousand (15,000) square feet;
(2) There shall be a minimum lot width of one hundred twenty (120) feet;

(3) There shall be a minimum distance of forty (40) feet between any two (2) curb cuts and a minimum distance of twenty-five (25) feet between any curb cut and the corner of any corner lot which is at the intersection of two (2) streets;
(4) The area between the building line and the front lot line not utilized for driveways shall be landscaped with year-round plantings so as to prohibit parking over the building line;
(5) The drive-in establishment is not located in a residential district, does not directly abut on any dwelling or any lot in a residential district, and is not located near other uses where the location of such drive-in establishment would be detrimental to pedestrian convenience or safety;
(6) The drive-in establishment is not located within three hundred (300) feet of another drive-in establishment
(7) The drive-in establishment is not located within one thousand (1,000) feet of a school;
(8) Every entrance and exit shall be approved by the director of the department of public works;
(9) Air scrubbers shall be installed in any drive-in establishment, other than a drive-in establishment in the industrial zoning districts.

(b) In addition to the conditions listed in subsection (a), the commission may require an applicant to modify a site plan to provide for sufficient pedestrian amenities, reduce the negative visual impact, and/or provide better circulation and parking so as to reduce the potential for accidents and the impact the proposed use may have on neighboring development when the director of the department of public works or chief of police suggests such modifications are desirable. Such modifications to a site plan may include, but are not limited to, additional landscaping and screening, redesign of parking areas, relocation of entrances/exits and curb cuts and the limitation of the size and number of signs.

Sec. 914. Semifinished electronic products; assembly.

The assembly of semifinished electronic products is a permitted use in the B-3 and B-4 zoning districts, subject to the following conditions:
(a) The semifinished products shall be composed of component parts manufactured by the assembler, the parent company of the assembler or a subsidiary company of the assembler which parts are manufactured at another location;
(b) The area devoted to such assembly of semifinished products shall not exceed ten thousand (10,000) square feet of gross floor area.

Sec. 915. Work studio/dwelling.

The zoning administrator shall refer every application for a work studio/dwelling use to the commission, which commission is authorized to grant a special permit to allow a work studio/dwelling. In the I-2, C-1, B-1 and B-2 zoning districts, a work studio/dwelling shall be permitted, subject to the following conditions (in addition to the considerations enumerated in section 172):
(a) The use shall be authorized for a period of not more than two (2) years and shall be renewable by the zoning administrator upon satisfactory demonstration by the occupant and/or owner that such premises has been, and shall continue to be, utilized for joint work studio/dwelling purposes;
(b) The use shall be confined to structures existing at the time of adoption of this section;
(c) No building or structure containing the use shall be enlarged or structurally altered, except in accordance with the development provisions of the underlying zoning district and such as may be required for safety, or as may be necessary to secure or insure the continued advantageous use of the building or structure;
(d) No buildings or structures adaptable for joint work studio/dwelling purposes shall be subdivided into joint residential/work quarters having a combined gross floor area of less than six hundred fifty (650) square feet. The residential portion of the work studio/dwelling quarters shall contain a minimum of four hundred (400) square feet of usable floor area;
(e) All spaces used for work studio/dwelling purposes shall be physically separated, when on the same floor, or shall be located above existing commercial or industrial uses which may be part of a mixed-occupancy building or structure; in no instance shall space utilized for work studio/dwelling purposes be located below any such commercial or industrial use;
(f) All work activity shall be conducted within the existing building or structure.

Sec. 916. Apparel-stitching.

Apparel-stitching is a permitted use in the B-4 zoning district, subject to the conditions that the area devoted to manufacturing shall not exceed four thousand (4,000) square feet of gross floor area.

Sec. 917. Crematory services.

Crematory service is a permitted use in the I-2 and P zoning districts, subject to the condition that the location of a crematory within the city shall be in accordance with the provisions of general statutes section 19a-320 (relating to erection and maintenance of crematories).

Sec. 918. Secondhand merchandise; retail.

The retail sale of secondhand merchandise (excluding the sale of historical antique furniture) is a permitted use in the B-4 zoning district, subject to the following conditions:
(a) Secondhand merchandise offered for sale may include clothing and household furnishings but shall not include major household appliances such as refrigerators, dishwashers, stoves and clothes washers and/or dryers;
(b) All goods, offered for sale or display, shall be contained within the structure and no outdoor display shall be permitted.

Sec. 919. Transient lodgings.

Transient lodging is a permitted use in the I-2, C-1, B-1, B-2 and RO-1 zoning districts, subject to the following conditions:
(a) The use shall only be operated by or in conjunction with a governmental, welfare or charitable service;
(b) All outside storage, if any, shall be set back twenty (20) feet from any adjacent residential district or property used for residential purposes and shall be screened by a suitable opaque fence (which shall bear no advertising), or a year-round planting screen. Such fence or planting, notwithstanding other provisions of these regulations, shall be not less than eight (8) feet in height.
(c) The maximum number of residents of the lodging shall be based upon a ratio of one (1) person for every fifty (50) square feet of interior space devoted to sleeping area.
(d) The facility shall have staffing on-site during all hours of operation.
(e) There shall be one (1) parking space for every two (2) staff members who are present at the facility at any time.
(f) For new construction, the lot and setback requirements shall conform to the zoning districts where such facility is located. Where there are no such requirements, there shall be minimum rear and side of twenty (20) feet required.
(g) There shall be annual licensing by the division of licenses and inspections to ensure the health and safety of residents and neighbors, and compliance with the zoning regulations.
(h) New transient lodgings shall not be located within one thousand (1,000) feet of another transient lodging, rehabilitation home, boarding house, or rooming house.
(i) There shall be an indoor waiting area for use by residents when the facility is not opened for operation.
(j) There shall be a maximum occupancy of one hundred (100) persons.
(k) There shall be a minimum lot size of ten thousand (10,000) square feet.

Sec. 920. Local district heating or cooling facility.

A local district heating or cooling facility is a permitted use in the C-1 zoning district, subject to the following conditions:
(a) There shall be a minimum lot area of twenty thousand (20,000) square feet;
(b) The total lot coverage of all structures shall be not more than fifty (50) percent of the area of the lot. This provision shall not apply to the adaptive reuse of existing structures for a local district heating or cooling facility when such structures predate adoption of this subsection of the regulations and provided such structures meet the requirements of paragraph (c);

(c) Every building used for a local district heating or cooling facility shall be set back a minimum distance of one hundred (100) feet from any adjacent property used for residential purposes or in a residential zoning district;
(d) All structures shall be suitably screened from any adjacent property used for residential purposes, or in a residential zoning district, by a solid fence or planting screen which shall provide year-round screening and be at least six (6) feet in height;
(e) All activity associated with this facility shall be wholly within an enclosed structure and there shall be no outside storage associated with the facility;
(f) On the lot, there shall be provided and maintained adequate space for standing and turning, loading and unloading in order to avoid interference with public use of the streets;
(g) Noise levels incident to facility operation shall not exceed 55 decibels (day) or 45 decibels (night) measured at the property lines and shall otherwise comply with the section 23 of the code;
(h) Control of air pollution for a local district heating or cooling facility in the city shall be in accordance with the provisions of general statutes, title 22a, chapter 446c (relating to air pollution control).

Sec. 921. Adult establishments.

Adult establishments are a permitted use in the I-1 and I-2 districts subject to the following conditions: No building or premises shall be used, and no building shall be erected or altered, which is arranged, intended or designed to be used for an adult establishment if any part of such building or premises is situated on any part of a lot within a one-thousand (1,000) foot radius in any direction of any lot used for, or upon which is located any building used for:
(a) Any single-family or multiple-family residential use;
(b) Any public or private school, or any other educational facility attended by persons under the age of eighteen (18), including, but not limited to, after school programs, children's museums, camps and athletic leagues;
(c) Any church or other religious facility or institution;
(d) Any public park; or
(e) Any other adult establishment.

Sec. 922. Recycling facility or plant.

A recycling facility or plant is a permitted use in the I-1 and I-2 zoning districts subject to the following conditions:
(a) *Special permit; conditions.* The commission is authorized to grant a special permit to allow a recycling facility or plant for the purpose of meeting the requirements of this section in the I-1 and I-2 zoning districts, subject to the following conditions (in addition to the considerations enumerated in section 172):

(1) *Required lot area.* There shall be a minimum lot area of one (1) acre.
(2) *Minimum lot width.* Every lot shall have a minimum width at the street line of one hundred fifty (150) feet.
(3) *Landscaping.* The commission shall require that a recycling facility or plant provide suitable screening of structures and planting and landscaping at its perimeter so as to provide protection for adjacent properties on a year-round basis.
(4) *Property ownership.* An application for a special permit to allow a recycling facility or plant may be filed by the owners or lessees of all property included within the recycling facility or plant zoning lot. The holder of a written option or contract to purchase or lease property shall, for the purposes of such application, be deemed the owner or lessee of the property covered by such option or contract.
(5) *Failure to begin recycling facility or plant.* If no construction has begun or no use established on the recycling facility or plant lot within six (6) months from the approval of the commission, the zoning permit for the recycling facility or plant shall become null and void. In its discretion, and for good cause, the commission may, upon request of the applicant, extend for an additional six (6) months the period for the beginning of construction or establishment of a use.

(b) *State regulations.* All activities in connection with the use of the recycling facility or plant shall be conducted in accordance with all regulations relating to recycling facilities promulgated by the state commissioner of environmental protection.
(c) *District specifications to apply.* Unless otherwise provided for in the provisions of this section for recycling facilities or plants, the provisions of the existing zoning districts in which the recycling facility or plant is located shall apply and govern.

Sec. 923. Retail trade-Automotive, marine craft, aircraft and accessories.

Automotive, marine craft, aircraft and accessories is a permitted use in the B-4 zoning district, subject to the following conditions:
(a) There shall be no commercial repair work or service of any kind and there shall be no display of motor vehicles, marine craft, or aircraft for purposes of sale or rent on the premises.
(b) There shall be no outside storage of motor vehicles, marine craft, aircraft or parts thereof on the premises.
(c) There shall be no outside storage of motor vehicles, marine craft, aircraft or parts thereof on the premises.

Sec. 924. Special permit requirements for stadiums.

The following special permit requirements are to ensure that the stadium fits seamlessly into the surrounding environment. The stadium must create visual interest by connecting the vibrancy of surrounding areas to one another, and requiring design that respects historical contexts by acknowledging the massing and scale of the surrounding area, but also allows for innovative architectural design.
(a) Height. The building height for the principal structure shall be not less than twenty-eight (28) feet along the street frontage, provided, however, that the wall height of a portion of a building that forms an interior courtyard or plaza opening on to a street frontage may be one (1) story.
(b) Build-to line. A minimum of seventy (70) percent of the street frontage of the façade designated as by the property owner as the front setback in accordance with section 38 of these regulations shall be built to the street line. When necessary, the building may be set back from the street line to prevent any portion of the building, including but not limited to foundations or supporting structures, to extend beyond the street line.
(c) Access and loading. Vehicular access and loading for delivery trucks as well as siting of common "back-of-house" uses shall be relegated to the side and the rear yard. These entrances and access points shall minimize disruption to the building frontage and pedestrian right-of-way. Suitable access shall be made for drop-off for the mobility impaired.
(d) Curb cuts. Curb cuts shall only be permitted for parking or loading areas on side or rear property lines, relative to the front yard or front property line of the building consistent with section 26 of these regulations.
(e) Major entrances. Major entrance is defined as the entrance which provides the most direct access to the stadium lobby. Multiple public entrances are encouraged on the façade designated by the property owner as the front setback in accordance with section 38. If a major entrance cannot be located on a public street, it shall be provided from a courtyard, plaza, or similar pedestrian way that is connected to and visible from the façade designated as the front setback. Major entrances should be well-marked to cue access and use through means of enhancement that may include but are not limited to architectural, landscape, or graphic treatments. Where possible, major entrances should take advantage of prominent intersection locations.
(f) Transparency. A minimum transparency of seventy (70) percent is required of the ground-floor street wall condition between the height of two (2) feet and twelve (12) feet on the facade designated as the designated front setback which can be achieved through clear glass windows, doors, and direct views into the stadium. Where transparency into the structure cannot be achieved due to the interior layout required by the use, alternate methods of achieving transparency or architectural design providing appropriate levels of visual relief and interest that is contextually appropriate to the surrounding area may be proposed. On side streets there is no required level of transparency but approval is contingent upon providing appropriate levels of visual relief and interest that is contextually appropriate to the surrounding area. Blank walls on any street frontage are prohibited.
(g) Ground floor and streetwall experience. Ground-floor spaces shall have not less than twelve (12) feet of floor-to-ceiling height in order to provide adequate space for retail uses. The ground level of structures shall clearly distinguish the lower, public realm from any private uses located above through an architectural transition. The commission may set a percentage of floor area dedicated to retail space of those floors that is higher than the fifteen (15) percent required by section 294(a) of these regulations. Retail uses shall remain open during normal business hours year-round, including on days when the stadium is not in active use for public assembly.
(h) Materials. The use of durable, high-quality building materials are required on any façade that faces the public realm. Materials should provide variety and reinforce massing and changes in the horizontal and vertical planes of the façade; materials should be especially durable on ground-floor facades; modern building materials and methods as well as historically appropriate materials are encouraged and include but are not limited to steel, glass, stone or similar material, brick, or brick veneer. Materials and architectural features shall help define the pedestrian environment by

providing for a variety of scale and texture at the pedestrian level. Materials specifically prohibited include: the use of exterior insulation and finishing system (EIFS) as a building cladding material on the ground floor level or lower than fourteen (14) feet, whichever is greater; chain link fences visible from the public realm; and dark tinted, overly reflective or opaque glass.

(i) Lighting. Lighting shall conform to article VII of these regulations and be so designed to prohibit any direct illumination of any adjacent property and so as to not impinge upon any adjoining residential premises, or light trespass, to the greatest extent possible. Direct illumination occurs when light is cast directly onto an object, measured perpendicularly from its origin. In addition, the amount of light trespass shall be limited to a maximum of twenty-five (25) foot candles at a distance of twenty-five (25) feet beyond the property lines, provided, however, that the commission may reduce this maximum amount relative to adjacent uses and other circumstances. Glow, as a result of the combination of all light reflected from what is being illuminated and escaped into the night sky, should be minimized.

(j) Signage. Applicants are required to submit a comprehensive signage plan that shall conform to article VII of these regulations set forth to ensure that signage in this area enhances the appearance and economic value of the visual environment. Signs shall endeavor to exhibit design excellence and sensitivity to the surrounding context.

(k) Landscaping. Landscaping shall follow the requirements set forth in these regulations, however additional consideration will be given to ensure that landscaping in this area enhances the appearance and economic value of the visual environment and enhances the pedestrian experience.

(l) Additional documentation. In addition to the requirements of section 68(b), the following additional documentation shall be submitted to the commission as supplemental information for any special permit application for a stadium:

(1) Security plan;
(2) Parking management plan;
(3) Noise mitigation plan; and
(4) Lighting maps showing the amount and direction of all lighting that will be visible from any neighboring property

(m) Bicycle parking spaces equivalent to one (1) percent of the number of seats in any stadium is required.

(n) The commission shall use the special permit criteria contained in this section, to the extent appropriate, during a site plan review for any stadium proposal in the P district.

Sec. 925. Reserved.

Sec. 926. Bowling.

Bowling is a permitted use in the B-4 district subject to the condition that there be no more than sixteen (16) lanes or alleys in any bowling establishment.

Sec. 927. Automobile rental services.

Automobile rental services is a permitted use in the B-4 district subject to the condition that the number of automobiles stored on-site for rental purposes shall not exceed three (3).

Sec. 928. Delivery service.

Delivery service is a permitted use in the B-4 district subject to the condition that on-site storage of delivery motor vehicles shall not exceed three (3) vehicles.

Sec. 929. Limousine service.

Limousine service is a permitted use in the B-4 district subject to the condition that the number of limousines stored on-site shall not exceed three (3).

Sec. 930. Medical laboratory services.

Medical laboratory services is a permitted use in the B-4 district subject to the condition that no animals be maintained nor tests be conducted on animals on the premises.

Sec. 931. Funeral services.

Funeral services is a permitted use in the B-4 district subject to the condition that no crematory services be performed on the premises.

Sec. 932. Extended care residence.

Extended care residences are a permitted use in the RO-1, RO-2, RO-3, R-3, R-4 and R-5 districts, subject to the following conditions:
(a) There shall be a maximum of six (6) dwelling units in a building;
(b) In the RO-1, RO-2, and RO-3 districts, there shall be a maximum of twenty (20) residents;
(c) There shall be on-site staffing and supervision.

Sec. 933. Welfare and charitable services.

Welfare and charitable services are a permitted use in the I-2, C-1 and B-2 districts, subject to the following conditions:
(a) There shall be a public restroom;
(b) New welfare and charitable services shall not be located within one thousand (1,000) feet of another welfare and charitable service, except where there is a single owner of side-by-side zoning lots;
(c) If food is served on site, there shall be a furnished interior space having a minimum area of two hundred seventy-five (275) square feet to serve as a waiting room for clients, not used for the preparation, service, or consumption of food or beverages.

Sec. 934. Medical clinics.

Medical clinics with outpatient services are a permitted use in the I-2, C-1, B-1, B-2, B-3, B-4, RO-1 and RO-2 districts subject to the following conditions: No building or premises shall be used, and no building shall be erected or altered, which is arranged, intended or designed to be used for a medical clinic with outpatient services if any part of such building or premises is situated on any part of a lot within a seven-hundred-fifty (750) foot radius in any direction of any lot used for, or upon which is located any building used for any single-family or multiple-family residential use.

Sec. 935. Temporary outside storage of equipment and materials associated with specified construction projects.

Temporary outside storage of equipment and materials associated with a specified construction project is permitted in the C-1, B-1, B-2, B-3, B-4, RO-1, RO-2, RO-3, R-1, R-2, R-3, R-4, R-5, R-6, R-7, R-8, and P districts subject to the following conditions:
(a) That the equipment and materials are stored on the same zoning lot as the specified construction project only for the duration of the specified construction project.
(b) Temporary outside storage of equipment and materials on a separate zoning lot is permitted subject to the following conditions:

(1) That the director of licenses and inspections and the director of the department of public works both concur that it is in the public interest to allow a temporary outside storage use for the duration of the specified construction project. In making this decision the director of licenses and inspections and the director of the department of public works shall consider the impacts said outside storage shall have on, the safety of the general public as well as persons in proximity to the storage site, traffic flow, the duration of the specified construction project, the inconvenience to the public due to specified construction project and use of the outside storage site, the elimination of obstructions in the public right of way, reasonable alternatives to the temporary outside storage use, if any, and measures

proposed to improve the security and aesthetics of the storage site. The director of licenses and inspections and the director of the department of public works may require reasonable measures to improve the security, safety of the general public and aesthetics of the storage site as a condition of approving a temporary outside storage use.

(2) An application for the approval of a temporary outside storage use shall be submitted to the division of licenses and inspections. All applications shall be accompanied by the fee established for a certificate of zoning compliance.

(3) The approval shall be valid for a specific period of time not to exceed one (1) year or the duration of the specified construction project whichever is less. An application must be submitted annually if the duration of construction exceeds one (1) year.

(4) The zoning lot on which the temporary outside storage is requested is within five hundred (500) feet of the zoning lot containing the specified construction project, or within five hundred (500) feet of the geographic extent of the specified construction project if located in the public right-of-way.

(5) No equipment or materials shall be stored on or within twenty (20) feet of any property used for residential purposes.

(6) The applicant shall erect and maintain a sign on the storage site, which shall indicate the name and contact information of the person or entity responsible for the maintenance and operation of the storage site, the name and location of the specified construction project and the date on which the approval expires. This sign shall be placed in a location visible to the general public.

Sec. 936. Reserved.

Sec. 937. Residential structures containing three (3) or more units.

In the R-1, R-2, R-3, R-4, RO-1, RO-2, RO-3, B-3 and B-4 districts, every application for new construction of a structure containing three (3) or more dwelling units, or for the change of use of an existing structure to three (3) or more dwelling units, shall be referred to the commission, which commission is authorized to grant a special permit to allow three (3) or more dwelling units. In the B-1 district, every application for new construction of a structure containing four (4) or more dwelling units, or for the change of use of an existing structure to four (4) or more dwelling units, shall be referred to the commission, which commission is authorized to grant a special permit to allow four (4) or more dwelling units.

Sec. 938. Other non-classified uses.

(a) Pawnshops

Pawnshops shall be permitted only in the I-2 district. Each application for a pawnshop shall undergo an administrative design review. The façade of pawnshops shall maintain glazing at a minimum of eighty (80) percent, with glass entry door(s) and windows that begin at a minimum of two (2) feet from the finished grade and extend upward to a minimum of two (2) feet below the building's roof line or first floor fascia (if multi-story). The entrance glazing should be consistent with that found on other retail establishments. No exterior security shutters are permitted. Interior security shutters are allowed parking for pawnshops shall be consistent with required parking for other retail establishments as detailed in section 954.

(b) Check cashing

Check cashing shall be permitted to locate and operate in the I-2 district**.** Each application for a check cashing shall undergo an administrative design review. The façade of check cashing shall maintain glazing at a minimum of eighty (80) percent, with glass entry door(s) and windows that begin at a minimum of two (2) feet from the finished grade and extend upward to a minimum of two (2) feet below the building's roof line or first floor fascia (if multi-story). The entrance glazing should be consistent with that found on other retail establishments. No exterior security shutters are permitted. Interior security shutters are allowed. Parking for check cashing shall be consistent with required parking for other retail establishments as detailed in section 954.

(c) Tattoo and/or piercing parlor

Tattoos and/or piercing parlors shall be permitted to locate and operate in the I-2 district**.** Each application for a tattoo and/or piercing parlor shall undergo an administrative design review. The façade of tattoo and/or piercing parlor shall maintain glazing at a minimum of eighty (80) percent, with glass entry door(s) and Windows that begin at

a minimum of two (2) feet from the finished grade and extend upward to a minimum of two (2) feet below the building's roof line or first floor fascia (if multi-story). The entrance glazing should be consistent with that found on other retail establishments. No exterior security shutters are permitted. Interior security shutters are allowed Parking for tattoo and/or piercing parlors shall be consistent with required parking for other retail establishments as detailed in section 954.

Sec. 939. Motor vehicle fueling only station.

In kind replacement of any or all canopies, pumps, and storage tanks for a motor vehicle or gasoline service stations, or a motor vehicle or gasoline fueling station, shall be subject to an administrative review. The commission is authorized to grant a special permit to allow a new, renovated, or expanded motor vehicle fueling only station in the I-1, I-2, C-1, and B-3 zoning district subject to the following conditions:
(a) There shall be a minimum lot area of one half acre for a motor vehicle fueling only station.
(b) There shall be a minimum lot width of one hundred twenty (120) feet.
(c) All buildings shall be set back from every adjacent property a minimum distance of ten (10) and, in addition, not closer than twenty (20) feet from any residential property.
(d) Buildings on the property shall be for payment for fuel only with no selling of convenience items.
(e) The site shall provide public bathroom that is open only during hours of operation when attendant is on site.
(f) The site shall have an air dispensing apparatus for filling of motor vehicle and bicycle tires.
(g) There shall be a minimum distance of forty (40) feet between any two (2) curb cuts and minimum distance of twenty-five (25) feet between any curb cut and corner of any lot which is adjacent to two (2) streets.
(h) There shall be no products displayed in front of the building line.
(i) A landscaped area at least five (5) feet in width shall be provided between the pump areas and the front lot line and side street lot line (if any) for the full length of the frontages excluding the area required for curb cuts.
(j) There shall be no more than one (1) freestanding identification sign per frontage.
(k) All signs shall be located behind the building line.
(l) There shall be no streamers or fin signs on the lot or structures.
(m) Every motor vehicle fueling only station shall be screened from any adjacent residential property by a suitable opaque fence (which shall bear no advertising), or planting screen, not less than six (6) feet in height and providing year-round screening.
(n) Lighting on the site shall be configured in such a manner that does not reflect any light onto adjacent properties.
(o) Any trash or storage area shall be enclosed by a suitable opaque fence not less than six (6) feet in height.
(p) In the B-3 zoning district, only motor vehicle fueling stations which have been operating prior to the effective date of this section and continuously thereafter are permitted.
(q) In reviewing a special permit application, in addition to the considerations enumerated in section 172, the commission shall consider all aspects of the proposal including, but not limited to, the location and number of pump islands, the location and number of pumps, and the capacity and location of fuel tanks, lighting, signage, landscaping, screening, and the arrangement of structures.

Sec. 940. Hookah lounges

Hookah lounge is a permitted use in the B-1, B-2, B-3 and B-4 zoning district, subject to the following conditions:
(a) There shall be no serving of food or alcohol in any hookah lounge;
(b) Hookah lounge shall be subject to the provision of the general statutes section 19a-342 and other applicable state or local regulations;
(c) Prior to issuing a certificate of occupancy, the division of licenses and inspection shall inspect the property to ensure proper ventilation and compliance with the building and mechanical codes;
(d) Persons under the age of eighteen (18) years shall be prohibited from entering, working at or patronizing hookah establishment;
(e) Hookah establishment shall be indoor only use;
(f) No hookah lounge shall be located in the building if any part of such building is used for residential purposes;
(g) In addition to the site plan application requirements described in section 164, the applicant shall submit a detailed description of proposed use; proposed square footage of building and space to be devoted to the proposed use for parking calculation purposes; location and size of any retail component; location of any adjoining uses in the building

showing wall separators; management names and contact information; anticipated number of employees; hours of operation.

ARTICLE V.
OFF-STREET PARKING AND
OFF-STREET LOADING PROVISIONS

Sec. 941. General provisions relating to off-street parking.

(a) The off-street parking requirements set forth in this section shall be required in all instances for residential uses, except the remodeling of existing structures without any increase in the number of dwelling units, and shall be required in the case of nonresidential uses for new structures or new additions to existing structures and not for the remodeling of existing structures or the relocation of existing uses unless a new structure is constructed; however, any change of use shall require full compliance with the off-street parking requirements of this section unless such change of use involves not more than twenty-five (25) percent of the gross nonresidential floor area of a building or structure containing two (2) or more nonresidential uses as set forth in section 6 (relating to permitted uses).
(b) Every parcel of property used in part or in whole as a parking garage and/or parking lot, whether required or not, shall, for that portion used as a parking garage and/or parking lot, be developed, maintained and used in accordance with the provisions set forth in this article.

(1) A parking space shall have an area of:
    a. Not less than eighteen (18) feet by nine (9) feet (the width to be measured from the center of the dividing line between adjacent spaces) in the case where vehicles are not parked by an attendant, or
    b. Not less than eighteen (18) feet by eight (8) feet (the width to be measured from the centerline between adjacent spaces) in the case where all vehicles are parked by an attendant,
    c. Notwithstanding the provisions of subparagraphs (b)(1)a., and (b)(1)b., up to thirty (30) percent of the total number of spaces in a lot or garage, whether attended or not, may have a minimum width of seven (7) feet nine (9) inches, provided they are marked and located in accordance with the provisions of paragraph (b)(5),
    d. Notwithstanding the other provisions of this subsection (1), each space designated for persons who have mobility impairments shall be not less than fifteen (15) feet in width, including three (3) feet of crosshatch. Each space shall be designated by above-grade signs with white lettering against a blue background and shall bear the words "Handicapped Parking--State Permit Required" and "Violators Will be Fined." Such signs shall also bear the international symbol of access. Such signs shall be purchased or created, installed and maintained by and at the expense of the owner, operator, lessee or tenant of the site.
(2) For the purpose of permitting an increase in the permitted lot coverage as set forth in article III (relating to districts), a "covered" parking space shall be considered to be one which is located underneath (either at grade or below grade) or within the principal structure on the lot;
(3) All parking spaces shall be provided adequate access by means of a maneuvering lane;
(4) Adequate ingress and egress to a parking lot by means of clearly limited and defined drives shall be provided for all vehicles;
(5) All spaces and means of ingress and egress shall be laid out on the parking surface with paint or plastic striping which shall provide a permanent delineation between spaces, drives and surrounding structures and land. All spaces having a width less than nine (9) feet in the case of unattended parking and less than eight (8) feet in the case of attended parking shall be marked and located separately from full-sized spaces so as clearly to distinguish between full-sized and smaller spaces;
(6) Development and maintenance of any parking facility shall be in conformance with provisions set forth in section 951 (relating to development and maintenance of parking areas);
(7) Plans for the layout of a parking facility shall show a total dimension across two (2) tiers of spaces and one (1) aisle (maneuvering lane) of at least the following for the various patterns:
    a. Ninety-degree pattern: fifty-six (56) feet for two (2) tiers of spaces and one (1) aisle (maneuvering lane) with the minimum aisle being twenty (20) feet in width,

b. Sixty-degree pattern: fifty-one (51) feet for two (2) tiers of spaces and one (1) aisle (maneuvering lane) with the minimum aisle being fifteen (15) feet in width,
c. Forty-five-degree pattern: forty-eight (48) feet for two (2) tiers of spaces and one (1) aisle (maneuvering lane) with the minimum aisle being twelve (12) feet in width,
d. Forty-five-degree herringbone pattern: forty-eight (48) feet for two (2) tiers of space and one (1) aisle (maneuvering lane) with the minimum aisle being twelve (12) feet in width;

(8) Parking spaces shall not occupy any part of any front setback, but where open may be included as a part of a required open space for a rear setback, provided such space does not occupy any part of any required usable open space as set forth in these regulations;
(9) On corner or through lots, parking spaces may not be included as part of setbacks lying adjacent to either street;
(10) Loading space, as required in section 957 (relating to off-street loading), shall not be construed as supplying off-street parking space;
(11) There shall be no parking of any motor vehicle on a lot between any established building line and the street line in any zoning district. In the B-3 district and the B-4 district, no motor vehicle shall be parked on any lot within twenty-five (25) feet of the front lot line provided that in any case where motor vehicles were permitted to park within twenty-five (25) feet of the front lot line in a B-3 district or a B-4 district prior to March 26, 1984 such parking shall continued as a nonconforming use;
(12) Parking facilities shall be at all times subject to entry and inspection by authorized city officials in the performance of their duties;
(13) No commercial repair work or service of any kind shall be conducted on any parking lot or any parking garage, and no display of motor vehicles for the purpose of sale shall be carried on or permitted upon such parking lot or parking garage;
(14) There shall be no parking or storage of inoperable or unregistered motor vehicles on any parking lot or any parking garage;
(15) Screening and landscaping, as required by these regulations, including section 951 and article, shall be installed in all parking lots and parking garages, including for those portions of parking lots in park land, cemeteries which are contiguous to residential property;
(16) All parking lots and parking garages shall provide for stormwater management pursuant to section 28.

Sec. 942. Reduction of parking space.

Off-street parking required under this article may be reduced at a time the capacity or use of a building is changed in such a manner that the new use or capacity would require less space than before the change. Such reduction may not be below the standards set forth in this article.

Sec. 943. Location of parking space.

(a) The parking spaces required for one-, two- and three-family dwellings shall be located on the same lot as the dwelling. Vehicles belonging to any temporary or permanent resident of the R-8 zoning district shall be parked on the same zoning lot as the dwelling, and shall not be parked on any street in the R-8 zoning district, absent excusal for acts of God or temporary construction-related relocation. The preceding sentence shall not apply to vehicles belonging to visitors, licensees, contractors, and others not residing in the R-8 zoning district.
(b) Parking spaces for multifamily residential uses shall be located not more than five hundred (500) feet from a main entrance to the structure in which the people reside for whom the parking is being provided.
(c) Parking space for nonresidential uses and transient lodgings shall be located not more than one thousand (1,000) feet from a main entrance to the structure in which the nonresidential use or transient lodging is located. This section shall not preclude the continued use of present employee, customer or resident parking lots or structures, beyond the one thousand (1,000) foot requirement, or the construction and use of such lots or structures where a means of private or public mass transportation is provided specifically for conveyance from such parking lot or structure to the nonresidential use or transient lodgings, and such perimeter parking lot or structure may be used in determining the parking requirement.
(d) For existing rooming houses in residential zones, no parking space on the zoning lot on which the rooming house is located may be leased unless the lessee is a legal resident of the rooming house.

Sec. 944. Authorized vehicles.

Except as otherwise provided in this article, off-street parking spaces required may be occupied by automobiles owned by the occupants, employees or patrons of the property or by visitors, or by delivery vehicles incidental to the principal use, but not by motor vehicles being repaired, stored or displayed for sale or hire or for any other purpose which is classified by these regulations as a principal use, and not by inoperable motor vehicles.

Secs. 945-946. Reserved.

Sec. 947. Places of assembly.

In stadiums, sports arenas, churches and other places of assembly in which patrons or spectators occupy benches, pews, or other similar seating facilities, each twenty (20) inches of such seating facilities shall be counted as one (1) seat for the purpose of determining requirements for off-street parking facilities under these regulations.

Sec. 948. Units of measurement.

When units of measurements determining the number of required parking or loading spaces pursuant to this article result in the requirement of a fractional space, any fraction up to and including one-half (½) shall be disregarded and fractions over one-half (½) shall require one (1) parking or loading space, as applicable.

Sec. 949. Collective provision.

Nothing in this article shall be construed to prevent collective provision of off-street parking facilities for two (2) or more structures or uses, provided that the total of such off-street parking spaces supplied collectively shall be not less than three-quarters of the sum of the minimum requirements for the various uses computed separately; provided also that the requirements set forth in this article as to maximum distances between parking facilities and structures or uses served shall apply to each structure or use participating in the collective provision for parking.

Sec. 950. Joint uses.

(a) *Churches.* Parking spaces already provided to meet off-street parking requirements for theaters, stadiums, auditoriums and other places of public assembly, stores, office buildings and industrial establishments, lying within one thousand (1,000) feet from a main entrance of the church, and that are not normally used between the hours of 6:00 a.m. and 6:00 p.m. on Sundays, and that are made available for other parking, may be used to meet not more than seventy-five (75) percent of the off-street parking requirements of a church.
(b) *Other types of places of public assembly.* Parking spaces already provided to meet off-street parking requirements for stores, office buildings and industrial establishments, lying within one thousand (1,000) feet from a main entrance of the place of public assembly that are not normally in use between the hours of 6:00 p.m. and midnight and are made available for other parking, may be used to meet not more than fifty (50) percent of the total requirements of parking space.
(c) *Mixed occupancies and uses.* In the case of mixed uses (e.g., colleges, multipurpose buildings, etc.), the total requirements for off-street parking facilities shall be the sum of the requirements for the various uses computed separately. Off-street parking facilities for one (1) use shall not be considered as providing required parking facilities for any other use except as specified in subsections (a) and (b) for joint use.

Sec. 951. Parking areas; development and maintenance.

(a) Every parcel of property used in part or in whole as a parking garage and/or parking lot, whether required or not, shall, for that portion used as a parking garage and/or parking lot, be developed and maintained by the owner in accordance with the requirements of this article. Employee parking lots are distinguished from non-employee parking lots and they are subject to different development standards with regard to lighting. For the purposes of this section,

an employee parking lot is defined as a lot having fifty (50) percent or more of the total parking spaces of such lot utilized by or designated for employees.

(b) The following shall pertain to development standards for parking garages, non-employee parking lots, and employee parking lots:

(1) *Screening and landscaping.* Refer to section 1051(b) for relevant landscaping standards.

(2) *Minimum distances and setbacks.* No part of any parking garage and/or parking lot for more than five (5) vehicles shall be closer than ten (10) feet to any dwelling, school, hospital or other institution for human care, unless the parking lot is covered (i.e., within or under the principal structure). If on the same lot, with a principal structure, the parking garage and/or parking lot shall not be located within the front setback or side street setback required for such structure. If not on the same lot with a principal structure, the parking lot shall not be closer to any street line than the least depth of the setback which would be required for a principal structure of one (1) story height.

(3) *Bumper guards.* There shall be provided a bumper guard of either wood, metal or concrete not more than two (2) feet in height and securely anchored into the ground on all sides of the parking lot where there is required a protective fence wall or where there is a sidewalk. Such bumper guard shall be located at such a distance so that automobiles will not strike the protective fence or wall, or project over adjacent sidewalks. As an alternative, a concrete or asphalt berm serving the same purpose may be provided.

(4) *Surfacing of parking area.* The commission looks favorably upon parking lots paved with pervious paving materials, designed to manage stormwater runoff more naturally and in accordance with low-impact development principles, where soil conditions allow. Any off-street parking lot for more than five (5) vehicles shall be surfaced with either asphalted, bituminous, cement or other properly bound pavement so as to provide a durable and dustless surface; or, where appropriate soils and site conditions are demonstrated, with pervious paving and be designed in accordance with low-impact development principles. Pervious paving is highly recommended where appropriate, provided, however, that it is not permitted on the same zoning lot as heavy industrial uses, manufacturing uses, or auto-related uses. Such parking lots shall be built and maintained to be graded, drained, and landscaped so as to dispose of all surface water accumulation on site within the area lot, and to prohibit surface water draining onto adjoining property, in accordance with section 28.

(5) *Lighting.* Any lighting used to illuminate any off-street parking lot shall be so arranged as to reflect the light away from adjoining premises located in any residential district, or any premises used for residential purposes in any district; provided, however, that any lighting used to illuminate any employee parking lot shall be arranged so as to reflect the light away from all adjoining premises, residential or otherwise.

(c) The following shall pertain to development standards for any surface parking in the B-1 and B-2 districts:

(1) Parking lots are strongly discouraged in the B-1 and B-2 districts, and shall only be permitted after review for compliance to these regulations by the planning division.

(2) Parking lots are subject to review by the planning division for compliance to these regulations and subject to licensing by the licensing authority of the city as called for in the charter subject to the following conditions:

a. Accessory use parking lots shall be permitted only on the same lot as the principal building for which they are serving as accessory uses.

b. The Hartford Parking Authority may impose a time limit on the waiver that permits surface parking.

c. The parking surface shall utilize low-impact development practices appropriate to an urban environment consistent with city ordinance and state laws to treat and discharge stormwater.

d. Light poles may not exceed eighteen (18) feet in height, and their design shall conform to standards of the department of public works.

e. The planning division and the Hartford Parking Authority may impose further conditions to ensure that surface parking areas do not have a negative impact on the surroundings.

Sec. 952. Parking lots in residential and residence-office districts.

(a) The commission is authorized to grant a special permit to allow a public or private parking lot in a residential district or residence-office district for the purpose of meeting the requirements of this article, subject to the following conditions:

(1) The parking lot shall be accessory to and for use in connection with one (1) or more establishments located in an adjoining business, residential/office, commercial or industrial zoning district, or in connection with one (1) or more nonconforming institutional buildings on adjoining premises;

(2) Such parking lot shall contain not less than five thousand (5,000) square feet, which shall abut at least fifty (50) feet, either directly or across an alley or street, on a business, residential/office, commercial or industrial zoning district, or the premises of a nonconforming institutional building to which the parking lot is an accessory. Such parking lot shall be used solely for the parking of passenger vehicles (namely, automobiles);

(3) No sign of any kind, other than those designating entrances, exits and conditions of use shall be maintained on such parking lot. Such signs shall not exceed nine (9) square feet in area each, and the top of the sign shall be located no higher than ten (10) feet off the ground;

(4) Such parking lots may be open during the hours of operation of the use or uses to which the lot is associated, except that the commission may, if it deems necessary and appropriate, stipulate the hours of operation of such parking lots, and provided that such parking lot may be open and used at all times as a parking area accessory to a principal use permitted in any residential district in which it is located, under agreement with the owners or tenants of such use or uses, but only on a weekly or monthly rental basis;

(5) Each entrance to and exit from such parking lot shall be at least twenty (20) feet distant from any adjacent property located in any residential district;

(6) Parking lots may not be located on all or part of any lot that sits at the location of intersection of two (2) or more streets, unless the applicant for the special permit demonstrates a compelling need for parking in the immediate vicinity and a lack of suitable alternative locations for such parking.

(b) The commission may modify the foregoing requirements in specific cases where desirable or warranted, owing to unusual topography or other physical conditions and the use and character of adjacent properties, with due regard to the protection of such properties, the district in which such parking lot is to be located, and the public interest. The commission may also impose such additional requirements as it may deem necessary in view of the aforesaid consideration.

Sec. 953. Continuing character of off-street parking and off-street loading obligations.

(a) The requirement for off-street parking space and off-street loading space shall be the continuing obligation of the owner of the real estate on which any such structure or use is located as long as the structure or use is in existence and its use requiring parking or loading facilities continues. It shall be unlawful for an owner of any structure or use affected by this article to discontinue, change or dispense with, or to cause the discontinuance or change of the required parking or loading space apart from the alternative parking or loading space which meets with the requirements of and is in compliance with the section. It shall be unlawful for any business entity to use such structure without acquiring such land or other suitable land for parking or loading space which meets with the requirements of and is in compliance with these regulations.

(b) Whenever off-street parking is required and cannot be provided within the principal structure or on the same lot as the principal structure and is located on another parcel of property as permitted by this article, such parcel of property provided for and utilized for off-street parking shall be owned by the owner of the principal structure or, by special permit, shall be restricted by a recorded agreement to off-street parking purposes as long as the off-street parking is required for such principal structure in accordance with the terms of this article. The commission may grant a special permit allowing for the use of the principal structure with parking in another adjacent parcel, provided that there is a written lease or license agreement for at least three (3) years allowing the use of the adjacent parcel for parking. This special permit is valid only for the specific use listed in the zoning permit application. Any special permit granted under this subsection is valid only for the duration of the lease or license agreement between the owner of the principal structure and the owner of the adjacent property. At the time of the expiration of such lease or license agreement the property owner may apply for a new special permit which is subject to the same condition specified above.

Sec. 954. Application of off-street parking standards.

(a) The off-street parking requirement for structures or uses shall be determined by applying one of the standards under this section to each use. In the case of mixed occupancies or uses, the zoning administrator shall compute separately the requirements for each occupancy or use, taking into account all existing and proposed uses.

(1) Manufacturing uses: Minimum one (1) space for every four (4) employees; maximum one (1) space for every one thousand (1,000) square feet net floor area.

(2) Retail uses: Minimum one (1) space for every six hundred (600) square feet net floor area devoted to retail space; maximum five (5) spaces for every one thousand (1,000) square feet net floor area devoted to retail space.

(3) Office uses

Direct walk-in: Minimum one (1) space, maximum two (2) spaces, per five hundred (500) square feet net floor area

General office: Minimum one (1) space, maximum two (2) spaces, per every one thousand (1,000) square feet of net floor area devoted to office space

(4) Residential uses

Non age-restricted

B-1 and B-2: Minimum one and one quarter (1-1/4), maximum two and one half (2-1/2), spaces per dwelling unit

R-6, R-7, and R-8: Minimum one and one-half (1-1/2), maximum six (6) spaces per dwelling unit

All other districts: Minimum one and one half (1-1/2), maximum three (3), spaces per dwelling unit

Age restricted (62 and older), regardless of district: Minimum one (1) space, maximum two (2) spaces, per every three (3) dwelling units

Rooming houses in any zone: Minimum one-half (1/2), maximum one (1) space per rooming unit

(5) Hospitals and hospital related: Minimum one (1) space, maximum four (4) spaces, for every four (4) beds (excluding bassinets)

(6) Dormitories, fraternity, sorority and religious quarters: Minimum one (1) space, maximum two (2) spaces, per every two (2) beds

(7) Hotel/Motels: Minimum one (1) space, maximum two (2) spaces, for each guestroom or residence unit, plus required parking for any restaurant, assembly space or other nonresidential use located within the development, except that in the B-1 and B-2 districts there shall be required a minimum of one (1) space, maximum of two (2) spaces, for each two (2) guestrooms or residence units

(8) Public assembly: Minimum of one (1) space, maximum of two (2) spaces, for every four (4) persons based on maximum capacity to be determined as set forth in section 956 (relating to capacity of structures and uses)

(9) Amusements and related: Minimum of one (1) space, maximum of two (2) spaces, for every four (4) persons based on maximum capacity to be determined as set forth in section 956 (relating to capacity of structures and uses)

(10) Playfields, athletic facilities, parks and related: The zoning administrator shall determine which of the requirements of this subsection or what combination of the requirements of this subsection shall apply

(11) Stadiums: Minimum one (1) space, and maximum five (5) spaces, for every ten (10) permanent seats, which spaces may be provided in a commercial parking and storage garage within two thousand (2,000) feet of any stadium entrance.

(b) Accessible parking spaces.

Parking for persons with disabilities shall be provided on all private, public and commercial parking lots and in all public, private and commercial parking garages in accordance with the following table:

Total parking on site	Required number of reserved accessible parking spaces
Up to 25	1
26-50	2
51-75	3
76-100	4

101-150	5
151-200	6
201-300	7
301-400	8
401-500	9
501-1,000	Two (2) percent of total
Over 1,000	Twenty (20) plus one (1) for each one hundred (100) over one thousand (1,000)

All such spaces shall be designated as reserved for the exclusive use of persons who have mobility impairments and shall be as close as possible to elevators, ramps, walkways and entrances, and so located that the handicapped person is not compelled to wheel or walk behind parked motor vehicles to reach entrances, ramps, walkways and elevators.

(c) Parking garage; height of entrance and exit. All parking garages constructed on or after adoption of this subsection shall have a nine (9) foot, six (6) inch vertical clearance at its entrance and exit as well as along the route to and from at least two (2) handicapped accessible parking spaces which also shall have a nine (9) foot six (6) inch vertical clearance. These spaces shall be clearly reserved for drivers of high-topped vans with a permit or license plate with access symbol.

(d) The commission is authorized to allow, by special permit, the reduction or elimination of the off-street parking required in this section in instances where:

(1) The reduction or elimination of such parking will reduce traffic and congestion on city streets;
(2) Alternative modes of transportation are available to the public to get to and from a proposed facility; and
(3) The reduction or elimination of such parking will provide land for a more appropriate form of land development.

In reviewing any application for such special permit, the commission shall consider all aspects of the proposed development, particularly the condition of the streets and roadways and the traffic and congestion thereon in the area of the proposed development and the impact the proposed special permit will have on these conditions and the overall development goals and objectives of the city as expressed in the plan of conservation and development.

(e) The commission is authorized to allow the reduction of the on-site, off-street parking spaces required in the B-1 downtown development district in accordance with the provisions of this section in instances where the reduction is in accord with an approved transportation management plan and will reduce traffic and congestion on city streets; where alternative modes of transportation are provided to get to and from the site; and where the reduction of the on-site parking is in conformance with the downtown development plan and will provide for a more appropriate form of development, as follows:

(1) Up to ten (10) percent reduction in the number of required non-transient off-street parking spaces is permitted when the applicant and/or employers who are tenants of the applicant's project agree to the following:
    a. Designation of an employee transportation coordinator responsible for promoting ridesharing and public transit use among employees.
    b. Participate in area-wide ride matching system or provide a ride-matching program at the site.
    c. Designate a minimum of twenty (20) percent of the non-transient off-street parking spaces to be offered at a discount parking rate for motor vehicles containing three (3) or more persons. If there is to be no charge for parking, then reserve a minimum of twenty (20) percent of the non-transient off-street parking spaces for motor vehicles with three (3) or more persons. The reserved preferential spaces shall be located in close proximity to the building entrances, relative to other spaces, and shall be clearly signed or marked "Reserved—Minimum Three Persons Per Vehicle."
(2) Up to a thirty (30) percent reduction in the number of required non-transient off-street parking spaces is permitted when the applicant submits a transportation management plan demonstrating a comprehensive approach to reducing the parking demand at the site. The reduction granted shall be commensurate with the parking demand reduction projected by the transportation management plan. The plan will be reviewed by the commission to determine the adequacy in reducing parking demand

through increased ridesharing and applicant and/or employer commitment to the program. Reductions shall be computed based on levels of auto occupancy and transit ridership determined by the commission to be applicable to the area in which the site is located. In addition to the techniques required in subparagraph a. of this paragraph (2), a minimum of three (3) of the following techniques shall be provided to qualify as an acceptable comprehensive transportation management plan for the purposes of parking space reduction:

a. Provision of vanpools or subscription bus service for employees.
b. Subsidy of employee use of high occupancy motor vehicles such as carpools and vanpools.
c. Instituting a parking charge and not permitting such charge to be employer-subsidized.
d. Provision of parking cost subsidies for high occupancy motor vehicles, if a parking charge exists.
e. Provision of or participation in shuttle services from off-site parking facilities owned or leased by the applicant or employers who are tenants of the applicant's project.
f. Provision of subsidized transit passes.
g. Provision for bicycle commuters including but not limited to bike racks.
h. Any other technique or combination of techniques acceptable to the director of planning and capable of reducing non transient parking demand at the work site.

(3) A reduction of one (1) required on-site non-transient parking space may be permitted for each non-transient parking space provided in an off-site parking facility in accordance with the following conditions:

a. The facility must be owned or leased by the applicant or employer tenants of the applicant's project.
b. Regular shuttle service between the off-site facility and the project site must be provided by the applicant or employers who are tenants of the applicant or employers who are tenants of the applicant's project.
c. The off-site facility must be located in conformity with the downtown development plan.
d. The off-site facility must be developed in accordance with all other applicable provisions of this article.

Sec. 955. Calculating number of employees, capacity of structures and uses; parking requirements.

(a) The calculation of the number of employees of a use for purposes of calculating requirements under this article shall be based on the estimated maximum daily or maximum eight (8) hour shift requirements in a twenty-four (24) hour period.
(b) The capacity of structures and uses for purposes of calculating requirements under this article shall be based upon the maximum permitted occupancy capacity, as determined by the fire department or other relevant authority.

Sec. 956. Reserved.

Sec. 957. Off-street loading requirements.

(a) On the same premises with every building, structure or part thereof, erected and occupied for manufacturing, storage, warehouse, goods display, department store, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning, stadium, or other uses similarly involving the receipt or distribution of vehicles, materials or merchandise, there shall be provided and maintained on the lot adequate space for standing, turning, loading and unloading services in order to avoid interference with public use of the streets and alleys.
(b) Such loading and unloading space, unless otherwise adequately provided for, shall be an area ten (10) feet by fifty (50) feet, with fifteen (15) foot height clearance, and shall be provided according to the following schedule:

Gross floor area in square feet	Loading and unloading spaces required per square feet of net floor area
0-1,400	None

1,401-20,000	One (1) space
20,001-100,000	One (1) space plus one (1) space for each twenty thousand (20,000) square feet in excess of twenty thousand (20,000) square feet
100,001-500,000	Five (5) spaces plus one (1) space for each forty thousand (40,000) square feet in excess of one hundred thousand (100,000) square feet
Over 500,000	Fifteen (15) spaces plus one (1) space for each eighty thousand (80,000) square feet

Sec. 958. Use of park land for occasional parking and loading.

(a) The parking provisions of sections 954 (relating to off-street parking standards) and 957 (relating to off-street loading requirements) shall not apply to occasional parking and loading within a city park or parkette in places other than designated parking lots or paved streets and driveways (such parking and loading being, for the purposes of this section, "occasional vehicle use"), provided that any occasional vehicle use shall be done in accordance with a plan which has been approved by the director of the department of public works and the commission, for use in the relevant park or parkette. For the purposes of this section, occasional vehicle use shall exclude any motor vehicle access by the department of public works or its contractors.
(b) Under no circumstances shall any occasional vehicle use (including any routes between the public right of way and any approved parking and loading areas): be allowed within the dripline of any tree; be allowed within fifty (50) feet of any playground; be allowed for parking of any private automobiles; or be allowed for loading by any private automobiles unless such automobiles are loading and unloading goods and materials, and in such event only for the smallest period of time such occupant or occupants of such automobiles reasonably require to load and unload such goods and materials.
(c) Any parking and loading plan approved in accordance with this section shall include the prohibitions in subsection (b), and shall specify the location, method of operation, maximum number of motor vehicles allowed in the park (by type) at one time, hours for setup and breakdown, and provisions for supervision. Specific approval by the commission shall not be required for each occasion during which park land is to be used for occasional vehicle use, provided that any third party requesting occasional vehicle use privileges has agreed in writing to abide by the commission-approved parking and loading plan for the relevant park or parkette and has provided to the commission the contact information for the requesting person or entity, if such entity is not the city itself.

Sec. 959. Special permits for parking lots in the P zoning district.

(a) The commission is authorized to grant a special permit to allow a public, private or commercial parking lot in the P zoning district for the purpose of meeting the requirements of this article, if it meets the conditions required by section 941 and elsewhere in this article, and meets the following additional condition:

(1) Parking lots shall be provided with a properly bound and dustless surface, which in the written opinion of the department of public works will remain serviceable for the anticipated duration of the lot. The department of public works shall advise the commission of any potential problems involving the accumulation of surface water which may arise from the development of the lot. The commission shall approve no application for a development in which such problems cannot be resolved satisfactorily;

(b) Every application for a special permit to allow a parking lot in the P zoning district shall be referred to the department of public works for a report of its recommendations at least thirty (30) days prior to the date assigned for a public hearing to be held thereon. Failure of the department of public works to report prior to or at the public hearing shall be taken as approval of the proposal. A statement of the recommendations of the department of public works approving, disapproving or modifying such proposal shall be publicly read and incorporated into the records of any public hearing held thereon.

Sec. 960. Transportation management plan.

The purpose of the transportation management plan is to clearly indicate access to and from the site; pedestrian and vehicular circulation, parking, and loading; the impact of the proposed access, circulation, and parking on the city's pedestrian and vehicular circulation system; and conformity to the downtown development plan and the plan of conservation and development.

(a) *Transportation management plan.* A transportation management plan shall include, at a minimum, a written statement with appropriate supporting documentation, describing the following information:

(1) The number of on-site parking spaces required by the provisions of section 954 (relating to off-street parking standards).
(2) The number and types of parking spaces to be provided on-site such as: employee parking, transient parking for on-site uses, transient parking for off-site uses, parking for high occupancy motor vehicles, parking for compact automobiles and handicapped parking.
(3) The number, location and type of any parking spaces to be provided off-site and the method of transporting persons between the off-site facility and the project site.
(4) Alternative modes of transportation such as mass transit, carpools, vanpools, and available and to be provided.
(5) Expected usage of the alternative modes of transportation.
(6) Location of all vehicular and pedestrian entrances and exits.
(7) The impact of the proposed development on the city's vehicular and circulation system including the numerical impact on a.m. and p.m. peak hour volumes and peak hour link and intersection capacities for all streets and intersections within three (3) blocks of the project site.
(8) How the proposed access and pedestrian and vehicular circulation, parking, and loading conform to and implement the recommendations of the transportation and circulation elements of the downtown development plan.

(b) *Transportation management, continuing character of obligation.* Where a final transportation management plan is approved by the commission, the applicant shall covenant to ensure continued compliance with the final transportation management plan. The covenant shall be recorded on the land records and shall endure for a term of twenty (20) years unless the commission specifically finds that another period of time would be in accordance with the purposes set forth in this section. Such covenant shall be recorded on the land records and shall run with the land.

Sec. 961. Parking for motor vehicles that are not automobiles.

Motor vehicles that are not automobiles may not be parked in any district, except in the following circumstances: brief, infrequent outdoor parking of such motor vehicles, when such motor vehicles are providing a direct service, such as a delivery, to an occupant of a building; authorized loading and unloading pursuant to the terms of section 957; authorized construction-related motor vehicles; and garaging (namely, interior storage) of lightweight motor vehicles that are not automobiles but that are used primarily on the premises on which they are stored.

Sec. 962. Bicycle infrastructure.

(a) The purpose of this section is to encourage bicycle use as a mode of transportation and lessen the impacts of automobile use, by ensuring quick, convenient and safe access to secure bicycle parking.

(b) Bicycle parking requirements apply to the following projects:

(1) Construction of a new building.
(2) Establishment of a new use, on any zoning lot, other than an open-air use such as a farmers' market or bazaar.
(3) Projects that increase the number of residential dwelling units in any building or on any zoning lot by fifteen (15) percent.
(4) Projects that increase the floor area of non-residential uses in any building or on any zoning lot by fifteen (15) percent.

(c) Minimum long-term and short-term bicycle parking spaces for specified land uses are set forth in the table below. Wherever the result of a minimum bicycle calculation results in a fractional value, if such fraction is less than one-half (½) it shall be disregarded, and if such fraction is one-half (½) or greater it shall require one (1) bicycle parking space.

Use	**Minimum Long-Term Bicycle Spaces**	**Minimum Short-Term Bicycle Spaces**
One-family dwellings, two-family	No minimum requirement	No minimum requirement

dwellings, three-family dwellings		
Multiple family dwelling units	One (1) per every thirty (30) dwelling units	One (1) per every fifteen (15) dwelling units
Hotel and motels	One (1) per every sixty (60) sleeping rooms	One (1) per every thirty (30) sleeping rooms
Hospitals and hospital related	One (1) per every thirty thousand (30,000) square feet	One (1) per every fifteen thousand (15,000) square feet
Office	One (1) per every twenty thousand (20,000) square feet	One (1) per every twenty-five thousand (25,000) square feet
Retail	No minimum requirement	One (1) per every three thousand (3,000) square feet
Colleges and universities	One (1) per every fifteen thousand (15,000) square feet of building area	One (1) per every five thousand (5,000) square feet of building area
Commercial parking lots and garages	One (1) per every thirty (30) automobile parking spaces	One (1) per every fifteen (15) automobile parking spaces
Parks	No minimum requirement	One (1) per every fifteen thousand (15,000) square feet

(d) A reduction in the number of parking spaces required by section 954 (excluding accessible parking spaces for persons with disabilities) shall be permitted for the provision of bicycle parking, provided that no fee is required for using the bicycle parking made available. The reduction in the number of required automobile parking spaces shall be reduced by one (1) automobile parking space for each five (5) bicycle parking spaces, but shall not be reduced by more than fifteen (15) percent of the total number of automobile parking spaces otherwise required by these regulations.
(e) For new office uses, retail uses, hospital and hospital-related uses, colleges, and universities, one (1) shower and changing facility shall be provided for every one-half (½) percent of full-time occupants. Wherever the result of such calculation results in a fractional value, if such fraction is less than one-half (½) it shall be disregarded, and if such fraction is one-half (½) or greater it shall be rounded up to one (1) shower and changing facility.

Secs. 963-980. Reserved.

ARTICLE VI.
ACCESSORY USES

Sec. 981. Purpose.

(a) Accessory uses which are customarily found in the low density residential districts consist for the most part of garages and other minor structures. They are allowed as a matter of right.
(b) These zoning regulations also provide for residential-office districts in which districts the principal uses will be high and medium density residential structures as well as office buildings. If these districts are to be assured of the potential of a high type of development, they must be restricted to these uses. At the same time, there must be permitted in the RO-1 and RO-2 districts those ancillary uses that are required to serve the high-density residential

structures and office buildings in the two (2) districts. One (1) method would be the establishment of a great number of small spots in which customary commercial uses are permitted. An alternative method, and that in these regulations, is to permit those necessary by limited commercial uses as accessory uses, subject to limitations of space and location occupied in the buildings which they serve.

Sec. 982. Accessory uses in the RO-1 and RO-2 districts.

(a) The following uses are established as accessory uses in the RO-1 and RO-2 districts and are permitted under the stated conditions listed in this subsection:

(1) Such uses must be conducted within the principal residential or office structure;
(2) They must be conducted on or below the ground floor of the structure except that a barbershop, beauty shop or office service shop may be conducted elsewhere in the structure, and a restaurant or dining room shall be permitted on the top story or on the roof of the structure;
(3) The total area of such uses shall not exceed more than five (5) percent of the gross floor area of the structure;
(4) There shall be a minimum lot area of forty thousand (40,000) square feet and a minimum number of one hundred (100) dwelling units in the principal residential structure or residential portion of the structure on the lot to allow the permitted accessory uses, other than customary accessory uses, in the principal residential structure or residential portion of the structure;
(5) There shall be a minimum lot area of twenty thousand (20,000) square feet and a minimum floor area of forty thousand (40,000) square feet in the principal office structure or office portion of the structure on the lot to allow the permitted accessory uses, other than customary accessory uses, in the principal office structure or office portion of the structure.

(b) In addition to customary accessory uses, the following are permitted accessory uses in principal residential structures:

Bakery without on-site baking
Barbershop
Beauty shop
Cleaners, self-service
Delicatessen
Drugstore
Dry-cleaning establishment, depot only
Hairdressing
Laundry and dry-cleaning
Pickup and delivery
Pharmacy
Restaurant
Shoeshine stand
Tailor (custom).

In addition to customary accessory uses, the following are permitted accessory uses in principal office structures:

Bakery without on-site baking
Barbershop
Beauty shop
Cafeteria
Candy or nut shop
Cigar and tobacco shop
Drugstore
Florist shop
Hairdressing
Lunchroom
News and magazine stand
Pharmacy
Pipes and smokers' articles shop

Refreshment stand
Restaurant
Sandwich shop
Shoeshine stand
Snack bar
Tailor (custom)
Tearoom.

(d) In addition to customary accessory uses, the sale of alcoholic beverages for consumption on the premises shall be a permitted accessory use to a public art museum organized for nonprofit, charitable, literary and educational purposes and having over one hundred thousand (100,000) square feet of floor area for public display purposes. Any requirements set forth in these regulations pertaining to distances between liquor dispensing outlets and/or distances between liquor dispensing outlets and a lot used or reserved to be used for the purposes of a public school or library, a school other than a public school operated as a benevolent institution and not for profit, a hospital operated as a benevolent institution, a church, or a charitable institution whether supported by public or private funds shall not apply to such sale of alcoholic beverages.

Sec. 983. Customary accessory uses in residential districts.

(a) Customary accessory residential uses shall include, but are not limited to: private dog house, home garden pursuant to section 905, private garage, large accessory garage, small accessory garage, private greenhouse, private playground and recreation area, private swimming pool, private tennis court, private laundry room, hobby room and mechanical room.

(b) In the R-5, R-6 and R-7 residential districts the renting of rooms and furnishing of table board for not more than two (2) roomers or boarders shall be permitted as an accessory use in single-family dwellings.

Sec. 984. Limitations on accessory structures and uses in residential districts.

All accessory buildings shall be located in the rear of a principal building, except for corner lots as provided for as follows:

(a) When an accessory building is located on a corner lot, the accessory building shall not project beyond the front setback line required on the lot in the rear of such corner lot;

(b) Where the accessory structure is structurally attached to a principal structure, it shall be subject to, and must conform to all zoning regulations applicable to principal structures;

(c) Where utility easements exist, no accessory structures shall be built over them;

(d) In the RO-3 residential-office, R-1, R-2, R-3 and R-4 residential districts, an accessory structure, not exceeding fifteen (15) feet in height, may occupy not more than a total of twenty-five (25) percent of a required rear setback plus forty (40) percent of any non required rear setback provided that in no instance shall the accessory structure exceed the ground floor area of the principal structure;

(e) In the R-5, R-6, R-7, and R-8 residential districts, accessory structures and uses may occupy a maximum of twenty-five (25) percent of the area of the rear setback and shall be located not nearer than three (3) feet from a rear lot line and not nearer than three (3) feet from a side lot line, and except as provided in section 8 (relating to permitted height, density or bulk) and section 905 (relating to urban agriculture), shall not exceed a height of fifteen (15) feet.

Sec. 985. Accessory uses of outdoor displays.

The outdoor display of merchandise or other items offered for sale or advertisement is a permitted accessory use in the B-3 and B-4 zoning districts five (5) feet beyond the building line, but in no instance shall merchandise or other items for sale or advertisement be located beyond an established street line. In the case of street lines and building lines being coincident, there shall be no outdoor display. The display of merchandise or other items offered for sale or advertisement in the B-3 and B-4 zoning districts shall, however, be subject to the following conditions:

(a) Merchandise or other items displayed as the accessory use shall be restricted to those items or merchandise which are sold at the principal use;

(b) The outdoor display must be confined to an area no greater than five (5) feet directly in front of, or to the side of, the principal use to which it is accessory. In no instance shall the merchandise or other items be located beyond an established street line. In the case of building lines and street lines being coincident, there shall be no outdoor display;
(c) If associated with a principal use on a corner lot, only one (1) frontage shall be utilized for accessory outdoor display purposes;
(d) Merchandise or other items shall only be displayed during daylight hours;
(e) Notwithstanding any provision of this section, the public way, street, sidewalk, curb, and all means of ingress and egress to the structure containing the principal use shall be maintained free of obstructions, merchandise or other items.
(f) Businesses in B-3 and B-4 zoning districts may obtain a yearly license to extend their business and display their wares with a temporary outdoor structure up to the property line; and those whose property line and building line are the same can share in this temporary extension but only to their property line. This temporary extension is allowed only between the first day of May and the last day of October of each year.
(g) Business owners, to utilize this temporary outdoor extension, must register with the city division of licenses and inspections and obtain an annual license for a fee to be established by council. Owners must also present to the division of licenses and inspections plans and specifications of the intended use, and if the business owner is not the property owner, the business owner must present a notarized letter of permission from the owner(s) of the business property.
(h) For purposes of this section only, "temporary structure" means an outdoor business area with tables, chairs or shelves, and any canopy or tent covering such an area or any temporary, removable fencing.

Sec. 986. Limitations on accessory uses in the B-3 and B-4 business districts.

Inside storage of equipment and materials, associated with special construction trade services, shall be permitted as an accessory use in the B-3 and B-4 districts, subject to the following conditions:
(a) Inside storage shall be accessory to the operation of a contractor's office and located on the same lot or zoning lot;
(b) There shall be no inside storage permitted for heavy duty trucks or equipment generally associated with earth-moving operations such as, but not limited to, a backhoe, bulldozer, grader, roller, payloader, asphalt spreader, etc.;
(c) Inside storage shall be limited to commercial motor vehicles, materials and small tool storage and, in no instance, shall more than four (4) light trucks or vans be stored within the structure;
(d) No new structure for inside storage of equipment and materials shall be erected to a height in excess of three (3) stories or twenty-eight (28) feet, whichever is less;
(e) Outside storage of commercial motor vehicles and equipment shall not be permitted except that parking of commercial motor vehicles shall be permitted during normal business hours;
(f) Any off-street parking provided shall be located a minimum distance of ten (10) feet from any adjacent residential property and shall be screened by a planting screen or suitable fence providing year-round screening.

Secs. 987-989. Reserved.

Sec. 990. Small wind energy systems.

Small wind energy systems shall be allowed by special permit in the zoning districts shown in section 854, pursuant to the following conditions and requirements:
(a) General requirements.
- (1) The small wind energy system must be located within one thousand (1,000) feet of the right of way of an interstate highway or the Connecticut River.
- (2) Signage or writing of any kind is not permitted on any portion of any wind turbine, other than required manufacturer plates.
- (3) Inoperable, abandoned, or unused wind turbines must be removed within twelve (12) months of last date of operation.

(b) Setbacks, location, and height.
- (1) Setback and height requirements for small wind energy systems contained in this section shall supersede those otherwise required by section 182.

(2) Setback shall be a minimum of one and one-tenth (1.1) foot for every foot in height of the turbine from all adjacent property and street lines. Setback shall also be required from existing utility, private and public rights of way.
(3) The height of any component of a small wind energy system shall not exceed two hundred (200) feet, as measured from the ground to highest point of the blade arc.

Sec. 991. Roof-mounted wind energy systems.

Roof-mounted wind energy systems shall be conditionally permitted in the zoning districts shown in section 854, pursuant to the following conditions and requirements:
(a) General requirements.
(1) Roof-mounted wind energy systems are only permitted on structures that are a minimum of four (4) stories tall or forty (40) feet.
(2) Inoperable, abandoned, or unused wind turbines must be removed within twelve (12) months of the last date of operation.
(b) Setbacks, location, and height.
(1) Setback and height requirements for roof-mounted wind energy systems contained in this section shall supersede those otherwise required by section 182.
(2) Roof-mounted wind energy systems shall not exceed heights required in section 8 (relating to permitted heights) and shall be measured to the highest point of the device or any attachment.
(3) Roof-mounted wind energy systems must be set back from the roof or parapet wall one (1) foot for every foot in height of the turbine above the roof or parapet wall.

Sec. 992. Building-integrated solar energy systems.

Building-integrated SESs shall be allowed as an accessory use in the zoning districts shown in section 854, pursuant to the following conditions and requirements:
(a) Building-integrated SESs should be designed and installed to match the shape, proportions, and slope of the roof or other surface into which it is integrated.
(b) Setbacks, location, and height.
(1) The setback, height, and area coverage requirement for building-integrated SESs shall be the same as for the structure on which such SESs are installed.
(2) Building-integrated SESs may be located on a principal structure or an accessory structure.
(c) Garages, carports or similar structures that incorporate building-integrated SESs shall not be classified as freestanding solar energy systems and shall instead be subject to regulations governing accessory structures.

Sec. 993. Building-mounted solar energy systems.

Building-mounted SESs shall be allowed as an accessory use in the zoning districts shown in section 854, subject to the following conditions and requirements:
(a) General requirements.
(1) Signage or writing of any kind is not permitted on any portion of building-mounted SESs, other than required manufacturer plates.
(2) Inoperable, abandoned, or unused building-mounted SESs must be removed within twelve (12) months of last date of operation.
(b) Setbacks, location, and height.
(1) Setback and height requirements for small wind energy systems contained in this section shall supersede those otherwise required by section 182.
(2) A building-mounted SES should be located a minimum of five (5) feet from all property lines and other structures, except the structure on which it is mounted.
(3) Solar energy collection surfaces and solar mounting equipment for building-mounted SESs shall be set back no less than one and one-tenth (1.1) foot from the exterior perimeter of a roof for every one (1) foot that the system extends above the parapet wall or roof surface, if no parapet wall exists, on which

the system is mounted. Solar energy systems that extend less than three (3) feet above the roof surface shall be exempt from this provision and require no setback.

(4) A building-mounted SES may be located on a principal structure or on an accessory structure.

(c) Garages, carports or similar structures that incorporate building-mounted SESs shall not be classified as freestanding solar energy systems and shall instead be subject to regulations governing accessory structures.

Sec. 994. Small ground-mounted solar energy systems.

Small ground-mounted SESs shall be allowed as an accessory use in the zoning districts shown in section 854, subject to the following conditions and requirements:

(a) General requirements.

(1) Only the surface area actually disturbed by a small ground-mounted SES shall count towards the calculation of maximum permitted lot coverage.

(2) Signage or writing of any kind is not permitted on any portion of any small ground-mounted SES, other than required manufacturer plates.

(3) Inoperable, abandoned, or unused small ground-mounted SESs must be removed within twelve (12) months of the last date of operation.

(b) Setbacks, location, and height.

(1) A small ground-mounted SES shall not be located in the front yard between the principal structure(s) and the public right-of-way.

(2) A small ground-mounted SES shall be located a minimum of five (5) feet from all property lines and other structures.

(3) A small ground-mounted SES in any residential district shall not exceed the greater of one-half (1/2) the footprint of the principal structure or six hundred (600) square feet, whichever is greater.

(4) A small ground-mounted SES must be as close to the ground as practicable and in no case higher than six (6) feet from the surface of the ground.

(5) The solar mounting equipment for a small ground-mounted SES must be gray, natural green, or beige in color or screened from view from surrounding residential properties.

(6) The solar mounting equipment for a small ground-mounted SES shall not include any unfinished lumber.

Sec. 995. Parking lot canopy solar energy systems.

Parking lot canopy SESs shall be allowed as a specially permitted accessory use in the zoning districts shown in section 854, subject to the following conditions and requirements:

(a) General requirements.

(1) Only the surface area actually disturbed by a parking lot canopy SES shall count towards the calculation of maximum permitted lot coverage.

(2) Signage or writing of any kind is not permitted on any portion of any parking lot canopy SES, other than required manufacturer plates.

(3) Inoperable, abandoned, or unused parking lot canopy SESs must be removed within twelve (12) months of the last date of operation.

(b) Setback, location, and height.

(1) Parking lot canopy SESs shall not be located in the front yard between the principal structure(s) and the public right-of-way.

(2) A parking lot canopy SES shall only be allowed in a parking lot, but shall cover not more than fifty (50) percent of such parking lot.

(3) Parking lot canopy SESs shall be located a minimum of five (5) feet from all property lines and other structures.

(4) Parking lot canopy SESs must be between eight (8) and fifteen (15) feet high.

Secs. 996-1006. Reserved.

ARTICLE VII.
SIGNS AND OUTDOOR ADVERTISING

Sec. 1007. Zoning districts where signs are permitted

Signs shall be permitted in the zoning districts as set forth below and subject to the conditions of this section:
(a) Business signs are permitted only in the I-1, I-2, C-1, B-1, B-2, B-3 and B-4 districts;
(b) Directional signs are permitted in each and every zoning district;
(c) Identification signs are permitted in each and every zoning district, provided, however, that no identification sign is permitted to identify a rooming house located in R-6, R-7 and R-8 zones;
(d) Outdoor advertising signs are permitted only in the I-1, I-2, C-1, and B-3 districts;
(e) Temporary signs are permitted in each and every zoning district subject to other provisions in these regulations, including section 1015;
(f) Integral roof signs are permitted in all zoning districts, except that no integral roof signs shall be permitted on a residential structure containing fewer than five (5) units. Roof signs, other than integral roof signs, are not permitted in any zoning district.
(g) New construction of a changeable electronic outdoor advertising sign is allowed by special permit only, in I-1, I-2, C-1, and P districts subject to the following conditions:

(1) The content of the sign does not change more frequently than once every ten (10) seconds
(2) The static phase of display does not display any illumination that moves, appears to move or changes in intensity,
(3) The illumination from the sign does not direct illumination at or intrude upon a residential neighborhood or residential district,
(4) The brightness level of the illumination is found to be in harmony with the location of the sign,
(5) The sign is found to be in harmony with adjacent and surrounding uses,
(6) Changeable electronic outdoor advertising signs are restricted to locations within two hundred and fifty (250) feet of I-91, I-84 and Routes 5 and 15;
(7) The size, height and distance between changeable electronic outdoor advertising signs are the same as that of static outdoor advertising signs
(8) Notwithstanding the foregoing, an existing static outdoor advertising sign may be converted to a changeable electronic sign at a radius not less than six hundred and fifty (650) feet from another static or changeable electronic outdoor advertising sign.

(h) Marquee signs are permitted in the B-1, B-2, B-3, and B-4 zoning districts by zoning permit
(i) Theater marquee signs with copy that changes at an interval of more than once every twenty-four (24) hours shall be allowed in the B-1 zoning district by special permit only.

Sec. 1008. Size of signs.

Signs shall be subject to the following limitations of size:
(a) *I-1, I-2 and C-1 districts*. Outdoor advertising signs shall have a maximum area of seven hundred fifty (750) square feet. The combined total area of all other permitted signs of a lot shall exceed not more than five (5) square feet of sign area per linear foot of lot frontage;
(b) *B-1 and B-2 districts*. The combined total area of all other permitted signs on a lot shall exceed not more than three (3) square feet of sign area per linear foot of lot frontage. Lots fronting on two (2) or more streets are allowed the permitted square footage of sign area for each street frontage; however, the square footage of sign area cannot be accumulated and used on one street in excess of the square footage of sign area allowed for that street frontage. Notwithstanding anything to the contrary, a stadium project in the B-1 district may be permitted to have a sign of no more than twelve hundred (1,200) square feet to identify the name of the stadium, visible from any public highway, which may be externally illuminated during the hours of dusk and 12:30 a.m., provided, however, that the sign shall be affixed to the building and shall be used to identify the name of the stadium, and further provided that such sign shall not be a changeable electronic outdoor advertising sign.
(c) *B-3 district*. Outdoor advertising signs shall have a maximum area of one hundred (100) square feet per face and only one (1) outdoor advertising sign per face shall be permitted. The combined total area of all other permitted signs on a lot shall exceed not more than two (2) square feet of sign area per linear foot of lot frontage. Lots fronting on

two (2) or more streets are allowed the permitted square footage of sign area for each street frontage; however, the square footage of sign area cannot be accumulated and used on one (1) street in excess of the square footage of sign area allowed for that street frontage.
(d) *B-4 district*. The combined total area of all permitted signs on a lot shall exceed not more than one (1) square foot of sign area per linear foot of lot frontage. Lots fronting on two (2) or more streets are allowed the permitted square footage of sign area for each street frontage; however, the square footage of sign area cannot be accumulated and used on one (1) street in excess of the square footage of sign area allowed for that street frontage.
(e) Marquee signage shall count against the overall allowable square footage for the property as permitted by the zoning district.
(f) *RO-1, RO-2, and RO-3 districts*. The combined total area of all permitted signs on a lot shall exceed not more than twenty (20) square feet on each street frontage; except that the total area of all permitted signs on an RO-1 campus shall be computed on the basis of thirty (30) square feet on each street frontage. Signs shall be permitted on an RO-1 campus in accordance with section 1014 (relating to campus signage). Notwithstanding all of the above, identification signs up to three hundred and ninety (390) square feet are allowed in RO-1 and RO-2 districts, as long as the lowest extremity of the sign is affixed no more than twenty (20) feet below a roof line on a building that is six (6) or more stories high and its total gross square footage exceeds two hundred fifty thousand (250,000) square feet. Said identification signs shall be attached to the outside surface of the building and shall not protrude more than twelve (12) inches from the facade.
(g) *R-1, R-2, R-3, R-4, R-5, R-6, R-7 and R-8 districts:*

(1) Identification signs for home occupations indicating only names of persons and their professions shall have a maximum area of one (1) square foot, and shall be limited to one (1) sign per dwelling unit,
(2) Identification signs indicating names of residents and dwelling or dwelling unit numbers shall have a maximum area of one (1) square foot, and shall be limited to one (1) sign per dwelling unit,
(3) Identification signs indicating the name and purpose of a structure and the name of its management shall have a maximum area of three (3) square feet, and shall be limited to one (1) sign per structure,
(4) Directional signs solely for the control of traffic and parking shall have a maximum area of four (4) square feet,
(5) Identification signs for churches, schools, colleges and universities, convalescent homes and community centers shall have a maximum area of twelve (12) square feet, and shall be limited to one (1) sign per major entrance to such use,
(6) Temporary signs shall be allowed pursuant to section 1015, and
(7) Historical markers shall have a maximum area of four (4) square feet and may be placed only by a bona fide historical organization or by a governmental agency.

(h) *P district*. Permitted signs shall have a maximum area of twelve (12) square feet, except for highway signs.
(i) In all districts, pole signs shall have sign faces no larger than thirty-six (36) square feet, provided that pole signs are only allowed for those uses and in those locations where they are not prohibited expressly or by implication by some other provision of these regulations.

Sec. 1009. Location and height of signs.

Signs shall be subject to the following limitations on location and height:
(a) No ground sign or pole sign, including its structure, shall exceed a height of thirty-five (35) feet in the I-1 and I-2 districts, thirty (30) feet in the C-1, B-1 and B-2 districts, twenty-five (25) feet in the B-3 district, twenty (20) feet in the B-4, RO-1, RO-2 and P districts, fifteen (15) feet in the RO-3, R-1, R-2, R-3 and R-4 districts, and ten (10) feet in the R-5, R-6, R-7 and R-8 districts. A pole sign shall have a minimum clearance of three (3) feet between the bottom of the sign and the ground.
(b) No business sign, including its structure, shall be attached to any building used in whole for residential purposes or situated on any property used in whole for residential purposes, except those signs allowed as temporary signs for property sales or property rentals pursuant to section 1015.
(c) No business sign, including its structure, shall, exceed the height of the window sill line of the second story of the building to which such sign is attached or of any adjacent building used in whole of in part for residential purposes. If the walls have no such window sill line, then the height provisions set forth in paragraph (1) shall govern.
(d) A maximum of one (1) outdoor advertising sign shall be permitted per facing on an outdoor advertising structure.

(e) New outdoor advertising signs, both static and changeable electronic, shall be spaced at a radius of not less than one thousand (1,000) feet from each other except that two (2) or more such signs may be arranged to form a double faced sign and as provided for in Section 1007 (7) of these regulations.
(f) Business signs in the B-3 and B-4 districts may be located forward of the building line provided that all business signs shall be required to be set back a minimum of five (5) feet from the street line. The maximum sign height, including any sign pole, for a business sign located forward of the building line shall be thirteen (13) feet. A business sign located forward of the building line shall be required to have a minimum clearance of three (3) feet between the bottom of the sign and the ground. Ground signs in the B-3 and B-4 districts may be located forward of the building line and shall be limited to directional and identification signs, shall be set back a minimum of eight (8) feet from the street line and shall not be subject to the minimum ground to sign clearance of three (3) feet stated above. Notwithstanding the provisions of section 1010(f) (relating to landscaping), business and ground signs located forward of the building line shall be provided with a suitable, unpaved, properly maintained landscaped island of sufficient dimension to afford protection to the sign from all directions.
(g) No outdoor advertising sign shall be located within fifty (50) feet of an adjoining residential district if designed to face directly into such district and be visible therefrom.
(h) Historical markers may be placed only by a bona fide historical organization or by a governmental agency;
(i) The total area of all signs painted on or otherwise affixed to all windows shall be limited to not more than ten (j) percent of the total gross area permitted to the premises; and no signage on windows shall exceed 35 percent of the total window area.
(k) Computation of sign height and ground clearance. The height of a sign shall be measured as the vertical distance from the grade at the base of the sign to the top of the highest component of the sign. The ground clearance of a sign under these regulations shall be measured as the vertical distance from the grade at the base of the sign to the top of the lowest component of the sign. For the purposes of this article, grade shall be computed as the average finished ground level of the land around the base of the sign, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign.
(l) Except as otherwise provided in this section, all signs shall be located behind the building line.
(m) Notwithstanding the above, in determining the height of outdoor advertising signs located within six hundred sixty (660) feet of state highway right-of-way lines, grade shall be computed as the median height between the road surface of both travel lanes measured perpendicularly to the outdoor advertising sign structure. Should there be only one (1) travel lane, grade shall be computed as the median height between the road surface of the travel lane and normal grade measured perpendicularly to the outdoor advertising sign structure.
(n) Outdoor advertising signs and changeable electronic signs shall be limited to free standing pole or structure signs.
(o) The commission may permit a stadium sign to have a maximum height higher than otherwise allowed in this section.

Sec. 1010. General type and use restrictions.

(a) Flashing, revolving, or animated signs and signs that make noise shall be prohibited, except that animated time, date, and temperature signs may be permitted. No sign shall use the word, "Stop," "Danger," or any other word, phrase, symbol or character that might be misconstrued to be a public safety warning or traffic signal.
(b) Illuminated signs shall be so shielded as not to cast direct light onto any residential district or onto any property or building used in whole or in part for residential purposes.
(c) No sign shall violate the corner visibility provisions set forth in section 26 (relating to visibility at intersections).
(d) Signs not defined in this article shall not be permitted.
(e) In addition to the provisions set forth in these regulations, signs shall be subject to the provisions set forth in the state basic building code.
(f) Every ground or pole sign shall be provided with suitable properly maintained landscaping, covering the area between such sign and all adjacent property lines, except for any such area that is actively devoted to some other use. No more than one pole sign shall be located on any zoning lot, except that a shopping center may locate one pole sign at each vehicular entrance.
(g) All signs, together with their supporting structure, shall be kept in good repair and in safe condition. The owner of the premises on which a sign is erected or located shall be directly responsible for keeping such sign and premises in a safe and neat condition.

(h) Nonconforming signs are existing signs of a size and type not permitted in the district in which they are located or which do not conform to all the provisions of these regulations. No nonconforming sign shall be altered or changed in any way unless it is made to conform to these regulations. A change shall not include the changes on a theatre marquee or changeable copy sign or copy billboards and shall not include normal maintenance activities. No sign described above shall be relocated, unless such relocation results in eliminating or reducing the nonconformity. Notwithstanding the provisions of section 40(g) (relating to restoration), any nonconforming sign, including its structure, which has been destroyed or damaged to the extent of fifty (50) percent or more of its replacement cost at the time such damage occurred, shall thereafter be made to conform to the provisions of these regulations. No new sign, of any type, shall be located, installed, mounted, painted or erected on a lot or zoning lot while a nonconforming sign, located thereon, remains. Notwithstanding the provisions of section 1009(5) (relating to spacing), the one thousand (1,000) foot radius requirement shall not apply to nonconforming outdoor advertising signs which are forced to be relocated due to condemnation or other federal, state, municipal or quasi-governmental agency action, provided the relocated outdoor advertising sign shall comply as closely as possible to the conditions and requirements set forth in section 1009 (relating to location and height).
(i) Signs applicable to a business which is temporarily suspended because of a change of ownership or management of such business for a period of six (6) months or more or any outdoor advertising sign which ceases to identify or advertise a bona fide business, service, owner, product or activity for a period of six (6) months or more shall be deemed abandoned. Such signs shall be removed by the owner of the premises on which the abandoned sign is located.
(j) Any sign, located forward of the building line shall be removed at no cost to the city should a land taking for public purposes be necessary.
(k) Banners, pennants and streamers shall be permitted only for a period of one (1) month prior to and including the duration of the activity which such sign describes and such sign shall be removed within one (1) week after the completion of the activity which such sign describes.
(l) Portable signs shall be permitted in the I-1, I-2, C-1, B-1, B-2, B-3, and B-4 districts, subject to the following restrictions: no more than one (1) portable sign per building lot. No portable sign shall be: larger than eight (8) square feet; displayed when winds exceed twenty (20) miles per hour; attached to the sidewalk or to city-owned property, including but not limited to electric light poles and traffic signs; reflective; displayed after sundown or before sunrise; or displayed more than one (1) foot from the building line. The owner of any portable sign has an absolute duty to prevent such sign from causing any property damage or personal injuries.
(m) If the zoning enforcement officer determines that a portable sign is unsafe or does not meet any of the conditions herein, the zoning enforcement officer shall issue a written warning to its owner requesting the correction of the unsafe or nonconforming condition. Only after this written warning is issued may the zoning enforcement officer proceed with the formal citation process set forth in article II, division 2 of these regulations (relating to violation and penalties).

Sec. 1011. Abandonment; removal.

Signs which are abandoned shall be completely removed, and the site of such sign shall be restored, within one (1) month of the date the zoning administrator gives notice of such designation of abandonment to the owner of the sign.

Sec. 1012. Application for a sign permit.

Every application for a sign shall include the following information and exhibits, in triplicate:
(a) Position of sign and its structure in relation to adjacent buildings or structures;
(b) The design and size, structural details, and the dimensions proposed, and the proposed location on the premises of such sign and/or sign structure;
(c) Statement showing the size, dimensions and location of all signs existing on the premises at the time of making the application;
(d) Such other information as the zoning administrator shall require to show full compliance with these regulations and all applicable ordinances of the city.

Sec. 1013. Resolution for approval of city signs

The provisions of this article shall not apply to an application filed by the city for a zoning permit for any sign located on city-owned property, provided such application is accompanied by a certified copy of a resolution adopted by the council approving the design, size, location and use of such sign.

Sec. 1014. RO-1 campus signage.

An applicant seeking a campus signage permit for an RO-1 campus shall abide by the following conditions:
(a) A comprehensive signage plan shall be required as part of all applications for a campus signage permit. The commission shall assist the zoning administrator by reviewing the comprehensive signage plan relative to size, height, context, materials, color, location, lighting and landscaping. The comprehensive signage plan shall include, but not be limited to:

(1) A plot plan of the lot or zoning lot at a scale not less than 1" = 40';
(2) The location of all buildings, parking lots, driveways and landscaped areas on the lot or zoning lot;
(3) The location of all existing and proposed signs and their relationship to buildings and structures as well as to the building, veranda and street lines;
(4) Computation of the total maximum sign area, the maximum area for individual signs, the height of all signs and the number of free standing signs allowed on the lot or zoning lot;
(5) Standards for consistency among all signs on the lot or zoning lot with particular regard to color scheme, lettering or graphics style, lighting, location of each sign on the building or lot, materials and sign proportions.

(b) The total permitted square footage of sign area on a campus shall not exceed the aggregate of the total square footage permitted on each street frontage.
(c) The aggregate square footage permitted may be utilized anywhere on the lot or zoning lot in accordance with the approved comprehensive signage plan and provided no more than fifty (50) percent of the permitted gross square footage of sign area shall be used on any single street frontage.
(d) The following signs shall be exempt from the requirements of this section except that such signage shall be detailed as to location and size in the comprehensive signage plan:

(1) Any public notice or warning required by a valid and applicable federal, state or municipal law, regulation or ordinance;
(2) Any sign inside a building or structure, not attached to a window or door, that is not legible from a distance of more than three (3) feet beyond the lot line of the lot or zoning lot upon which such sign is located;
(3) Traffic control signs on private property such as Stop, Yield, One Way and similar signs, the face of which contains no commercial message of any sort; however, the existence of a de minimums corporate logo or corporate name which is used to denote ownership of the sign shall not constitute a commercial message;
(4) Publicly-owned memorial tablets, plaques or signs;
(5) Signs displayed for convenience of the public including signs which identify restrooms, location of public telephones, public entrances, handicapped accessible entrance and exit locations, freight entrances or the like with a total surface area not to exceed four (4) square feet per surface; and
(6) Any work of art which does not contain a commercial message.

Sec. 1015. Temporary signage.

The following temporary signs are permitted in all districts:
(a) Signs which may be externally illuminated for nonprofit or charitable organizations, including exterior messages for national and state holidays; provided, however, that no such temporary sign may be erected for a period of more than thirty (30) days. In all residential districts, such signs shall be limited to thirty-two (32) square feet in area and set back a minimum of ten (10) feet from any property line.
(b) Property rental or property sale signs, freestanding or attached to the premises, pertaining to the prospective rental or sale of the property on which they are located; provided that such signs shall not be illuminated, nor extend over the sidewalk, and further provided that:

(1) In the residential and residence-office districts, such signs shall not exceed a total area of four (4) square feet and shall be removed within fourteen (14) days of the real estate closing or lease transaction.
(2) In the B-3, and B-4 districts, such signs shall not exceed a total area of twelve (12) square feet, and shall be removed within thirty (30) days of the real estate closing or lease transaction.
(3) In the B-1, B-2, C-1, I-1, and I-2 districts, such signs shall not exceed a total area of thirty-two (32) square feet, and shall be removed within thirty (30) days of the real estate closing or lease transaction.
(4) In the residential zoning districts, rental signs for entities that have more than one (1) dwelling unit or rooming unit on the relevant lot, which are either currently being advertised for rental, occupied by tenants, or readied for future rental purposes, and for which leases are available for periods of less than six (6) months, shall not exceed one (1) eight and one-half (8-1/2) by eleven (11) inch area, and shall be displayed on a first floor door or inside a first floor window.

(c) Construction signs, non-illuminated, customary and necessary in connection with the erection of buildings or other construction work and temporary signs required to advise pedestrians and motorists of temporary inconveniences, safety issues and/or alternate locations to obtain services, limited to one sign per street frontage for each construction project. Such sign may be freestanding or attached to the premises, but shall not exceed thirty-two (32) square feet in area, and shall be removed within sixty (60) days of the completion of construction. In all residential districts, such signs shall not exceed twelve (12) square feet in area, and shall be set back a minimum of ten (10) feet from any property line.

(d) Political signs, non-illuminated, incidental to a city, state, or federal election or referendum, or signs which are political in nature. Such signs shall be constructed of durable material, and shall be prohibited being attached to from trees, traffic signs or utility poles. Such signs shall be erected not more than sixty (60) days prior to such election or referendum, or in any event, no premises shall have a sign erected for more than one hundred twenty (120) days in any calendar year. Political signs relating to any election or referendum shall be removed within fourteen (14) days after said election or referendum. In all residential districts, such signs shall not exceed sixteen (16) square feet in area per side.

(e) Unless otherwise provided in this section, temporary signs other than property rental or property sale signs shall be permitted only for a period of thirty (30) days prior to and including the duration of the activity that such sign describes and such signs shall be removed within one (1) week after the completion of the activity that such sign describes.

Secs. 1016-1035. Reserved.

ARTICLE VIII.
PLANNED DEVELOPMENTS AND SPECIAL DEVELOPMENT DISTRICT

Sec. 1036. Planned area development.

(a) *Purpose.* Planned area developments are permitted in order that large areas, that may encompass a number of zoning districts, may be developed on a comprehensive basis with a wide range of uses. Flexibility in the arrangement of structures, open space, and the pedestrian and vehicular circulation pattern is permitted in order to encourage the best utilization of the land on which the development is being constructed.

(b) *Special permit; conditions.* The commission is authorized to grant a special permit to allow a planned area development for the purpose of meeting the requirements of this article in the I-1, I-2, C-1, B-3, B-4, RO-1, RO-2, RO-3, R-1, R-2, R-3 and R-4 districts, subject to the following conditions:

(1) *Required lot area.* There shall be a minimum zoning lot area of ten (10) acres, or an entire city block, whichever is the lesser. There shall be no requirement for lot area and lot width for an individual lot associated with an individual dwelling (attached, detached, etc.) provided that each such individual lot shall front onto a public street, private street, alley, driveway, or pedestrian way having a permanent hard-surface finish with a minimum width of twelve (12) feet. The zoning lot, rather than the individual lot, shall be used in applying the provisions set forth below;

(2) *Required structures.* There shall be a minimum of two (2) principal buildings within a planned area development and existing buildings may be included in such developments;

(3) *Uses permitted.* Within a planned area development, any principal or accessory use is permitted which is already permitted in the zoning district or districts in which such planned area development is located. The distribution of these uses, however, shall not be affected by existing zoning district boundaries, but shall be subject to the approval of the commission. In reviewing the distribution of the permitted uses, the commission shall consider in particular the use and character of adjacent properties, with due regard to the protection of such properties and their access to light and air, the zoning district or districts in which such properties and the planned area development or portion thereof are located, and the public interest;

(4) *Permitted lot coverage.* The total zoning lot coverage of all structures within a planned area development shall not exceed the permitted lot coverage requirement for the zoning district or districts in which the planned area development is located. The permitted lot coverage in terms of square feet shall be separately calculated for each use in each zoning district in which the planned area development or portion thereof is located, and then shall be combined to determine the maximum permitted lot coverage in terms of square feet for each use for the entire planned area development;

(5) *Density.* Any combination or types of dwellings may be erected as long as the maximum number of persons per acre within a planned area development shall not exceed the limitations on persons per acre requirement for the zoning district or districts in which the planned area development is located. The permitted density in terms of the number of persons per acre shall be separately calculated for each zoning district in which the planned area development or portion thereof is located, and then shall be combined to determine the maximum permitted density in terms of the number of persons per acre for the entire planned area development;

(6) *Floor area ratio.* The maximum total floor area ratio for all structures within a planned area development shall not exceed the floor area ratio requirement for the zoning district or districts in which the planned area development is located. The permitted floor area in terms of square feet shall be separately calculated for each use in each zoning district in which the planned area development or portion thereof is located, and then shall be combined to determine the maximum permitted floor area in terms of square feet for each use for the entire planned area development;

(7) *Requirements of floor space per dwelling unit.* Every dwelling unit within a planned area development shall meet the requirements of floor space per unit as set forth in section 16 (relating to floor area);

(8) *Minimum lot width.* Every zoning lot shall have a minimum width at the street line of not less than that required for a lot in the zoning district in which the planned area development or portion thereof is located;

(9) *Required usable open space.* Any arrangement of structures is permitted, subject to the grouping provisions and with the approval of the commission and provided the total amount of usable open space within a planned area development is equal to or greater than the required usable open space requirement for the zoning district or districts in which the planned area development is located and as long as adequate light and air are provided each dwelling. The required usable open space in terms of square feet shall be separately calculated for each use in each zoning district in which the planned area development or portion thereof is located, and then shall be combined to determine the minimum required usable open space in terms of square feet for each use for the entire planned area development. Common open spaces shall be used for amenity or recreational purposes only and shall be suitably improved for their intended use;

(10) *Grouping.* Grouping requirements shall be as set forth in section 890(10) (relating to group dwellings). The commission may modify the grouping requirements if it finds that such an adjustment will provide a better arrangement of buildings and open space, or in specific cases where desirable or warranted, owing to unusual topography or other physical conditions and the use and character of adjacent properties, with due regard to the protection of such properties and their access to light and air, the zoning district or districts in which such properties and the planned area development or portion thereof are located, and the public interest;

(11) *Setbacks and height.* The commission may modify all setback, court and height requirements if it finds that such an adjustment will provide a better arrangement of buildings and open space or in specific cases where desirable or warranted, owing to unusual topography or other physical conditions and the

use and character of adjacent properties, with due regard to the protection of such properties and their access to light and air, the zoning district or districts in which such properties and the planned area development or portion thereof are located, and the public interest;

(12) *Landscaping.* The commission shall require that planned area developments provide suitable screening of structures and planting and landscaping at its perimeter so as to provide protection for adjacent properties on a year-round basis;

(13) *Required parking and off-street loading.* Off-street parking and off-street loading shall be provided in accordance with the provisions of article V (relating to off-street parking and off-street loading), and off-street parking shall be located a minimum distance of ten (10) feet from any adjacent residential property and shall be screened by a planting screen or suitable fence providing year-round screening;

(14) *Application process.* An applicant for a special permit for a planned area development shall submit a basic review set and any other information describing the concept of the proposed development in such detail as to allow a determination as to the appropriateness of the proposed use shall be submitted with the application. At the applicant's discretion, an applicant, prior to filing an application, may submit said concept plan to the commission, and request that the commission approve said plan before applicant's submission of an application for a special permit. Such submission and approval are optional, and applicant may apply for a special permit for a planned area development at any time, regardless of whether said concept plan has been approved or otherwise acted on by the commission.

(15) *Review of the proposal.* In reviewing a proposal, the commission shall consider the criteria set forth in section 172;

(16) *Property ownership.* An application for a special permit to allow a planned area development may be filed by the owners or lessees of all property included within the planned area development zoning lot, or any governmental agency including the redevelopment agency. The holder of a written option or contract to purchase or lease property shall, for the purposes of such application, be deemed the owner or lessee of the property covered by such option or contract. Notwithstanding this paragraph, the redevelopment agency may apply for a planned area development for an entire redevelopment area prior to acquiring or executing a written option for the property, and the zoning administrator may issue zoning permits to individual developers within a redevelopment planned area development providing the developer has taken title to or owns a binding option for the property and the plans are in harmony with the approved redevelopment planned area development plan, and have been approved by the commission;

(17) *Phasing.* Planned area developments may be constructed and occupied in stages, as approved by the commission. Whether constructed in stages or not, upon approval by the commission, the provisions for the entire planned area development shall be in effect and controlling. Notwithstanding this paragraph, the provisions of planned area developments in certified redevelopment areas shall be applied only to the property acquired by the redevelopment agency, the remaining property continuing under the regulations of the existing zoning districts until such time as the property is acquired by the redevelopment agency. Upon acquisition by the redevelopment agency the provisions of the planned area development shall be in effect and controlling for such acquired property;

(18) *Failure to begin planned area development.* If no construction has begun or no use established in the planned area development within eighteen (18) months from the approval of the commission, the zoning permit for the planned area development shall become null and void. In certified redevelopment areas the time period within which construction must start or a use established shall commence with the issuance of the zoning permit to the developer of the redevelopment planned area development or portion thereof. In its discretion, and for good cause, the commission may, upon request of the applicant, extend for an additional twelve (12) months the period for the beginning of construction or establishment of a use. If the zoning permit becomes null and void under the provisions of this section, the regulations applicable before the zoning permit was issued shall be revived and in effect;

(19) *Buildings and lots individually sold.* Individual buildings and lots may be sold during the construction of or following the completion of a planned area development, except that any such building or lot individually sold shall not be altered in any manner from that shown on the planned area development plans as approved by the commission unless such planned area development plan is amended as provided for in paragraph (20);

(20) *Map of planned area developments.* Each and every planned area development, or amendment thereto, approved by the commission, shall be so indicated on the zoning maps for the city and filed in the office of the city clerk;

(21) *Signs.* Notwithstanding the provisions of subsection (c) of this section, the commission may modify the signage requirements of article VII of these regulations and section 982(a)(4) (relating to RO-1 and RO-2 accessory uses) if it finds that such adjustment will facilitate access to and egress from, as well as movement within the planned area development; will provide for proper identification of the uses contained in a mixed use planned area development; will provide aesthetically pleasing signage which compliments overall project design with due regard to the use and character of adjacent properties and their access to light and air, the zoning district or districts in which such properties and the planned area development or portion thereof are located, and the public interest.

(c) *District specifications to apply.* Unless otherwise provided for in the provisions of this section for planned area developments, the provisions of the existing zoning districts in which the planned area development is located shall apply and govern.

Sec. 1037. Planned residential development.

(a) *Purpose.* Planned residential development (PRD) is intended to facilitate development of areas designated for residential use by permitting greater flexibility and more creative and imaginative designs for the development of such residential areas than generally is possible under conventional zoning regulations. These regulations are further intended to promote more economical and efficient use of the land while providing a harmonious variety of housing choices, a higher level of urban amenities, and preservation of natural and scenic qualities of open spaces.

(b) *Special permit; conditions.* The commission is authorized to grant a special permit to allow a planned residential development for the purpose of meeting the requirements of this section in the B-1, B-2, B-3, B-4, RO-1, RO-2, RO-3, R-1, R-2, R-3, R-4, R-5, R-6, R-7 and R-8 districts, subject to the following conditions:

(1) *Lot area.* A minimum zoning lot area of one (1) acre is required except in the B-1 zoning district where the minimum zoning lot area shall be 20,000 square feet, and in the R-8 district, where lots of record containing not less than ten (10) acres nor more than twenty (20) acres, as of the date of adoption of this section, shall be utilized for planned residential developments. There shall be no requirement for lot area and lot width for an individual lot associated with an individual dwelling (attached, semidetached, detached, etc.), provided that each such individual lot shall front onto a public street, private street, alley, driveway, or pedestrian way having a permanent hard-surface finish with a minimum width of twelve (12) feet. Except in the case of a lot of record in the R-8 district, the zoning lot, rather than the individual lot, shall be used in applying the provisions set forth in this section.

(2) *Structures.* There shall be a minimum of two (2) principal residential structures within a planned residential development.

(3) *Uses permitted.* Single-family, Two-family, Three-Family and Multiple and customary accessory uses are permitted.

(4) *Permitted lot coverage.* The total zoning lot coverage of all structures within a planned residential development shall not exceed the permitted lot coverage requirement for the zoning district or districts in which the planned residential development is located. The permitted lot coverage in terms of square feet shall be separately calculated for each zoning district in which the planned residential development or portion thereof is located, and then shall be combined to determine the maximum permitted lot coverage in terms of square feet for the entire planned residential development.

(5) Intentionally omitted.

(6) *Floor area ratio.* Shall not exceed the floor area ratio required for the zoning district or districts in which the PRD is located. The permitted floor area in terms of square feet shall be separately calculated for each zoning district in which the PRD or portion thereof is located, and then shall be combined to determine the maximum permitted floor area in terms of square feet for the entire planned residential development.

(7) *Requirements of floor space per dwelling unit.* Every dwelling unit shall conform to the requirements of floor space per unit as set forth for the existing zoning district or districts in which the planned residential development is located.

(8) *Minimum lot width.* Every zoning lot shall have a minimum width at the street line of not less than one hundred (100) feet, except in the case of a lot of record in the R-8 district, the minimum width at the street line shall be not less than two hundred (200) feet.

(9) *Required usable open space.* The total amount of usable open space shall equal that which would be required if a single structure as permitted within the zoning district were constructed. The required usable open space in terms of square feet shall be separately calculated for each zoning district in which the planned residential development or portion thereof is located, and then shall be combined to determine the minimum required usable open space in terms of square feet for the entire PRD. Common open spaces shall be used for amenity or recreation purposes only and shall be suitably improved for their intended use.

(10) *Grouping.* Grouping requirements are as follows:

a. The minimum distance between any two (2) front or rear facing walls (long dimension) of any principal structure or structures shall be not less than twice the height of the highest adjacent facing wall where no such facing wall exceeds three (3) stories in height and where any such facing wall does exceed three (3) stories in height the minimum distance as required herein between any two (2) facing walls shall be not less than the sum of twice the total height of the first three (3) stories plus the total height of all stories above the first three (3) stories of the highest adjacent facing wall.

b. The minimum distance between any end wall (short dimension) of any principal structure or structures and any front or rear facing wall (long dimension) of any principal structure or structures shall be as set forth for facing walls in subparagraph (10)a.

c. The minimum distance between any two (2) end walls (short dimension) of any principal structure or structures shall be not less than the height of the highest adjacent end wall when either or both end walls contain fenestration and not less than fifteen (15) feet when neither end wall contains any fenestration.

d. If all the walls of a principal structure have the same horizontal dimension all such walls shall be considered facing walls for the purpose of this section except that if any complete vertical portion (from ground to roof) of a circular structure or a complete wall of any other such structure contains no fenestration for its entire height, such vertical portion or wall shall be considered an end wall for the purposes of this division.

e. All minimum distances required in this section shall be measured in a straight line between the points of the structure or structures which are nearest each other, provided such line is perpendicular to at least one (1) of the walls, except that in all instances the minimum distance between any two (2) facing walls, end walls, or facing and end walls, or any two (2) corners, shall be fifteen (15) feet.

f. The commission may modify the grouping requirements if it finds that such an adjustment will provide a better arrangement of buildings and open space, or in specific cases where desirable or warranted, owing to unusual topography or other physical conditions and the use and character of adjacent properties, with due regard to the protection of such properties and their access to light and air, the zoning district or districts in which such properties and the planned residential development or portion thereof are located, and the public interest.

(11) *Modifications.* All setback, court, height, and open space requirements may be modified if it is found that such modifications will provide a better arrangement of buildings and open space or in specific cases where desirable or warranted, owing to unusual topography or other physical conditions and or the use and character of adjacent properties.

(12) *Landscaping.* Screening of structures and planting and landscaping at the lot perimeter is required so as to provide buffers for adjacent properties on a year-round basis.

(13) *Required parking and off-street loading.* Shall be located a minimum distance of ten (10) feet from any adjacent residential property and shall conform to all landscape requirements for off street parking as set forth in chapter X of these regulations.

(14) *Phasing.* PRD may be developed_in phases, as approved by the commission. Whether constructed in phases or not, upon approval by the commission, the provisions for the entire planned residential development shall be in effect and controlling.

(15) *Buildings and lots individually sold.* Individual buildings and lots may be sold during the construction of or following the completion of a planned residential development, except that any such building or lot individually sold shall not be altered in any manner from that shown on the planned residential development plans as approved by the commission unless such planned residential plan is amended as provided for in sections 71 and 72;

(16) *Map of planned residential developments.* Each and every planned residential development, or amendment thereto, approved by the commission, shall be so indicated on the zoning maps for the city and filed in the office of the city clerk.

Sec. 1038. Special development district.

(a) *Purpose.* The purpose of the special development district is to provide a procedure that allows the increased flexibility of land development contemplated by provisions of the plan of conservation and development of the city for areas of the city designated therein as appropriate for "development zoning," in a manner that best relates the type, design, layout and use of land to a particular zoning lot or lots consistent with the plan of conservation and development and applicable zoning laws. This section delineates the area within which special development districts may be established by regulations enacted pursuant to this section. Within districts thus established the basic standards of these regulations may be modified pursuant to the procedure outlined in this section.

(b) *Special permit; conditions.* The commission is authorized to amend the zoning map of the city to establish special development districts within the area hereinafter designated for such districts and is authorized to grant a special permit for special development projects within such special development districts subject to the following procedures and conditions:

(1) *Definitions.*

a. *Special development district* means an overlay district, in which property may be developed in accordance with the standards of the underlying zoning district and/or the district development standards adopted under this section, provided that in the latter case a special permit allowing a special development project has been granted under this section and remains in effect. A special development district may be established only pursuant to the provisions of these regulations and applicable zoning laws relating to a change of zoning district, and the specific requirements set forth in paragraphs (b)(2) through (b)(11).

b. *Special development project* means a tract of land within a special development district under single or common ownership or control which is to be developed or which has been developed in accordance with a special permit granted by the commission pursuant to paragraphs (b)(2) through (b)(5) and (b)(12) through (b)(21).

c. *Underlying zoning district* means the zoning district or districts existing on the property to be designated special development district at the time of the enactment of the special development district as it or they may be modified or amended from time to time;

(2) *Zoning requirements applicable.* After a special development district has been created by regulation pursuant to this section, property within such special development district for which no special permit for a special development project has been granted may be used in accordance with the requirements of the underlying zoning district. Any property for which a special permit for a special development project has been granted and which is still in effect may be used only in accordance with the requirements of such special permit;

(3) *Conditions and standards.* The district development standards shall conform to the type of uses, buildings, structures and densities proposed in the area of the special development district in one (1) or more current plans for the development of the city promulgated by the commission; and shall otherwise meet the criteria set forth in section 172.

(4) *Preliminary consideration.* An applicant may review with the commission or appropriate planning staff members in a preliminary and informal manner any proposal for a special development district or a special development project prior to the submission of a formal application;

(5) *Review of the proposal.* In reviewing a proposal the commission shall consider and comment upon all aspects of the proposed special development district or special development project as it affects the plan of conservation and development of the city, as well as the conditions and standards for

establishment of such a district or granting of a special permit for such a project as set forth in paragraph (b)(3);

(6) *Special development district; areas for designation.* The provisions of this section with respect to establishment of a special development district may only apply to tracts of land in an I-1, I-2, C-1, B-1, B-2, B-3, B-4, or RO-1 district under single or multiple ownership with a minimum size of three (3) or more acres, which area shall be delineated on the appropriate building district maps on file in the office of the city clerk;

(7) *Special development district; modification of underlying standards.* The standards contained in any and all sections of these regulations applicable to the zoning district or districts underlying the special development district may be modified or waived by the district development standards enacted as part of the regulations establishing a special development district pursuant to subparagraph (b)(9)c., except that uses permitted in industrial or commercial districts (or in any combination of such districts) but not in any other zoning districts may not be permitted in a special development district unless the underlying zoning district is an industrial or commercial district;

(8) *Special development district; applicant.* Any person having an interest in or contract to acquire an interest in a zoning lot or lots within a proposed or existing special development district or an agency of the city may apply to the commission for the enactment of regulations establishing, or amending a special development district in accordance with the procedure of section 41 (relating to amendments);

(9) *Special development district; application.* An application for the enactment of regulations establishing a special development district shall be submitted in form and content consistent with the procedure established for amendments to the zoning regulations and shall be accompanied by the following:

a. A map at a scale not exceeding one (1) inch to two hundred (200) feet of the proposed special development district and the land within one hundred fifty (150) feet of such district showing the following:
   1. Existing lot lines and their dimensions
   2. The assessor's street and lot number of each such lot
   3. The area of each lot
   4. All existing zoning district classifications of the area.

b. A statement of proposed district development standards listing the regulations, limitations and conditions of the underlying zoning district or districts that are to be modified or eliminated within the proposed special development district and all new regulations, limitations and conditions applicable to such special development district. All words and terms which are defined in these regulations shall be used as defined, in the statement. The district development standards may divide the district into areas which are consistent with the purposes of these regulations and assign different standards to different areas, provided that such assignment is consistent with the conditions and standards of paragraph (b)(3),

c. A statement of the total population density possible in the special development district under the district development standards, and of the total land coverage possible utilizing the maxima permitted under the district development standards for lot coverage, and building density, and the minima permitted for buffer areas, open spaces, and setback widths,

d. A statement of how the proposed special development district and district development standards would meet the conditions and standards of paragraph (b)(3) and the requirements of paragraph (b)(10);

(10) *Special development district; approval and findings.* The commission may approve an application to establish a special development district provided that findings of fact are made that the:

a. Standards and conditions of article III, division 1 of these regulations (relating to districts) and the laws of the state relating to a change of zoning district have been met,

b. Regulations have been applied to the proper tract of land in relationship to size, location and ownership,

c. District development standards required by subparagraph (b)(9)c., are sufficient, complete and adequate to satisfy the conditions and standards of paragraph (b)(3) for the establishment of a special development district;

(11) *Special development district; effect of approval.* Upon approval, such special development district shall be indicated on the official zoning map as an overlay of the underlying zoning district, and the regulations

with district development standards shall be filed in the office of city clerk in accordance with the procedure for amendment of these regulations. No zoning permit which is inconsistent with the standards of the underlying zoning district or districts shall be granted except to the extent it is consistent with a special permit for a special development project approved by the commission as set forth in this section;

(12) *Special development project; applicants.* Any person having an interest in, or contract to acquire an interest in, property within a special development district may apply for a special permit to allow a special development project. The redevelopment agency may apply for a special development project for a portion of or for an entire redevelopment area prior to or without acquiring the property therein;

(13) *Special development project; application, notice and hearing.* Application for a special permit shall conform to the requirements and conditions of the district development standards submitted and approved pursuant to subparagraph (b)(9)b., and shall include a special development project plan and a statement showing how the special development project meets the criteria for approval as set forth in paragraph (b)(16). Nothing in this section shall prohibit an applicant from simultaneously applying for the enactment of a special development district and for approval of a special permit for a special development project. Hearings and approval of such simultaneous applications may all occur on the same date, with the hearing and decision on the enactment of the special development district immediately preceding those on the approval of the special permit;

(14) *Special development project plan.* A special development project plan shall by appropriate maps and exhibits show how the project would relate to existing structures and uses in and within one hundred fifty (150) feet of the special development district. The plan shall contain the following elements:

a. A location map at a scale not to exceed one (1) inch to two hundred (200) feet showing the applicant's property, the special development district and all property within one hundred fifty (150) feet of the special development district along with the following information:
   1. All lots, lot lines, their dimensions and lot areas,
   2. Location of all structures,
   3. Existing zoning classifications of the area,
   4. All streets and roadways and their dimensions.
b. A basic permit set.

(15) *Special development project; reports.* At the hearing before the commission on the special permit allowing a special development project, in addition to the information required by these regulations and the zoning laws of the state the applicant shall submit the following statements or documentation for the records:

a. A report from the fire marshal with respect to the firefighting feasibility of the proposed project,
b. A report from the chief of police and director of the department of public works with respect to the impact of the project on the security and traffic systems of the area and the city,
c. A report from the director of the department of public works with respect to the adequacy of drainage, public street design, elements to be served by the department of public works and the engineering soundness of the project as it relates to roads and utilities of the city,
d. Reports from other departments as requested by the commission or its staff with respect to the impact of the project on the facilities and services of the city;

(16) *Special development project; approval.* The commission may grant a special permit for a special development project provided that findings of fact are made that the standards and conditions set forth in paragraph (b)(3) of this section have been met with regard to the proposed special development project;

(17) *Special development project; mapping.* The zoning maps of the city, which are required to be filed in the office of the city clerk, shall be notated to clearly indicate those properties for which special permits allowing special development projects have been granted;

(18) *Special development project; phasing and completion.* A special permit for a special development project shall provide time requirements during which each type of construction which is permitted under the special permit and which is not permitted under the requirements of the underlying zoning district must be commenced and completed and during which each are permitted under the special permit which is not permitted under the requirements of the underlying zoning district must be established. Failure to comply with any such time requirement shall cause such special permit, and any zoning permit issued pursuant thereto, to become null and void. In its discretion and for good cause shown, the commission may, at the

request of the grantee of a special permit for a special development project, or at the request of a successor of any such grantee, prior to the expiration of any such time requirement, extend such time requirement. Such an extension shall not constitute an amendment to such a special permit and shall not be required to be granted;

(19) *Special development project; surrender of permit.* Any grantee or the successor of any such grantee of a special permit for a special development project may surrender such permits to the town and city clerk at any time, in which case such special permit, and any zoning permit issued pursuant thereto, shall immediately become null and void;

(20) *Special development project; voiding of permit.* If at any time a special permit for a special development project shall become null and void, any zoning permit issued pursuant thereto shall also become null and void, and the grantee of such special permit, or the successor of any such grantee, shall be required to:

a. Remove from the property covered by such special permit any construction not permitted under the requirements of the underlying zoning district within three (3) months of the date on which any such permit became null and void, and

b. Eliminate from the property covered by such special permit any use not permitted under the requirements of the underlying zoning district within fourteen (14) days of the date on which any such permit became null and void;

Sec. 1039-1045. Reserved

ARTICLE IX.
FENCES

Sec. 1046. Permits and fees.

(a) *Required.* No person shall construct, place or maintain any fence without first obtaining a zoning permit. A fence permit must be obtained prior to erecting a new fence or replacing an existing fence.
(b) *Application.* Each application for a fence permit shall be signed by the owner of the subject real property or the owner's authorized agent, and shall be made on such forms as are prescribed by the commission.
(c) *Fee.* The permit fee for a fence permit shall be paid at the time the application is filed. The fee for such permit shall be the same as the fee for a fence conditioned building permit.

Sec. 1047. Location and placement.

(a) *Front Yards.* No fence in any zoning district may be constructed closer than one (1) foot to the front property line. No solid fence may be located in any front yard in any residential district, or on any property used for residential purposes.
(b) *Side Yards.* No fence in any zoning district may be constructed in a side yard closer than 6 inches to a side property line.
(c) *Rear Yards.* No fence in any zoning district may be constructed in a rear yard closer than 6 inches to a rear property line.
(d) *Property line.* Common property line fences may be constructed provided signature by both property owners on the application for a fence permit.
(e) *Face direction.* All fences shall be erected with the "good," "decorative," or "finished" side facing outward.
(f) *Unauthorized placement prohibited.* It shall be unlawful for any person to place or maintain any post, rail, fence, wires or other similar obstruction upon any street, sidewalk or public right-of-way in the city.

Sec. 1048. Height.

(a) *Minimum height.* The minimum height in any district for any fence is four (4) feet.
(b) *Maximum height.*

(1) *Front yards.* No fence more than four (4) feet high shall be constructed in a front yard in any district without the approval of the commission.

(2) *Industrial and commercial districts*: In the I-1, I-2 and C-1 districts, the maximum height of any fence shall be eight (8) feet, except where property is used for residential purposes.

(3) *Other districts*. In the B-1, B-2, B-3, B-4, FP, P, RO-1, RO-2, RO-3, R-1, R-2, R-3, R-4, R-5, R-6, R-7, and R-8 districts, and on any property used for residential purposes in any other district, the maximum height of any fence shall be six (6) feet, but in front yards, the maximum height shall be four (4) feet, provided, however, that a fence for a stadium that is used to catch flying objects shall be not more than fifty (50) feet in height.

(4) *Communications facilities*. Notwithstanding anything to the contrary in this section, the maximum height of any fence shall be eight (8) feet for any freestanding communications facility.

Sec. 1049. Types and materials.

No person shall install or maintain any barbed wire, razor wire or ribbon, concertina wire, electrified wire or any other similar type of wire on any fence in the city. No chain link fencing shall be allowed in front of the building line or in front yards in any zoning district, except for chain link fencing installed to replace chain link fencing existing as of May 1, 2015, provided, however, that the burden shall be placed on the property owner to show that such fence existed as of such date.

Sec. 1050. Maintenance.

Fences shall be kept in good repair or replaced when they are detached from their supports, leaning, or broken.

ARTICLE X.
LANDSCAPING

Sec. 1051. Trees and landscaping.

Open space within lots and outdoor parking areas shall be landscaped with trees, groundcover and shrubs to enhance the environmental and aesthetic quality of the city and to reduce the visual impact of parking areas from the public right-of-way and from adjoining properties and to promote the principles of low-impact development. This section regulates the quantity and location of landscaping on all lots in all zoning districts. All development activity shall require either retention or installation of landscaping and trees, in accordance with the provisions of this section.

(a) *Quantity of trees required*: Sufficient trees shall be retained or planted on a lot so that the square footage of vegetative canopy of such trees, when mature, equals a certain percentage of the square footage of the lot. This required percentage varies by zoning district and is listed in section 1051(a)(1). The total canopy coverage for a lot is the sum of the canopy, at maturity, of the individual trees located on the lot. The square footage of canopy cover varies according to tree species and is shown in the table in section 1051(b)(2). Street trees located in the public right-of-way directly adjacent to the property line of the lot may be counted toward the canopy coverage for the lot. For developments that encompass more than one lot, the percentage shall be calculated for the total canopy for the total area of all of the lots. For developments that span multiple blocks, the percentage required shall be calculated separately for each contiguous area of the development within a block. Where existing conditions or other provisions of this section make it impracticable to meet the canopy coverage requirement on or adjacent to the site, the applicant shall plant sufficient trees to make up the shortfall in public rights-of-way within one quarter (¼) mile of the lot(s), with the location to be determined by the city forester.

(1) Quantity of trees by canopy coverage: The percentage of canopy coverage required for each zoning district is listed as follows:

a. R-1, R-2, R-3, R-4, R-5, R-6, R-7, R-8, RO-1, RO-2, RO-3 and FP districts: Thirty (30) percent of the square footage of the lot(s) or development.

b, B-1, B-2, B-3, B-4 districts: Fifteen (15) percent of the square footage of the lot(s) or development.

c. I-1, I-2, C-1 districts: Five (5) percent of the square footage of the lot(s) or development

d. Overlay districts: The canopy coverage requirement of the base zoning district(s) shall apply.

(2) Canopy coverage by tree size: The city forester shall maintain a list of trees species and the expected size of the canopy for each species, at maturity, when planted in Hartford. Trees shall be classified as small, medium or large and the canopy coverage for each is as follows:

Tree Size	Canopy Size (sq. ft.)
Large	1,000
Medium	700
Small	300

Additional credit for canopy coverage may be granted for retaining healthy trees of appropriate species and location, subject to the approval of the city forester, as follows:

Tree Diameter at four and one half (4½) feet above ground	Additional Canopy Credit (sq. ft.)
≥ 10 inches	300
≥ 20 inches	700

(b) *Location of trees and landscaping for parking areas—five (5) or more motor vehicles:* The following requirements are for principal or accessory use parking areas for five (5) or more motor vehicles, regardless of zoning district. Any trees planted pursuant to this section shall be included in the quantity required for section 1051(a).

(1) Parking areas abutting public rights of way: For parking areas that abut public rights of way, there shall be a planted strip, at least five (5) feet wide and at least five (5) feet in length, along the entire length of the border between the parking area and the right of way. At least one (1) tree shall be planted in this strip for every twenty-five (25) linear feet of frontage. These trees shall be large, medium or small trees, as classified in section 1051(a)(2). The planted strip shall include grass, perennial plantings, or a combination of both, and may also include annual plantings. Where existing conditions or other provisions of these regulations make it impossible to meet this planting strip standard, the city forester may approve a modification to the width or location of the planted strip, or the spacing or number of trees in the strip, so long as there is no net loss of planted area or number of trees required by this paragraph. The city forester, in consultation with the director of the department of public works, may also permit a portion of the landscape strip and plantings to be located in the public right-of-way.

(2) Internal planting in parking areas: At least five (5) percent of the interior area of any parking lot shall be landscaped; this percent figure excludes any perimeter planting required by the preceding subsection (1). Where trees are planted in the interior of parking areas, they shall be located within islands that are curbed to prevent damage from automobiles. A landscaped strip a minimum of four (4) feet in width and a minimum of four (4) feet in length and shall be provided between each two (2) tiers of parking spaces and planted with at least one (1) small or medium sized tree, along with shrubs or other appropriate evergreen plant life, so as to provide for natural drainage where feasible and beautify such parking lots to the extent possible. Extensive unbroken paved areas in large on grade open parking facilities shall not be permitted. In parking lots containing twenty-five (25) or more spaces, a row shall contain no more than fifteen (15) contiguous parking spaces without a densely planted landscaped buffer of at least the dimensions of one parking space.

(3) Parking areas abutting lots in residential and residential-office districts: Where a parking area in any zoning district adjoins a lot in a residential or residential-office district, the parking area shall be screened by a solid wall, a uniformly painted tight board fence, or a hedge of compact evergreens or other suitable plantings. Such screen shall be at least four (4) feet in height, and shall extend five (5) feet in from the property line, and shall be erected and maintained between the entire border of such parking area and the property in the residential or residential-office district.

(4) Parking lots in the in the B-1- and B-2 districts: Surface parking lots in the B-1 and B-2 districts shall be landscaped as follows:

a. Surface parking lots shall not be permitted within ten (10) feet of the public right of way. For areas between the parking lot and the public right of way that do not contain buildings, such

areas shall be landscaped and fenced as required by the planning division and the licensing authority designated by the charter. Such areas may contain hardscape elements.

b. The planning division and the licensing authority designated by the charter may impose further conditions to ensure that surface parking areas do not have a negative impact on the surroundings.

(c) *Maintenance:* All landscaped areas shall be maintained. This shall include replacement of dead or damaged plant material; the furnishing and installation of mulch; weeding; mowing of grass; cleaning of litter; or any other action deemed necessary by the zoning administrator to insure that the requirements of this section are met. Failure to maintain a landscape area shall be deemed a violation of these regulations.

(d) *Conformance required:* All development activity shall trigger conformance, depending on the scope of work, with the provisions of this section.

(1) Development activity that requires conformance: Conformance with this section shall be required whenever property is developed that meets any of the criteria described below:

a. At a minimum, full conformance with this section is required for the entire development or area within the limits of disturbance, whichever is less.

b. If land within limits of disturbance equals more than fifty (50) percent of the area of the lot or lots being developed, the entire development shall fully conform to the requirements of this section.

c. Full conformance with this section is required when new principal-use buildings are constructed in the R-6, R-7, R-8, and FP districts.

d. No development or tree cutting shall result in a loss of trees and landscaping below what is required by this section.

(2) Nonconformance: Lots or developments that do not conform to the regulations of this section on the date of enactment of this section shall be considered legally nonconforming to the dimensional requirements of this section. In addition, any action that reduces the canopy cover and/or landscaping below what is required by this section shall require in-kind replacement of the canopy and/or landscaping lost.

(e) *Removal of significant trees:* No significant tree shall be removed without the prior permission of the City Forester.

(1) Application: Any person wishing to remove a significant tree shall file a request to do so with the city forester.

(2) Required findings for approval: In order to grant permission to remove a significant tree, the city forester must make one or more of the following findings within thirty (30) days of receipt of the application:

a. The tree is in poor health or diseased with an expected life span less than two (2) years.

b. The removal of the tree is unavoidable because the tree poses a danger to human safety, health and welfare.

(3) Penalties. Any person who removes a significant tree without prior permission from the city forester, or causes the death of a significant tree through negligent construction practices or other means as determined by the city forester, shall be subject to a one-time fine equivalent to the value of the tree. The tree value shall be established using the Trunk Formula Method set forth in the latest edition of Guide for Plant Appraisal authored by the Council of Tree and Landscape Appraisers. Fines shall be held by the department of public works for forestry-related uses as determined by the department director.

(f) *Tree pit design:* Trees shall be planted according to the standards adopted by the city forester.

(g) *Tree size at planting*: At planting, trees shall be at least two (2) inches in caliper.

(h) *Tree pruning*: Nothing in this section shall be construed to prevent tree pruning to promote the health of a tree or for public safety purposes.

(i) *Tree protection during development activity*: During development, all precautions shall be undertaken to prevent construction damage to existing trees. Protection shall not only include prevention of injury to the trunk and branches of existing trees, but also include the protection of the root systems. No person shall create a trench through the root system of an existing tree, expose the roots to the air overnight without a method for maintaining moisture, change the soil grade within the dripline of the tree, or cause soil compaction with the use of vehicles, machinery, or other method. The root systems of trees on adjacent lots shall also be protected.