

Section 5 Purpose

The use of land, buildings and structures, within the Town of Hamden, shall be established and constructed so as to conform to this Article and these Regulations. These standards establish certain nuisance factors that if committed or exceeded in the use of land, buildings and structures will be detrimental to the use, enjoyment and value of other land, buildings and structures and will be detrimental to the public health, safety and welfare.

The Zoning Enforcement Officer is authorized to make surveys and take measurements to determine compliance. No application for a Zoning Permit, nor a Certificate of Zoning Compliance shall be approved or issued by the ZEO until it has been determined that the proposed use of the land, building(s), and structure(s) will be established and conducted in accordance with these standards and with the standards stated in other relevant Town, State and Federal codes, ordinances and/or regulations. The standards specified in these regulations shall be of continuing application.

Section 5.1 General Requirements

The following general regulations pertaining to lots, yards, visibility at intersections, height limits and dwellings are applicable to all zones and are to be applied in addition to the specific requirements of the applicable zone.

5.1.1 Hours of Outdoor Construction

Unless otherwise explicitly allowed by the Commission outdoor construction shall only occur between the hours of 7am and 5pm Monday through Friday.

5.1.2 Change in Use (329)

A nonconforming use may be changed to another nonconforming use subject to approval of a Special Permit and the following conditions:

- a. The proposed use will not have an increased impact upon the surrounding area;
- b. The number of required parking and loading spaces will not increase, and;
- c. The amount of impervious surface will not increase.

Once changed to a more conforming use, no use shall be changed again to a less conforming use. Bulk standards of the underlying zone shall apply.

Section 5.2 Environmental Conditions

5.2.1 Preservation of Special Features

The applicant shall preserve special features that enhance the value of the development and/or the community. Special features to be preserved include, but are not limited to: large individual trees, groves or stands of trees; brooks, streams, ponds, creeks, waterfalls, lakes, wetlands and their adjacent buffer areas; historic landmarks; scenic vistas, overlooks, ridgelines.

The planning and design of the site, including related streets, drainage and other improvements, shall provide for preservation of natural features of the site by:

- a. Avoiding cuts or fills that result in potential soil erosion and excessive tree removal or that disturbs water

resources;

- b. Avoiding relocation of or encroachment upon natural wetlands, watercourses and their buffer areas;
- c. Avoiding removal of mature trees, desirable woods and other vegetation, particularly those existing plant materials that serve as wind barriers in the winter or offer passive cooling of buildings in the summer;
- d. Minimizing driveway and road width and curbing to reduce necessary clearing and retain the natural landscape;
- e. Identifying these special features on the topographic maps submitted in accordance with these Regulations.

5.2.2 Alternative Preservation Plans

Should the applicant propose to remove, alter, or in any way change the features described above, he/she shall submit documentation acceptable to the Commission demonstrating that the proposed plans to preserve special features are reasonable.

5.2.3 Air Pollution

No dust, dirt, fly ash, smoke, gas, fumes or odors shall be emitted into the air from any lot so as to endanger the public health and safety, to impair safety on or the value and reasonable use of any other lot, or to constitute a critical source of air pollution or to create a nuisance.

5.2.4 Danger

No material which is dangerous due to explosive potential, extreme fire hazard or radioactivity shall be used, stored, manufactured, processed or assembled except in accordance with applicable codes, ordinances and regulations of the Town of Hamden, State of Connecticut and Federal Government.

5.2.5 Noise

(See Ordinance 100.02 enforced by the Hamden Police Department)

5.2.6 Vibration

With the exception of vibration necessarily involved in the construction or demolition of buildings, no vibrations shall be transmitted beyond the lot where it originates.

5.2.7 Refuse and Pollution

No refuse or other waste materials shall be dumped on any lot except as provided for in these regulations. No refuse or other waste materials and no liquids shall be dumped on any lot or dumped or discharged into any river, stream, water course, storm drain, pond, lake or swamp so as to constitute a source of water pollution.

5.2.8 Natural Resource Removal, Re-grading & Filling, Accessory Use

Loam, topsoil, sand, gravel, clay or stone may be excavated, or removed from any lot, and land may be re-graded or filled, subject to Special Permit and Site Plan approvals and the following conditions:

- a. Loam, topsoil, sand, gravel, clay or stone may be excavated or removed from any lot, and land may be re-graded or filled subject to Special Permit and Site Plan approval and the conditions specified in Section 5.2.8.
- b. Demolition debris consisting of brick, block and concrete may be screened, sifted, washed, crushed or processed in conjunction with the demolition of existing on site structures in any zone subject to Special Permit and Site Plan approval and the following qualifying standards and the conditions:

- i. Site is one acre or more in size;
 - ii. Site is located on and has access to a major thoroughfare as designated on the Town Road classification map;
 - iii. Structures to be crushed are at least 5,000 square feet in dimension; and
 - iv. Crushing activity is limited to no more than four months.
- c. Commercial excavation, clay and gravel mining operations are prohibited.

5.2.8.1 General Requirements

- a. Natural resource removal, re-grading and filling in excess of 1,000 cubic yards, exclusive of that earthwork falling within the area delineated by the footprint of an approved structure, shall only be allowed when part of site development that is essential to an application requiring Site Plan and/or Special Permit approval.
- b. Natural resource removal, re-grading and filling in excess of 60 cubic yards but less than 1,000 cubic yards, exclusive of that earthwork falling within the area delineated by the footprint of an approved structure, shall only be allowed when part of site development that is essential to an application requiring a Zoning Permit, Site Plan and/or Special Permit approval.
- c. Natural resource removal, re-grading and filling in excess of 1,000 cubic yards, exclusive of that earthwork falling within the area delineated by the footprint of an approved structure, shall only be allowed when part of site development that is essential to an application requiring Special Permit approval.

5.2.8.2 Exceptions

- a. Excavation, removal, re-grading or filling in conjunction with an approved Subdivision grading plan provided that no more than 10,000 cubic yards of material are deposited or removed.
- b. Incidental excavation, removal, re-grading or filling in connection with maintenance or landscaping, provided that no more than 60 cubic yards of material is deposited or removed per calendar year.
- c. Agricultural excavation, re-grading or filling operations provided that no more than 250 cubic yards of material are deposited or removed per calendar year.

5.2.8.3 Required Information

Any application involving more than 1,000 cubic yards of excavation, re-grading or filling, shall contain the following information unless waived by the Town Planner and the Town Engineer:

- a. Existing contours in the area to be excavated re-graded or filled and proposed contours after completion of excavation, re-grading or filling;
- b. Proposed vehicular access to a street;
- c. An estimate of the number of cubic yards of material to be filled, excavated, graded, or removed;
- d. An estimate of the time necessary to complete the operation;
- e. An estimate of the number and types of trucks and other machinery to be used on the site;
- f. The location(s) and type(s) of buildings, including temporary buildings, to be erected;
- g. Hours of operation and number of calendar days anticipated to complete filling, excavating, grading, re-grading or removal; and
- h. Details of any proposed blasting and storing of explosives.
- i. To reasonably review an application, the Commission may require the submission of additional information regarding soil conditions, locations and depth of rockledge, ground water conditions and other such information. The Commission may request such information for both pre- and post-development conditions.
- j. Sedimentation and erosion control plans with all information required per Section XXX of these regulations.

5.2.8.4 Standards

Permits issued for natural resource removal, re-grading and filling activity shall be valid for up to two years. Projects involving more than 1,000 cubic yards of excavation, removal, re-grading or fill will require permit renewal for such activity every two years.

The Commission may require the applicant to submit periodic reports demonstrating the progress of the excavation, re-grading, removal, or filling activity, including contours and cross sections. These reports shall be prepared and certified by a civil engineer or a land surveyor, licensed to practice in the State of Connecticut. If at any time the Commission finds that the excavation, re-grading, removal or filling is not being conducted or cannot be conducted in accordance with the approved plans, the Commission shall order the applicant to cease operation and may revoke the permit.

At the time of expiration the property owner or his/her authorized agent shall file with the Commission a report by a civil engineer or surveyor, licensed to practice in the State of Connecticut certifying that the excavation, re-grading or filling completed to date conforms with the approved plans. A 2-year renewal may be granted by the Commission in accordance with the procedures and standards of these Regulations, based upon updated maps and data.

If the Commission finds that excavation, re-grading, removal or filling will not result in the creation of any drainage or sewage problems or other conditions which would impair the use of the property in accordance with these Regulations and that such excavation, re-grading, removal or filling will be in harmony with the general purpose and intent of the Zoning Regulations the Commission shall issue a Special Permit and/or Site Plan with the following conditions:

- a. Resulting slopes shall not increase the concentration or flow of water or sediment to adjoining properties;
- b. Adverse drainage or sewage problems or other conditions which would impair the use of the property shall not be created or exacerbated;
- c. No screening, sifting, washing, crushing or other processing shall be conducted on the premises unless located in a Manufacturing Zone or unless approved as part of a Special Permit and Site Plan application in accordance with Paragraph 5.2.1.A.2.
- d. There shall be no excavation within 20 feet of any street line or any other lot line.
Exceptions: Excavation of an elevation equal to or above the grade of an adjoining lot or street at the lot line or street line;
Excavation is within the area delineated by the footprint of an approved structure;
Restriction on excavation within 20' of a lot line shall not apply if:
 - i. The adjoining property owners file a joint application that is approved by the Commission;
 - ii. The adjoining property owner documents that he/she has no objections to the proposed activity;
 - iii. The Town Engineer determines that the proposed activity will not adversely affect the adjoining property.
- e. Proper drainage shall be provided to prevent the collection and stagnation of water.
- f. No sharp declivities, pits, depression or soil erosion problems shall be created, and no resulting slopes or banks shall exceed 1 foot of vertical rise to 2 feet of horizontal distance.
- g. Any soil stored on-site for more than 30 days shall be stabilized and seeded. All stockpiled soil shall be protected by approved sedimentation and erosion controls.
- h. Topsoil shall be spread uniformly over the excavated or filled area and over exposed rock surfaces resulting from excavation or fill, to a minimum depth of four inches in accordance with the approved contour plan. No excavated rock will be stockpiled on the premises, except that to be used on-site for erosion control or landscaping.
- i. When the excavation, re-grading, removal or filling operations have been completed, the excavated, re-graded, or filled area and other vegetated areas destroyed by the excavation, re-grading, or filling process shall be seeded with a perennial rye grass or similar planting.
- j. Truck egress site(s) shall be equipped with anti-tracking pads. Access to and from the excavation site shall be located so as to minimize conflict with existing traffic patterns.
- k. The premises shall be excavated, re-graded or filled in conformity with the plan as approved.
- l. All materials used as fill shall be noncombustible. Broken blocks, bricks, concrete, rocks and similar debris

are allowable as fill when mixed with enough gravel or filler to create fill that is void of air pockets.

5.2.9 Sediment and Erosion Control Regulations (660)

5.2.9.1 Purpose

A soil erosion and sediment control plan shall be submitted with any application for development when the disturbed area of such development is cumulatively more than 1/2 acre.

5.2.9.2 Exemptions

- a. A single-family dwelling that is not part of a subdivision of land;*
- b. Any application for development where the disturbed area is one-half acre or less; and*
- c. Agricultural activities.*

5.2.9.3 Application

- a. A soil erosion and sediment control plan shall contain proper provisions to adequately control accelerated erosion and sedimentation and reduce danger from stormwater runoff on the proposed site based on the best available technology, found in the Connecticut Guidelines for Soil Erosion and Sediment Control (2002), as amended. Alternative principles, methods and practices may be used with prior approval of the Commission. Said plan may be submitted as part of a Special Permit or Site Plan application as set forth in these regulations. Plans shall include:
 - i. A narrative describing the development, a 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 the sequence for final stabilization of the project site.
 - ii. The design criteria, construction details, installation and/or application procedures, and operations and maintenance program for proposed soil erosion and sediment control measures and storm water management facilities.
- b. A site plan complying with Section 10.5.3 and containing the following additional information:
 - i. The proposed area alterations including cleared, excavated, filled or graded areas;
 - ii. The location of and design details for all proposed soil erosion and sediment control measures and storm water management facilities;
 - iii. The sequence of grading and construction activities;
 - iv. The sequence for installation and/or application of soil erosion and sediment control measures; and
 - v. The sequence for final stabilization of the development site.
- c. Any other information deemed necessary and appropriate by the applicant or requested by the Commission or its designated agent.

5.2.9.4 Standards

The Soil Erosion and Sediment Control Plan shall meet the following minimum standards:

- a. Plans for soil erosion and sediment control shall be developed in accordance with these regulations using the principles as outlined in Chapters 3 and 4 of the Connecticut Guidelines for Soil Erosion and Sediment Control (2002), as amended.
- b. The minimum standards for individual measures are those in the Connecticut Guidelines for Soil Erosion and Sediment Control (2002), as amended.
- c. The appropriate method from Chapter 9 of the Connecticut Guidelines for Soil Erosion and Sediment Control (2002), as amended, shall be used in determining peak flow rates and volumes of runoff unless an alternative method is approved by the Commission.
- d. The Commission may grant exceptions to the minimum standards when requested by the applicant if technically sound reasons are presented.

5.2.9.5 Procedures

Soil Erosion and Sediment Control Plans shall be submitted as part of a Special Permit or Site Plan application. Plans for development not requiring Special Permit or Site Plan review shall be submitted as part of a Zoning Permit application.

The Commission and/or its designated agent may refer any Soil Erosion and Sediment Control plan to the New Haven County Soil and Water Conservation District or to any other agency or consultant for review and comment.

5.2.9.6 Conditions

The Commission or its designated agent may include conditions deemed necessary, including, but not limited to:

- a. Installation of measures necessary for control prior to start of construction;
- b. Receipt of a bond to cover costs of measures required to control soil erosion and sedimentation; and
- c. Progress reports from the applicant assuring installation and maintenance of controls.

5.2.9.7 Inspections

Inspections shall be made by the Commission and/or its designated agent(s) during development to ensure compliance with the approved plan and that control measures and facilities are properly performed, installed and maintained.

5.2.10 Grading

5.2.10.1 Grading Standards (318)

- a. Slopes of paved surfaces must not be less than 1.0% in grade.
- b. Slopes of earth surfaces must not be less than 2.0% in grade in the general vicinity of buildings, to ensure drainage away from the buildings.
- c. Unpaved driveway grades may not exceed 10%. Paved driveway grades may not exceed 12%. Driveways require a blend, or vertical transition curve, not to exceed 6%. Lots recorded on the land records prior to the adoption of this section of the Zoning Regulations may exceed the above percentages with the approval of the Town Engineer.

5.2.10.3 Stormwater Management

5.2.10.3.1 Zero net increase in peak run-off

No increase in storm water peak flows will be allowed unless downstream increases are compatible with an overall flood plain management system. The following items should be considered in determining whether increased peak flows are compatible with an overall flood plain management system:

- a. Timing of peak flows from sub-watersheds
- b. Increased duration of high flow rates
- c. Stability of the downstream channels
- d. Distance downstream that the peak discharges are increased
- e. When storm water detention structures are required, they shall be designed so that the peak flow after development shall not exceed or shall be substantially less than the pre-construction peak
- f. Run-off prior to development from the 2, 10 and 100 year flood events.

The applicant shall furnish projections of the increase of storm water runoff created by the proposed develop-

ment from the 2-year, 10-year and 100 year frequency, 24-hour duration Type III Distribution Storms, as computed with Technical Release #55, Urban Hydrology, Engineering Division, Soils Conservation Service, USDA, January 1975, as amended or by use of other methods conforming to sound engineering practice. Rational method shall not be used in computing drainage flows in drainage basin areas in excess of 200 acres.

5.2.10.3.2 General Control of Run-off

Development shall not increase the concentration or flow of water or sediment to adjoining properties;

Section 5.3 Lot, Block and Building Configuration

5.3.1 Front Yards / Build-To Lines (314.1)

The purpose of this section is to create a uniform location for buildings by requiring a build-to line. This section shall apply to all lots in R3, R4, R5, T3, T4 and T5 zones.

In the case of an infill lot, the front yard setback shall match one of the existing adjacent frontyard setbacks.

Where buildings exist on adjacent lots, the Planning and Zoning Commission may require that a proposed building match one or the other of the adjacent setbacks and heights rather than the provisions of these regulations, subject to Site Plan approval.

5.3.4 Rear Lots (311)

No building or structure shall be built on any lot unless the lot has a frontage of at least 25 feet on a public street or in an approved subdivision, unless otherwise authorized by the Town Engineer under Chapter 154 of the Code of Ordinances regarding building on unaccepted streets. Access to the rear lot shall be provided by an access way that shall:

- a. Not exceed a length of 400 feet;
- b. Not be less than 25 feet wide at any point;
- c. Not be included in the minimum required lot area; and
- d. Contain a driveway from the public street to the building or structure;
- e. Contain only one driveway and provide access for one lot only. The Commission may approve a shared access-way where there is an environmentally sensitive crossing;
- f. The maximum number of abutting access ways shall not exceed two.

All rear lots created after the effective date of this amendment must comply with the following standards:

- a. Each lot must be at least 50% larger than the standard minimum lot permitted in that zone.
- b. There must be a buffer of at least 50 feet between any structures on the rear lot and the boundary between the front and rear lots. The buffer must contain evergreens or fencing providing adequate screening.
- c. Rear lots shall be limited to 15% of the total lots proposed for subdivision and may only be approved in conjunction with a subdivision.

5.3.5 Non-conforming Lots, Buildings and Uses (331)

These Regulations shall not prohibit the construction of an otherwise permitted structure on, or an otherwise permitted use of, any lot, the area or width of which does not meet the minimum area or does not meet the minimum width requirements of the zone in which it is located, provided:

- a. The lot was of legal size on the date it was created as a lot; and
- b. All yard, coverage and other zoning requirements can be met. However; in those instances where the lot area or shape prevent conformance with one or more yard requirements, the requirement for that yard shall be the same as the most restrictive zone to which the lot area most nearly conforms; and

- c. The owner of the lot presents satisfactory evidence of compliance with this section;
- d. Existing buildings and appurtenances that do not conform to the provisions of these Regulations may continue in the same use and form until a substantial modification occurs or is requested, at which time the Planning and Zoning Commission shall determine the provisions of this Section that shall apply;
- e. The modification of existing buildings is permitted by Site Plan Approval if such changes result in increased compliance with the specifications of these regulations;
- f. Existing parking requirements that exceed those for these Regulations may be reduced as provided for by the Regulations;
- g. The restoration or rehabilitation of an existing building shall not require the provision of:
 - i. Parking in addition to that existing, or;
 - ii. On-site stormwater retention/detention in addition to that existing.

5.3.8 Yard Projections

Nothing in these Regulations shall prohibit the projection of not more than one foot into a required yard of pilasters, belt courses, columns, sills, cornices, or similar architectural features, nor the planting of landscaping of such spaces. In the case of one, two and three family homes existing at the effective date of this amendment, uncovered ramps required for handicapped accessibility may project as necessary into a required yard. The ramps should be compatible with the architecture of the structure and neighborhood and should not adversely affect property values. Uncovered ramps shall not be considered when calculating area coverage. In the case of one, two and three family homes, unenclosed stoops or verandas and associated roof overhangs may project not more than six feet into any required yards.

5.3.10 Height Limitations (315)

The building height limit shall be applied separately for each wing or other distinct portion of the building or structure.

The height limitations of these Regulations may be exceeded as follows, provided that such features are only erected to such heights as are necessary to accomplish the purpose they are intended to serve:

5.3.10.1 A spire, tower or belfry on a religious institution, school, public library, or public museum provided that:

- a. The height of the spire, tower or belfry shall not exceed 50 feet; and
- b. The total area covered by such features shall not exceed 10% of the roof area.

5.3.10.2 Cupolas or chimneys provided that:

- a. The height of the cupola or chimney shall not be more than 20% higher than the total building height allowed; and,
- b. The total area of such features which exceed the total building height limitation shall not exceed 5% of the roof area.

5.3.10.3 Flagpoles of up to 75 feet in height;

5.3.10.4 Water tanks where the Commission has granted a Special Permit for an increase in height;

5.3.10.5 Roof-top equipment for non-residential buildings (such as HVAC equipment, ventilators, skylights, bulkheads, or similar features) provided that:

- a. Adequate appropriate screening shall be provided; and
- b. Such equipment which exceeds the total building height limitation shall not have a horizontal area greater

than 5% of the roof area of the building on which it is located.

5.3.10.6 See **Section 9.30.3** regarding height limits of amateur radio antennas.

5.3.10.6 Gas stations, Drive-in Teller and similar canopies that are accessory structures shall provide a minimum clearance of 14 feet and may not exceed 18 feet in height.

5.3.11 Land in Two Municipalities

5.3.12 Calculation of Lot Area (310.1)

To determine compliance with the minimum lot size required in any zone or for any use, the area of wetlands, watercourses and steep slopes exceeding 20% grade shall be subtracted.

EXAMPLE for Calculating Lot Area	
Total Land Area	80,000 sf
minus Wetlands	- 10,000 sf
minus Steep Slopes ^a	- 10,000 sf
Lot Area	- 60,000 sf

^a Steep slopes are those with an excess of 20% grade

5.3.13 Lot Splits and Lot Line Revisions

All Simple Splits and Lot Line Revisions must be reviewed and approved by the Town Planner prior to recording on the Land Records and may not result in creation of a rear lot or a non-conforming lot.

Section 5.4 Site Amenities

5.4.1 Accessory Buildings (314.4)

5.4.1.1 Detached accessory buildings:

- a. If an accessory building is not used for human habitation or for the housing of animals it may be located in the rear yard not less than 3 feet from any side lot line or 3 feet from any rear lot line provided that said structure shall have a pitched roof with a minimum pitch of 4/12 and shall not exceed 15 in height.

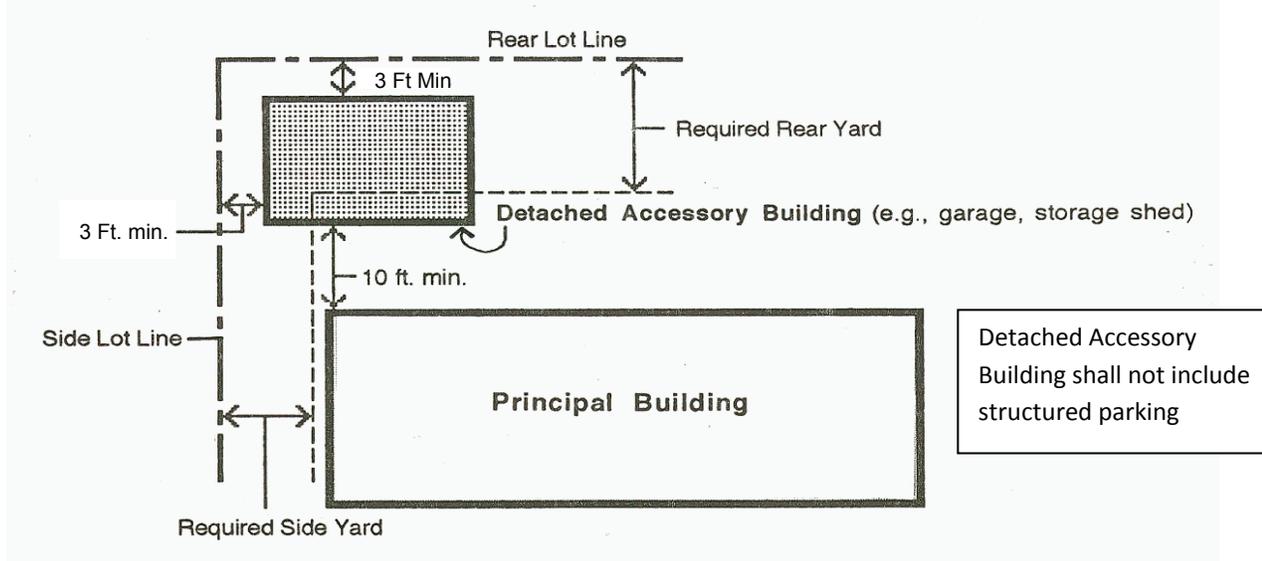


Figure 5.1 Location(s) of Accessory Buildings on Lot.

- b. No swimming pool, tennis court, or other recreational structure including related improved areas shall be permitted in any required side or front yard of any residential zone.

5.4.2 Landscape Standards

The following standards are intended to enhance the appearance and natural beauty of the Town and to protect property values through preservation and planting of vegetation, screening and landscaping material. Specifically, these standards are intended to reduce excessive heat, glare and accumulation of dust; to provide privacy from noise and visual intrusion; and to prevent the erosion of the soil, excessive run-off of drainage water, and the consequent depletion of the ground water table and the pollution of water bodies.

Any tree or shrub planted in a Hamden right-of-way shall be selected from the list below:

Location	Variety	Mature Size	Preferred for:	Possible Negatives	Best Cultivars
Street & Park	English Oak, <i>quercusrobur</i>	40-60 ft	easy to transplant, tolerant	acorns, mildew problems	<i>Fastigiata</i> (upright forms for street planting)
Street & Park	Japanese Flowering Cherry, <i>prunus serrulata</i>	20-35 ft	spring flowers, less wire interference	spreading habit, life expectancy	<i>Kwansan</i>
Street & Park	Paperback Maple, <i>acer griseum</i>	20-30 ft	bark, fall color, tolerance of soil conditions	availability	
Street & Park	Eastern Redbud, <i>cercis canadensis</i>	20-30 ft	flowers, highly tolerant	leaf spot, seed pods	<i>Forest Pansy, Oklahoma</i>
Street & Park	Kousa Dogwood, <i>cornus kousa</i>	20-30 ft	flowers later, more disease/insect resistant		<i>C. Kousa, Rutgers hybrid</i>
Street & Park	Flowering Crabapple, <i>malus</i>	15-25 ft	spring flowers of white, red or pink	rust, scab	various
Street & Park	Sargent Cherry, <i>prunus sargentii</i>	20-30 ft	spring flowers, longer lasting		<i>Columnaris</i>
Street & Park	Sawtooth Oak, <i>quercus acutissima</i>	35-45 ft	better transplanter, longevity	availability, acorns	
Street & Park	Shingle Oak, <i>quercus imbricaria</i>	50-60 ft	highly tolerant, longevity	acorns, size	
Street & Park	Japanese Maple, <i>acer palmatum</i>	20-25 ft	red foliage, fall color, less wire interference		<i>Bloodgood</i>
Street & Park	Dogwood, <i>cornus florida</i>	25-30 ft	white or pink spring flowers	dogwood borer, anthracnose	<i>Cherokee, Chief/Princess, Cloud Nine</i>
Street & Park	Flowering Pear, <i>pyrus calleryana</i>	30-35 ft	spring flowers, pyramidal habit	life expectancy, breakage	<i>Chanticleer, Aristocrat</i>
Street	Honey Locust, <i>gleditsia triacanthus, var. inermis</i>	30-70 ft	fall color, open habit	bean pod, fruit	<i>Shademaster</i>
Street	Ginko, <i>ginko biloba</i>	50-80 ft	fall color	wet soil, plant only male trees	
Street	London Planetree, <i>platanus x acerifolia</i>	70-100ft	highly tolerant, interesting bark	anthracnose, disease susceptible	<i>Bloodgood</i>
Street	Linden, <i>tilia cordata</i>	40-70 ft	highly tolerant, pyramidal habit		<i>Greenspire</i>

Table 5.1 Street & Park Tree List

Location	Variety	Mature Size	Preferred for:	Possible Negatives	Best Cultivars
Street	Japanese Zelkova, <i>zelkova serrata</i>	50-80 ft	resemblance to Elm, highly tolerant		<i>Green Vase, Village Green</i>
Street	Red Maple, <i>acer rubrum</i>	40-60 ft	fall color, columnar & spreading cultivars		<i>October Glory, Red Sunset</i>
Street	Katsiratree, <i>cercidiphyllum japonicum</i>	40-60 ft	fall color	trunk splitting in young treet	
Street	Trident Maple, <i>acer buergerianum</i>	25-35 ft	fall color, bark, drought tolerant, less wire interference	availability	
Street	Hedge Maple, <i>acer campestre</i>	25-35 ft	tolerant to stress, less wire interference	availability	<i>Queen Elizabeth</i>
Street	American Hornbeam, <i>carpinus carolinian</i>	20-30 ft	fall color, less wire interference		
Street	Turkish Filbert, <i>corylus colurna</i>	40-50 ft	pyramidal habit, drought tolerant	availability, nuts	
Street	Green Ash, <i>fraxinus pennsylvanica</i>	50-60 ft	stress tolerant, fall color	borer, scale	<i>Patmore, Summit</i>
Street	Pin Oak, <i>quercus palustris</i>	60-70 ft	easy to transplant, pyramidal habit, fall color	acorns, size	
Street	Chinese Elm, <i>ulmus parvifolia</i>	40-50 ft	bark, resistant to Dutch Elm disease, highly tolerant	availability	<i>Allee</i>
Street	Crimson Kin Norway Maple, <i>acer platanoides</i>	40 ft	red foliage, slower growing		
Street	Sycamore Maple, <i>acer pseudo-platanus</i>	60 ft	salt & soil tolerant		
Park	Japanese Stewartia, <i>stewartia pseudocamellia</i>	20-40 ft	summer flowers, bark, fall color	heat tolerance	
Park	Sugar Maple, <i>acer saccharum</i>	60-75 ft	fall color, columnar & spreading cultivars	stress tolerance	<i>Green Mountain, Monumentale-columnar</i>
Park	Amur Corktree, <i>phellodendron amurense</i>	30-45 ft	bark, interesting structure	stress & soil tolerant, fruit	
Park	Downy Serviceberry, <i>amelanchier arborea</i>	15-25 ft	white flowers in spring, edible fruit	fruit	<i>A.laevis, A. x grandiflora</i>
Park	River Birch, <i>betula nigra</i>	40-50 ft	interesting bark, not susceptible to bronze birch borer	leaf spot, leaf drop	<i>Heritage</i>
Park	Fringetree, <i>chionanthus retusus</i>	15-25 ft	flowers, highly tolerant	fruit (females)	
Park	Dove Tree, <i> davidia involucrata</i>	20-30 ft	“dove like” flowers	hardiness, availability	
Park	European Beech, <i>fagus sylvatica</i>	50-60 ft	good for large area planting, interesting bark		purple, copper varieties
Park	Franklinia	10-20 ft	summer flowers, fall color	soil tolerance	
Park	Sourwood, <i>oxydendrum arboreum</i>	25-30 ft	summer flowers, fall color	may be difficult to transplant	

5.4.3 Landscaping, Screening and Buffer Areas (760)

5.4.3.1 General Requirements

The following provisions shall apply to any use in all zones:

- a. Landscaping materials, trees, and other plants required by these regulations shall be installed according to accepted horticultural practices and all plants shall be maintained in a healthy growing condition. Any landscaping materials, trees, and/or plants that are in a condition which does not fulfill the intent of these regulations shall be replaced in kind by the property owner during the next planting season.
- b. The property owner shall maintain a screening fence or wall required by these regulations in good condition throughout the period of the use of the lot.
- c. All landscaping materials, trees and plants adjacent to parking areas, loading areas or driveways shall be properly protected from damage by vehicles by barriers, curbs or other means.
- d. To the extent possible, existing trees, vegetation and unique site features such as stonewalls shall be retained and protected. Existing healthy, mature trees, if properly located, shall be fully credited against the requirements of these regulations.
- e. Where it is not feasible to comply with the requirements for a front landscaped area or landscaped parking area due to lot size and shape or existing structures, the Commission may approve the substitution of planters, plant boxes or pots containing trees, shrubs, and/or flowers to comply with the intent of these regulations.
- f. In cases where the edge of the pavement within a public right-of-way does not coincide with the front lot line, the property owner shall landscape the area between the front lot line and the edge of the street pavement.

5.4.3.3 Front Landscaped Area

The purpose of the landscaping is to enhance the appearance of the use on the lot but not to screen the use from view. A front landscaped area shall be required for all uses in all zones. The required landscaped area shall be covered with grass or other ground cover and shall include appropriate trees and shrubs. As a minimum, one shade tree having a caliper of two inches shall be planted within the front landscaped area for each 50 feet or fraction thereof of lot frontage.

Residential Zones. In all residential zones, the required front yard, except for the driveway, shall be landscaped with grass or other suitable ground cover, trees, and/or shrubs.

Non-Residential Zones. In all non-residential zones, if a building is setback from the front lot line by 25 feet or more, there shall be:

- a. A landscaped area at least 5 feet wide abutting the front of the building;
- b. A landscaped strip of not less than 5 feet wide along and contiguous to the front lot line of the property, or;
- c. An equal amount of landscaped area acceptable to the Commission in other location on the site.

5.4.3.4 Buffer Area

The purpose of the buffer area is to provide privacy from noise, headlight glare, and visual intrusion to residential dwellings. A buffer area shall be required along all boundaries of a Special Permit use or a T4, T5 or Special District lot abutting any lot in a Residential Zone (R1 – R5) or T3 zone. Such buffer area shall comply with at least the following minimum standards:

- a. The buffer area shall be located within the boundaries of the subject property within the Manufacturing or T4 or T5 Zone; however, the buffer area may be located on abutting property in a residential zone provided:
- b. The owners of all abutting residential properties agree in writing.
- c. Said agreement is recorded on the land records and runs with the land.
- d. The Commission approves said agreement with such stipulations regarding maintenance and upkeep, as it deems necessary.

The minimum width of buffer areas shall be as follows:

Table 5.2 Minimum Width of Buffer Areas	
Special Permit Uses in any Residential Zone	10 ft
T4, T5, Town Green District	10 ft
Manufacturing, Industrial Park	50 ft

In cases where a less restrictive use is permitted to extend into a more restrictive zone, the Commission shall determine the minimum width of the buffer area.

Where it is not feasible to comply with the minimum widths required above due to lot size and shape or existing structures, the Commission may modify the width requirements provided the buffer area meets the intent of these regulations.

The buffer area shall be planted with evergreens of such type, height, spacing and arrangement as the Commission determines will effectively screen the activity on the lot from the neighboring residential area. At a minimum, the plantings shall consist of a double row of trees six feet in height planted at intervals of 15 feet on center. Non-evergreen planting may be included to supplement evergreen planting, but shall not take its place.

An earthen berm, wall, or fences of location, height, design and materials approved by the Commission may be substituted for any portion of the required planting and/or buffer area.

Where the existing structure, topography and/or landscaping provide adequate screening, the Commission may modify the planting and/or buffer area requirements.

5.4.4 Sign Regulations (750)

5.4.4.1 Purpose

It is the intention of these sign regulations to promote public safety, protect property values, create an attractive business climate and enhance the physical appearance of the community with attractive well-designed signs.

5.4.4.2 Examples of Signs

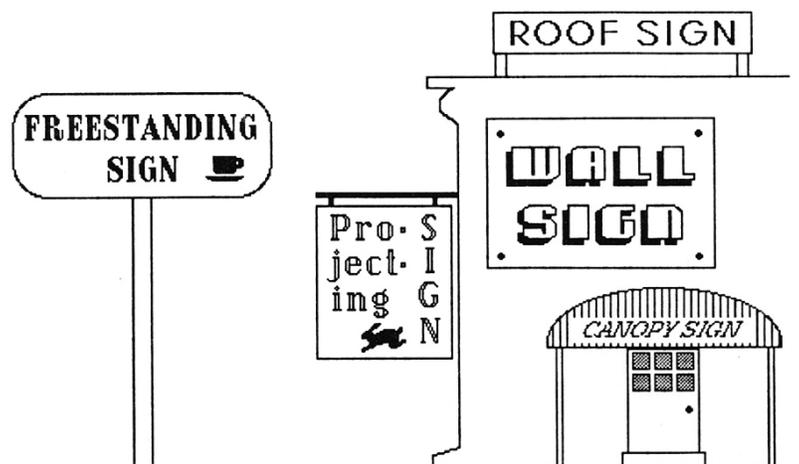


Figure 5.3 Examples of Signs

5.4.4.3 Procedures

5.4.4.4 Permits

No sign, except as provided in Section 5.5.4.E shall be constructed, erected, altered or otherwise changed unless approved by the Town Planner [Need Variance?]. Political signs and traffic control and directional signs are exempted from these provisions.

5.4.4.5 Applications

All applications for sign permits shall be accompanied by two copies of a plot plan showing the location and size of all existing signs on the site, drawn to a scale of not less than 1" = 10', with dimensions showing the height, design, materials, colors and illumination of the proposed sign, and by a building elevation or sketch showing building dimensions.

5.4.4.6 General Requirements (753)

5.4.4.3.1 Illumination

- a. No sign shall be animated or flashing, except for a time temperature or other public service device employed as a part of otherwise non-flashing, non-animated display.
- b. When a sign is illuminated from an external source, the light source shall be effectively shielded so as to prevent beams or rays of light from being directed onto adjoining properties or traveled roadways.
- c. Self-illuminated signs shall be such that all direct light sources are completely covered.
- d. The installation, alteration, repairing, maintenance and inspection of lighted signs shall conform to requirements of local codes and ordinances.

5.4.4.3.2 Maintenance

- a. All signs, together with their supports, braces, guy wires and anchors shall be kept in good repair and in safe condition.
- b. The owner and/or lessee of the premises on which a sign is erected shall be directly responsible for keeping such sign in good repair and safe condition.

5.4.4.3.2 Wall Sign Standards

- a. No end of any wall sign shall extend beyond the outer edge of any front, side or rear wall of a building or beyond the outer edge of any portion of a building to which a wall sign is affixed.
- b. Theater marquee signs may extend the full length of the marquee, but shall not project beyond the end of the marquee.
- c. All signs affixed to a building shall be parallel to the wall to which they are attached and shall not project more than 24 inches there from.
- d. No sign shall be permitted to be painted or posted directly upon the exposed surface of any wall and no sign shall be posted, painted or otherwise affixed to any rock, fence, tree or utility pole.
- e. No sign shall extend above the lowest point of the main roofline.

5.4.4.3.3 Blade Signs

No more than one blade sign per establishment may be permanently installed perpendicular to the façade within the first layer of a T2, T3 or T4 Zone. Such a sign shall not exceed a total of 4 square feet and shall clear 8 feet above the sidewalk.

5.4.4.3.4 Free-Standing Sign Standards

- a. Only one freestanding business sign shall be permitted on a lot except as provided in Section 5.5.8. A free-

standing business sign shall be limited to identifying the names and addresses of the business or businesses occupying the lot, except as provided herein.

- b. A freestanding sign shall be located entirely within the property lines of the lot and shall be screened from the view of adjoining residential zones on the street frontage on the same side of the street.
- c. No sign structure shall conflict with the corner visibility requirements in Section 3.2 of these regulations.
- d. No freestanding sign shall exceed a height of 20 feet as measured from the ground to the top of the sign.
- e. The bottom edge of all free-standing signs shall be at least 10 feet above ground level, except as provided in Section 5.5.5.6 or in such cases where it can be established that no obstruction to street or access-egress traffic visibility will result.
- f. The smallest dimension of a freestanding sign shall be no less than 4 feet.
- g. No freestanding sign shall exceed a total surface area of 32 square feet, except as provided in **Section 5.5.8**.

5.4.4.3.5 Temporary Signs

- a. Signs temporarily attached to a window or door, announcing sales or special features are permitted, provided that they do not exceed 10% of the area of said window or door, and provided that they are in place for not more than 30 days.
- b. Special advertising devices, including but not limited to plaques, banner, pennants and streamers, are permitted for a period of not more than 30 days after the opening of a new business, provided that they do not constitute a public nuisance.
- c. Non-profit organizations and municipal agencies may employ temporary signs not exceeding 32 square feet in total signage area, advertising special activities in any zone for a period not to exceed 14 days. No zoning permit is required. The signs must be removed immediately after the event.
- d. **[ADD A-Frame signs with height and size limit and restriction that it can't obstruct sidewalk.]**
- e. Sponsor Signs and Banners at public ball fields.

5.4.4.3.6 Measurement of Area

- a. The area of a sign shall include all exposed faces of a sign measured from the outer dimensions of the plate or frame by which the sign is enclosed.
- b. When a sign is comprised only of letters, designs or figures attached to a wall, the area shall be computed as the area of the smallest geometric shape that encloses all letters, symbols or designs.
- c. Both sides of a double-face or v-type sign shall be used in computing total surface area unless the two faces of such sign are parallel to and within 24 inches of each other.

5.4.4.3.7 Sign Prohibitions (754)

The following signs shall be prohibited in any zone:

- a. Traffic signs that are not approved by the appropriate State or Local traffic authority.
- b. Any artificial light or reflecting device used, located where such light distracts the attention of users of a public highway and which competes for attention with, or may be mistaken for, a traffic signal;
- c. String or festoon lights;
- d. Exposed neon, florescent, and/or incandescent tubing or lamps, raceways, ballast boxes and transformers or other electrical apparatus;
- e. Flashing, moving, flickering, blinking, illuminated animation, moving lights or flood light illumination;
- f. Signs of a temporary character or purpose, except as provided in Section 753.5, irrespective of the composition of the sign or material used, therefore, including, but not limited to, paper signs and/or sticker utilized as signs and/or affixed to store windows;
- g. Moving signs;
- h. Signs designating the name and/or the stamp of the sign contractor or sign company and attached to a business sign advertising another use, product, service, use or activity, except for an identification sign not to exceed five square inches in size;

- i. Signs attached to or painted on railroad trestles or bridges;
- j. Roof signs;
- k. All signs not expressly permitted by these regulations.

5.4.4.3.8 Signs Permitted in Residential Zones

In all Residential Zones, signs are permitted as follows:

- a. A name plate or sign for permitted uses giving only the name of the occupant or the use of the premises. Said sign shall not exceed a total surface area of 1½ square feet.
- b. A real estate sign or signs not exceeding 6 square feet of total area and set back from any street line at least 5 feet, advertising the sale or lease of the premises on which such sign is displayed. When a property is sold or rented, the foregoing sign may be replaced by one temporary sign not exceeding 6 square feet of total area, noting the sale or rental. Such sign shall be removed upon occupancy of the land or structure, or within 90 days of the sale, whichever is less.
- c. Contractor's signs not to exceed 16 square feet of total area when displayed on a building under construction or reconstruction.
- d. Bulletin boards and signs on the premises of churches, schools and similar non-profit institutions. Said signs shall not exceed 16 square feet in total area and may or may not be part of the architecture of the building.
- e. Signs advertising the use of premises for Special Permit uses. Such signs shall not exceed 16 square feet in total area.
- f. No freestanding sign shall be more than 6 feet in height.

5.4.4.3.9 Signs Permitted in Transect Zones

(See Section 4.11)

5.4.4.3.10 Signs Permitted in Special Districts

In Special Districts (Industrial Park, Manufacturing, Newhall Center, and the Town Green Districts), signs are permitted **Section 5.5.6** for the uses specified and subject to the same limitations.

Business signs including wall and freestanding signs advertising a business or businesses located on a premise, subject to the following requirements:

- a. The total aggregate surface area of all business signs on a lot shall not exceed one square foot for each linear foot of the face of the building. Face of the building in this context shall mean the frontage of the building containing the business's principal entrance.
- b. In mixed use or multi-tenant buildings, the total sign area for said building shall be pro-rated on the basis of 1 square foot of sign for each linear foot of building frontage.
- c. No one business use or tenant shall have more than two signs on the premises except that one additional wall identification sign shall be permitted at a secondary business entrance facing a parking lot. Said identification sign shall not exceed two square feet in area and shall be exempt from the total allowable sign area.
- d. Directional signs for pedestrians and vehicular movement on the subject property, including entrance and exit signs, shall not exceed an area of two square feet and unless mounted to a wall, 24 inches in height. Horizontal directional signs applied to the surface of a parking area are exempt from this provision.

5.4.4.3.11 Shopping Center Signs

This section shall apply only to the existing buildings in shopping centers constructed prior to the effective date of these Regulations. Shopping centers built or substantially altered after this date shall be subject to the sign regulations for the appropriate T-zone.

Shopping centers having a gross floor area of not less than 75,000 sq. ft. are permitted the following signs:

- a. Those signs permitted in Sections 5.5.6 and 5.5.7 for the uses specified and subject to the same limitations.
- b. A freestanding sign for the purpose of identifying the shopping center complex, located at the main entrance and not to exceed 100 square feet in area or a height of 20 feet.
- c. If a shopping center has more than one main entrance, a second freestanding sign of 50 square feet shall be permitted.
- d. If a free-standing building separate from the shopping center complex exists on the site, such building or buildings shall be permitted one free-standing identification sign, each face of which shall not exceed a maximum of 24 square feet and a maximum of 15 feet in height.
- e. Each tenant or owner of a business within a shopping center is entitled to no more than two exterior store identification signs, except that one additional wall identification sign shall be permitted at a secondary business entrance facing a parking lot. Said identification sign shall not exceed two square feet in area and shall be exempt from the total allowable sign area.
- f. Department stores having a retail sales area of not less than 25,000 sq. ft. may have two identification signs on any two of the exterior walls in addition to those permitted in 'e' above.
- g. Department stores having exterior entrances not facing the enclosed mall may have identification signs at each entrance to said department store.
- h. All signs facing the interior of an enclosed mall shall not be subject to the provisions of these regulations.
- i. The advertising or information content of all signs shall be limited to letters designating the proper name of the center complex mall, free-standing building, or individual retail store in the manner described below. Such description shall be by general descriptive terms and shall not include any specifications of the merchandise offered for sale within or the services rendered therein. It shall contain no advertising device, slogans, symbols or marks other than the proper name of the facility being identified, except as the device, slogan, symbol or mark constitutes a portion of the proper name.

5.4.4.3.12 Billboard Prohibition

Billboards are prohibited.

5.4.5 Sidewalk Standards

Where no wheel stops are provided the sidewalk shall be 6 feet wide. Where wheel stops are provided the minimum width of the sidewalk shall be 4-1/2 feet. All sidewalks shall be constructed of concrete.

5.4.6 Fences and Walls (314.5)

- a. Fences shall be erected so that the outer, decorative surface faces away from the property on which the fence is erected.
- b. Fences of any type located within the first 25 feet of the front property line shall not exceed 4'-0". Fences within required side and rear yards shall not exceed 6'-0".
- c. No fence of any type shall be erected or maintained that unreasonably or dangerously interferes with the visibility to or from a driveway.
- d. A minimum of 5'-0" must be left between the closest faces of terraced retaining walls. **[ADD: Diagram showing terraced retaining walls] ADD: Fence Diagram**

5.4.7 Outdoor Lighting

5.4.7.1 Purpose

These regulations are intended to provide specific standards regarding lighting, in order to:

- a. Enhance public safety and welfare,
- b. Maximize the effectiveness of site lighting,
- c. Avoid unnecessary upward illumination
- d. Avoid illumination of adjacent properties, and
- e. Reduce glare.

5.4.7.2 Illumination Standards

All exterior lights and sign illumination shall be designed, located, installed and directed in such a manner as to:

- a. Prevent direct or objectionable glare or light trespass;
- b. Be shielded to the extent possible;
- c. Be contained to the target area;
- d. Maximize energy conservation; and
- e. Limit the illumination to the minimum amount adequate for the intended purpose of the lighting.
- f. Adjacent to residential property and in all residential zones, no direct light source shall be visible at the property line at ground level or above.
- g. When more than 4 luminaries are proposed for a site, the Commission may require a photometric plan from the manufacturer or a qualified engineer demonstrating compliance with A and B.

5.4.7.3 Fixture Standards

To reduce off-site glare, lighting fixtures for all parking and pedestrian areas shall be:

- a. Full cut-off type fixtures; or
- b. Fully shielded/recessed fixtures where the lens is recessed or flush with the bottom surface.

Lighting fixtures for building security or aesthetics and any display purposes shall, except as may otherwise be approved, be:

- a. Top downward (not upward or sideways);
- b. Full cut off; or
- c. Fully shielded/recessed.

5.4.7.4 Glare & Heat

No light shall be transmitted beyond the lot where it originates so as to endanger the public health or safety, including the public safety on any street or highway, or to impair the value and reasonable use of any other lot.

5.4.7.5 Prohibited Lighting

- a. The use of laser source light or any similar high intensity light when projected above the horizontal is prohibited.
- b. The operation of searchlights is prohibited.
- c. Flashing and blinking lights are prohibited. Traditional seasonal and event lighting, however, is exempt from this prohibition.
- d. Floodlighting is prohibited.

5.4.7.6 Hours of Operation

Any unnecessary lighting shall be reduced after the close of business. The applicant may be required to control the lighting through timing devices and/or motion detectors.

5.4.7.7 Footcandle Standards for Exterior Lighting

On-site lighting is limited to a range between .5 and 1.5 footcandles unless specifically listed below or otherwise approved by the Commission.

Table 5.3 Footcandle Standards	
Use	Max. Exterior Footcandles
Accessory Building & Use	0.2
Adult Oriented Establishment	2.4-0.6
Agriculture	
Commercial Farm	0.2
Community Garden	0.1
Truck Garden	0
Animals	
Animal Day Care	0.2
Animal Training Facility	0.2
Grooming	0.2
Keeping of Animals	0.1
Kennel	0.2
Stable	0.2
Veterinary Hospital	0.2
Business & Personal Service	0.8-0.2
Cemetery	0.1
Civic Club, Lodge or Association (non-profit)	0.8-0.2
Community Residence	2.4-0.6
Day Care	
Adult Day Care	2.4-0.6
Child Day Care Center, Nursery School or Group Day Care Home	0.8-0.2
Family Day Care Home	0.2
Food Service	
Catering Facility	0.8-0.2
Outdoor Cafe	0.1
Restaurant	0.8-0.2
Take-out Food Service	2.4-0.6
Funeral Home	2.4-0.6
Golf Course & Country Club	2.4-0.6
Health Care Facility	
Hospital	5.0
Nursing Home	5.0
Medical Office	0.8-0.2
Rehabilitation Facility - Out Patient	2.4-0.6
Heliport	3.6-0.9
Home Occupation	0.2
Library & Museum	0.8-0.2
Lodging	
Bed & Breakfast	0.2
Hotel / Motel	2.4-0.6
Inn	0.8-0.2
Rooming & Boarding House	0.2
Manufacturing	

Table 5.3 Footcandle Standards	
Use	Max. Exterior Footcandles
Accessory Use	0.8-0.2
Primary Use	0.8-0.2
Motor Vehicle Uses	
Gas Station, Service & Repair, Rental	2.4-0.6
New Car Sales	20.0
Vehicle Storage	20.0
Accessory Use	1.0
Commercial	20.0
Natural Resource Removal	2.4-0.6
Office Building	2.4-0.6
Open Space Development	0.2
Place of Public Assemble	0.8-0.2
Place of Worship	0.8-0.2
Public Use & Public Utility	0.2
Public Parking Lot & Public Garage	1.5-0.5
Residential	0.2
Multi-Family Dwellings	2.4-0.6
Managed Residential Care Facility	2.4-0.6
Refuse Disposal	2.4-0.6
Research, Development & Medical Laboratory	0.8-0.2
Retail	
≤20,000 sf gross leasable space	0.8-0.2
>20,000 sf gross leasable space	2.4-0.6
Sale of Alcohol	0.8-0.2
Sale of Fire Arms	2.4-0.6
Schools	2.4-0.6
Storage	
Warehouse & Wholesale w/ indoor storage	0.8-0.2
Outdoor Storage	-----
Accessory Use	3.0
Primary Use	8.0
Student Housing	0.2
Telecommunications Facility	0.1
Wind Energy Conservation System	0.1

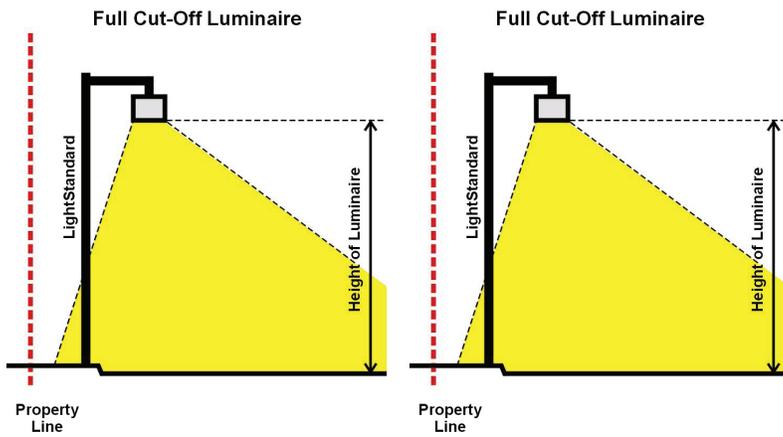


Figure 5.3 Luminare Types
Full Cut-off Luminaires Required Non-Full Cut-off Luminaire
NOT ALLOWED

5.4.7.1 Dumpster & Solid Waste Disposal Location and Design

All dumpsters and trash compactors shall be appropriately screened and maintained and placed on concrete pads. Concrete pads shall be bermed on three sides to retain fluids. Dumpsters shall be plugged and covered. Dumpsters shall not be located within yard setbacks.

Section 5.5 Infrastructure

5.5.1 Utilities

5.5.1.1 General Requirements

No development plan shall be approved unless:

- Adequate public utilities, public sanitary sewers or Health Department approved on-site septic systems, and storm drainage are provided by the developer(s).
- Clear evidence has been furnished of safe and satisfactory means of supplying potable water and fire protection.
- The developer(s) provides fire hydrants at appropriate locations when public water is available. All Town specifications for furnishing and installing water systems and hydrants must be met.

5.5.1.2 Sanitary Sewers

Where public sewers are available, all sites shall be properly connected to an approved and functioning sanitary sewer system prior to issuance of a Certificate of Zoning Compliance. All sanitary sewer extensions and connections shall be done in accordance with the specifications in the Connecticut Public Health Code regulations, and rules and regulations of the Greater New Haven Water Pollution Control Authority.

5.5.1.3 Individual Services

Electric power, telephone, and other cable systems shall be placed underground; except that the existing electric power and telephone/cable system facilities may be used where appropriate for industrial and commercial uses. The Commission may waive this provision only if the utility company has determined that safe underground installation is not feasible because of soil, water or other natural or man-made conditions. Existing overhead wires on residential streets may remain; however, all extensions must be underground.

5.5.1.4 Storm Drainage

Design of the storm water management system shall:

- a. Be in accordance with the 2004 Connecticut Stormwater Quality Manual;
- b. Be consistent with good engineering practices (sealed by a licensed professional civil engineer); and based on environmentally sound site planning and engineering techniques.
- c. Utilize zero net increase of peak stormwater discharge to the Town's storm drainage system for 2, 10, 25 and 100-year storms, unless it can be demonstrated that there will be no deleterious downstream effects from an increase in stormwater discharge flow. The impacts of increase in post-development stormwater runoff volume must also be determined and mitigated. Potential impacts to receiving water bodies and adjacent parcels must be assessed and mitigated.
- d. Utilize the best available technology to treat stormwater quality prior to off-site discharge. Stormwater shall be treated as recommended in the 2004 Connecticut Stormwater Quality Manual (or later version).
- e. Include rights to drain onto adjoining property where necessary.
- f. Provide for attractively designed and landscaped stormwater detention and retention basins when visible from a street.

5.5.1.5 Water Supply

Sites with a property boundary within 200 feet of an existing public water supply must connect to public water in accordance with the State Public Health Code, Sec. 19-13-B51m, unless the Commissioner of Health Services grants an exception.

Section 5.6 Traffic, Parking & Loading Requirements

5.6.1 Off-Street Parking and Loading Regulations (740)

5.6.1.1 Applicability

Off-street parking and loading facilities shall be provided and used to serve all buildings erected, moved, altered, or enlarged and all premises otherwise developed. Such facilities shall be provided, in accordance with the standards specified in these Regulations, to accommodate the motor vehicles, occupants, employees, customers, suppliers and other persons normally visiting or servicing such buildings or premises at one time.

5.6.1.2 Location of Parking and Loading Facilities

Parking and loading spaces required for all uses in any Residential Zone shall be located on the same lot as the principal use.

Parking spaces required for any use in a Non-Residential zone shall be:

- a. Located on the same lot as the principal use;
- b. Legal spaces along the parking lane corresponding to the lot frontage;
- c. Parking spaces by purchase or lease for 25 years from a parking lot or garage within 300 feet;
- d. Spaces available in a public parking garage available within 300 feet.

5.6.1.2 Required Parking and Loading Spaces

Unless otherwise specifically approved by the Commission, required parking facilities for passenger vehicles shall contain not less than the minimum space set forth below. Rooftop and indoor parking may be included in the required number of spaces. Off-street parking and loading shall be maintained as long as the building or use remains on the property. No owner of any building or use affected by this section shall discontinue, change or dispense with, or cause the discontinuance of any required parking or loading space. No person, firm or corporation shall occupy a building without providing parking and loading spaces that meet with the requirements of

and are in compliance with these Regulations. No sales or servicing or dead storage of automobiles, trucks or automotive equipment shall occur in any parking or loading space.

A minimum of one bicycle rack place shall be provided for every ten vehicular parking spaces.

Table 5.4 Required Parking Spaces for Residential Zones & Special Districts		
Building &/or Property Uses(s)	Function	Parking Requirement
Accessory Building		As determined by the Commission
Accessory Use		As determined by the Commission
Adult Oriented Establishment	RETAIL	3 spaces per 1,000 sf of net floor area
Agriculture		
Commercial Farm	OTHER	As determined by the Commission
Community Garden	OTHER	1 space for each 5 plots offered
Truck Farm	RETAIL	3 spaces per 1,000 sf of net floor area
Animals		
Animal Day Care	RETAIL	1 space per every 2 employees and 1 space per 8 licensed client capacity; sufficient drop-off and stacking space must be provided
Animal Training Facility	RETAIL	
Grooming	RETAIL	4 spaces per 1,000 sf of gross leasable area
Keeping of Animals	RETAIL	
Kennel	RETAIL	1 space per every 2 employees and 1 space per 8 licensed client capacity; sufficient drop-off and stacking space must be provided
Stable	OTHER	As determined by the Commission
Veterinary Hospital	RETAIL	5 spaces per 1,000 sf of gross area
Business & Personal Service	RETAIL	4 spaces per 1,000 sf of gross leasable area
Cemetery	CIVIC	As determined by the Commission
Civic Club, Lodge or Association (non-profit)	CIVIC	1 space for each 3 legal occupants as defined by the Fire Marshall
Community Residence		
Mentally Ill Adults - Group Home	RESIDENTIAL	2 spaces plus 1 space for each 2 residents
Mentally Retarded Persons - Group Home	RESIDENTIAL	2 spaces plus 1 space for each 2 residents
Sober Houses & Drug Treatment Facility	RESIDENTIAL	As determined by the Commission
Conference Center Development	CIVIC	1 space for each 3 legal occupants as defined by the Fire Marshall plus 3 spaces for special vehicles
Day Care		
Adult Day Care	OTHER	1 space per every 2 employees and 1 space per 8 licensed client capacity; sufficient drop off and pick up stacking space must be provided
Child Day Care Center, Nursery School & Group Day Care Home	OTHER	1 space per every 2 employees and 1 space per 8 licensed client capacity; sufficient drop off and pick up stacking space must be provided
Family Day Care Home (children)	OTHER	1 space per every 2 employees and 1 space per 8 licensed client capacity; sufficient drop off and pick up stacking space must be provided
Food Service		
Catering Facility	RETAIL	4 spaces per 1,000 sf of gross leasable area
Outdoor Cafe	RETAIL	0 additional spaces
Restaurant	RETAIL	16 spaces per 1,000 sf of patron floor area
Take-out Food Service	RETAIL	4 spaces per 1,000 sf of gross leasable area
Funeral Home	OTHER: CIVIL SUPPORT	1 space for every 3 legal occupants as defined by the Fire Marshall plus 3 spaces for special vehicles
Golf Course & Country Club	CIVIC	1 space for every 3 legal occupants as defined by the Fire Marshall plus 3 spaces for special vehicles

Table 5.4 Required Parking Spaces for Residential Zones & Special Districts

Building &/or Property Uses(s)	Function	Parking Requirement
Health Care Facility		
Hospital	OTHER: CIVIL SUPPORT	1 space for each 2 employees plus 1 space for each 4 beds
Nursing Home	OTHER: CIVIL SUPPORT	1 space for each 2 employees plus 1 space for each 4 beds
Medical Office - <20,000 sf	OFFICE	5 spaces per 1,000 sf of gross area
Medical Office - ≥ 20,000 sf	OFFICE	5 spaces per 1,000 sf of gross area
Rehabilitation Facility - Out-Patient	OFFICE	1 space for each 2 employees plus 1 space for each 4 beds
Heliport	CIVIC	As determined by Commission
Home Occupation	RESIDENTIAL	1 space in addition to the requirements for the dwelling unit
Library & Museum	CIVIC	1 space for each 3 legal occupants as defined by the Fire Marshall plus 3 spaces for special vehicles
Lodging		
Bed & Breakfast	LODGING	1 space for each room offered for rent plus additional spaces required for other uses associated with a Bed & Breakfast as determined by the Commission
Hotel / Motel*	LODGING	1 space for each room offered for rent plus additional spaces required for other uses associated with a Hotel / Motel* as determined by the Commission
Inn	LODGING	1 space for each room offered for rent plus additional spaces required for other uses associated with an Inn as determined by the Commission
Rooming & Boarding House	LODGING	1 space for each room offered for rent plus additional spaces required for other uses associated with a Rooming & Boarding House as determined by the Commission
Manufacturing		
Accessory Use	OTHER	1 space for each 2 employees during the largest daily work shift or 1 space for each 500 sf of gross floor area, whichever is greater; Office area computed separately
Primary Use	OTHER	1 space for each 2 employees during the largest daily work shift or 1 space for each 500 sf of gross floor area, whichever is greater; Office area computed separately
Motor Vehicle Uses		
Gas Station, Service & Repair, Rental	RETAIL	1 space for each 5 cars offered for sale
Car Sales (new & used)	RETAIL	1 space for each 5 cars offered for sale
Vehicle Storage	OTHER	As determined by the Commission
Accessory Use	OTHER	As determined by the Commission
Natural Resource Removal**	OTHER	As determined by the Commission
Office Building		
≤1,500 sf gross leasable space	OFFICE	3 spaces per 1,000 sf of gross floor area
>1,500 sf to ≤20,000 sf gross leasable space	OFFICE	3 spaces per 1,000 sf of gross floor area
<20,000 sf gross leasable space	OFFICE	3 spaces per 1,000 sf of gross floor area
Open Space Development	RESIDENTIAL	Calculate based upon dwelling unit composition
Place of Public Assemble &/or Worship	CIVIC	1 space for every 3 legal occupants
Public Use & Public Utility	CIVIC	As determined by the Commission
Public Parking Lot & Public Garage	CIVIC	As determined by the Commission
Residential		
Single-Family Accessory Dwelling Unit	RESIDENTIAL	1 space per dwelling unit
Accessory Dwelling Unit, Other	RESIDENTIAL	1 space per dwelling unit

Table 5.4 Required Parking Spaces for Residential Zones & Special Districts

Building &/or Property Uses(s)	Function	Parking Requirement
Multi-Family Dwelling (adaptive re-use or new construction)	RESIDENTIAL	1-1/2 spaces per dwelling unit for efficiency and 1 BR units; 2 spaces for 2 or more BR's
Managed Residential Care	RESIDENTIAL	1 space per dwelling unit
Single Family Dwelling	RESIDENTIAL	2 spaces
Two-Family Dwelling	RESIDENTIAL	4 spaces
Three-Family Dwelling	RESIDENTIAL	5 spaces
Refuse Disposal		
Resource Recovery	OTHER	As determined by the Commission
Transfer Station	OTHER	As determined by the Commission
Volume Reduction Facility	OTHER	As determined by the Commission
Research, Development & Medical Laboratory	OTHER	1 space per 500 sf gross leasable area
Retail		
≤1,500 sf gross leasable space	RETAIL	4 spaces per 1,000 sf of gross leasable area
>1,500 sf to <20,000 sf gross leasable space	RETAIL	4 spaces per 1,000 sf of gross leasable area
<20,000 sf to 250,000 sf gross leasable space	RETAIL	4 spaces per 1,000 sf of gross leasable area
Sale of Alcohol	RETAIL	4 spaces per 1,000 sf of gross leasable area
Sale of Fire Arms	RETAIL	4 spaces per 1,000 sf of gross leasable area
Schools		
Business School >50 students at peak	OTHER	1 space for each 2 employees plus 1 space for each 2 non-residential students plus 1 space for each 4 resident students
Business School ≤ 50 students at peak	OTHER	1 space for each 2 employees plus 1 space for each 2 non-residential students plus 1 space for each 4 resident students
College & University (non-profit)	OTHER	1 space for each 2 employees plus 1 space for each 2 non-residential students plus 1 space for each 4 resident students
Athletic Arenas, On-campus	OTHER	Indoor Athletic Arenas, with a seating capacity of 3,000 to 7,000 owned and operated by a College or University and located on a campus of said institution shall provide 1 off-street parking space for every five seats. The Commission, may, at its discretion, allow for up to one-third of the parking spaces required under this regulation to be unpaved, environmentally sensitive parking spaces. Said spaces shall be designed and constructed to specifications acceptable to the Commission.
Dormitories	LODGING	
Elementary & Secondary School	OTHER	
Storage		
Warehouse, wholesale w/ indoor storage	OTHER	1 space for each 200 sf of office area within the building plus 3 spaces for each loading bay or 15 running feet of loading platform
Outdoor storage	OTHER	As determined by the Commission
Accessory Use	OTHER	As determined by the Commission
Primary Use	OTHER	As determined by the Commission
Student Housing	RESIDENTIAL	1 space per student
Telecommunications Facility	CIVIC	As determined by the Commission
Wind Energy Conservation System	OTHER	As determined by the Commission

The shared parking factor in Article IV may be applied to lots with more than one use.

The Commission may modify required parking where the applicant demonstrates that parking use is complimentary at different times of the day or week.

5.6.1.3 Required Truck Loading Spaces

Truck loading spaces shall be adequate in number to serve the proposed use and shall be located on the site so as not to impede on-site pedestrian and vehicular circulation.

5.6.1.4 Parking and Loading Area Specifications

All off-street parking and loading areas, whether or not required by these regulations, shall comply with the following specifications.

5.6.1.4.1 General Design

- a. Parking and loading areas shall be designed and constructed for safe circulation of vehicular and pedestrian traffic on the lot and shall avoid interference with public use of adjacent streets and sidewalks.
- b. No parking lot shall be designed or constructed that requires vehicles to back onto a street.
- c. Buildings shall be arranged on the lot so as to permit vehicular access to the rear of the lot.
- d. Parking lots shall be designed to minimize large, open expanses of paving.

5.6.1.5 Surfacing and Drainage

All parking and loading areas shall be properly surfaced, graded and drained. Stormwater drainage systems shall be designed to minimize run-off and maximize absorption of pollutants by the soil. Required parking and loading facilities for all uses, other than one and two family dwellings, shall have an all-weather, dust-free surfacing or bituminous or concrete paving, maintained in good condition and capable of allowing free and safe movement of all vehicles using the facilities.

Any parking spaces in excess of the minimum required shall be pervious unless expressly stated otherwise by the Commission.

5.6.1.6 Curb Cuts, Ingress and Egress

- a. The Police Department and the Traffic Engineer shall review ingress and egress locations.
- b. The Town Engineering Department or the State Traffic Commission shall review curb cut widths and curb cut radii, where appropriate.
- c. No curb cut radii shall be designed or constructed so as to force a vehicle to cross a traffic lane or to climb a curb.
- d. Where feasible, new curb cuts shall be aligned with existing curb cuts on the opposite side of the street.

Parking Aisles

Parking aisles or interior driveways shall be of adequate width to serve a particular design arrangement of parking spaces, the following being the minimum width permitted:

Design Arrangement	One-Way Aisle Width	Two-Way Aisle Width
90° parking	24 feet	24 feet
60° parking	18 feet	24 feet
45° parking	13 feet	24 feet
30° parking	11 feet	24 feet
parallel parking	24 feet	24 feet

Ninety-degree parking shall be used unless there is positive control of the direction of all traffic. Arrows painted on the surface of each aisle or driveway shall indicate traffic flow or direction.

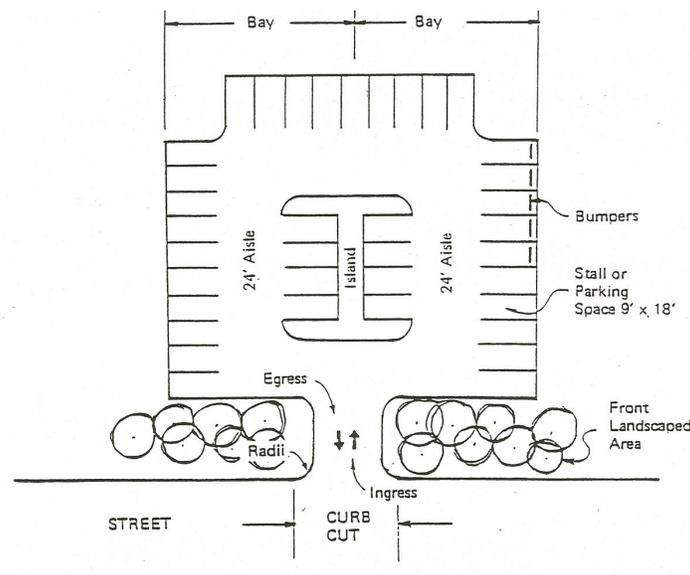


Figure 5.4 Typical Arrangement for 90B Parking

5.6.1.7 Parking Spaces

- All parallel parking spaces shall measure at least 9 feet by 22 feet and all other parking spaces shall measure at least 9 feet by 18 feet exclusive of driveways and aisles, except as provided below and shall have access to a street or alley by way of a driveway.
- Except for one or two-family dwellings, all parking spaces shall have bumper guards or curbs to prevent damage to trees, shrubs, landscaping and lighting and to prevent interference with pedestrian use of sidewalks.
- All parking spaces, except for one and two-family dwellings, shall be marked by painted lines, curbs or other means.

5.6.1.8 Small Car Spaces

Where a parking lot contains more than 30 car spaces, the applicant may provide up to 40% of the total required

parking in small car spaces, subject to approval by the Commission. A small car space shall not be less than 8½ feet in width and 16 feet in length. The small car spaces shall be laid out in a group and space for additional landscaping on the site. The applicant is encouraged to use the difference in area between each small car space and standard parking space for additional landscaping on the site.

5.6.1.9 Sidewalks

For parking lots for more than 30 cars, every other double bay shall provide for sidewalks in a raised curbed area consistent with sidewalk requirements **Section _____**. The Commission may, at its discretion, waive this requirement provided that the application gives due consideration to pedestrian and vehicular safety, pedestrian and vehicular flow, and adequacy of landscaping.

5.6.1.10 Handicapped Parking

Parking shall be provided for the physically handicapped in accordance with Article 21 of the Basic Building Code of the State of Connecticut.

5.6.1.11 Attended Parking for Events

Attended parking areas are permitted to accommodate overflow parking that occurs due to temporary events such as banquets, conferences, fairs and similar occasions of public congregation. The Zoning Enforcement Officer may approve an attended parking area permit in any zone. Event parking will require a parking attendant on duty one hour before the scheduled beginning time for the event and up until one hour after the ending time of the event.

Prior to approving a plan for an event parking permit the applicant shall obtain the approval of the Fire Marshall and the Police Chief.

5.6.1.12 Drive-through Window Service and Queue Space

5.6.1.12.1 General Requirements

- a. Drive-through window services shall be designed and located to minimize conflict between pedestrian traffic and vehicular traffic.
- b. Drive-through window services shall comply with the following standards:
 - i. Drive-through windows shall be located in the rear of the building. The Commission may waive this requirement when the configuration of the lot or building warrants a different location, or in instances where abutting residential property would be better buffered.
 - ii. All Drive-through lanes shall be 9 feet wide.
 - iii. All Drive-through lanes shall be designed to allow vehicle queuing on site and shall be physically separated from entrances and exits so as not to obstruct vehicular access/egress.
 - iv. If the site allows, the Commission may require that a landscaped area be placed between the Drive-through lane(s) and the general access lane(s) and parking area.
 - v. The Drive-through shall be clearly defined by pavement markings and directional signage.

5.6.1.13 Queue Space Standards

- a. Minimum queue space shall be provided for uses as specified in Table 9.13. Queue space shall be provided in such a manner that the head of the queue starts adjacent to the specified use and extends so as not to obstruct or encroach upon any parking space or aisle. Queue space shall only be provided on the lot and for the use to be served and shall not extend into any street or right-of-way.
- b. Queue spaces shall have a dimension of 9ft (w) by 18 ft. (l).

Table 5.4 Required Queue Spaces	
Use	Required Queue Spaces*
Automatic Teller Machine (ATM), Drive-up type	4 per machine
Bank Drive-up window	8 for each window in a separate lane for each window
Pharmacy Drive-up window	4 for each window
Take-out food service	8 for each window
Other	As determined by the Commission

*Unless modified by the State Traffic Commission

5.6.1.6 Landscaped Parking Area

In addition to the front landscaped and buffer area requirements, parking areas shall comply with the following minimum standards:

- a. Where 30 or more parking spaces are required there shall be at least 10 square feet of interior landscaping for each parking space within the paved portion of the parking area and at least one tree for every 5 parking spaces or fraction thereof.
- b. Each separate landscaped area shall contain a minimum of 120 square feet, shall have a minimum dimension of at least 9 feet, shall be planted with grass or shrubs, and shall include at least one tree of not less than 2-inch caliper. Required landscape area may be amassed.
- c. Parking spaces within or below a structure or otherwise covered, shall not be counted when computing required landscaped areas or number of trees pursuant to this section.
- d. A landscaped area shall be provided along the perimeter of any parking area except that portion of the parking area that is functionally integrated with an adjoining parking area on an abutting lot. The landscaped area shall have a minimum dimension of 5 feet, shall be planted with grass or shrubs and shall include at least one tree of not less than 2-inch caliper for every 300 feet along the perimeter of the parking area. In cases where the parking area adjoins a public sidewalk, the required landscaped area shall be extended to the edge, of the sidewalk.
- e. Trees used in parking lots shall be those deemed appropriate for street tree use as listed in the Regulations.

5.6.2 Visibility at Intersections

5.6.3.1 Corner Lots and Visibility (314.3)

No structure, wall, fence or shrubbery, trees or signs shall be erected, maintained, or planted on any lot that unreasonably or dangerously obstructs or interferes with the visibility of drivers on a curve or at a street intersection. The minimum clearance shall require a clear space between the elevations of 3 feet and 7 feet above the street grade (top of curb) within 25 feet of the intersecting street lines bordering corner lots.

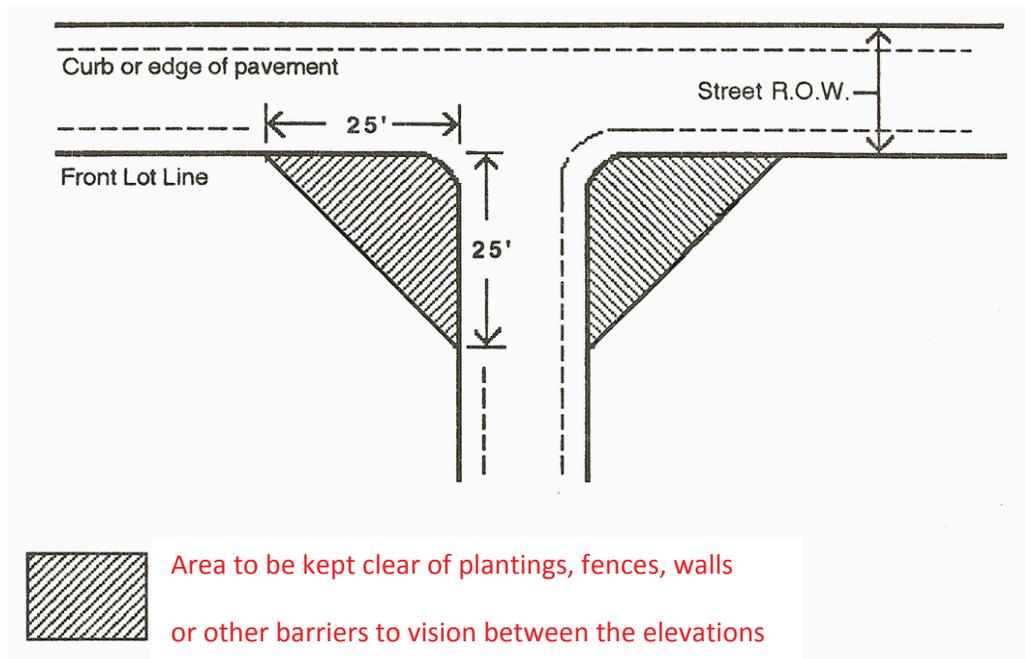


Figure 5.2 Visibility at Street Intersections

