

ARTICLE VI

SPECIAL PROVISIONS

Section 600 Purpose

Section 610 Site Plan & Special Permit Uses

The following uses are permitted in the zone(s) as indicated in Table 6.1 Allowed Uses by Zone, subject to all provisions of the applicable zone, and as specifically provided for in this section.

Every application for the use of property subject to conditions set forth in this section shall be filed in accordance with the provisions of these regulations, and shall be subject to any approval stipulated in this section.

Table 6.1 Allowed Uses by Zone															
SECTION	USES	R1	R2	R3	R4	R5	T1	T2	T3	T3.5	T4	T5	M	NC	TG
	Accessory Building	P	P	P	P	P	P	P	P	P	P	P	P	P	P
	Accessory Use, Drive-Through Food-Service ^a										SP	SP	S	SP	
	Accessory Use, Drive-Through Service, Other									SP	SP	S	S	SP	
	Accessory Use	S	S	S	S	S		S	S	S	S	S	S	S	S
622	Adult Oriented Establishment ^c												SP ^c		
624	Agriculture														
	Commercial Farm	S	S	S				S						SP	
	Community Garden	S	S	S	S	S		S	S	S	S	S		SP	S
	Truck Garden	P	P	P	P	P		P	P ^g						P
626	Animals														
	Animal Day Care												S		
	Animal Training Facility												S		
	Grooming ^g								S ^g	S	S	S	S	SP	
	Keeping of Animals	P	P	P	P	P		S							
	Kennel	SP	SP					SP	SP				S		
	Stable	SP	SP					SP							
	Veterinary Hospital	SP	SP	SP	SP	SP		SP	SP	SP	S		S	SP	
	Business & Personal Service														
	≤1,500 sf gross leasable space					SP			SP ^g	P	P	P	P	SP	
	>1,500 sf to ≤10,000 sf gross leasable space ^g					SP			SP ^g	SP	SP	s	S	S	
	>10,000 sf gross leasable space										SP	S	SP	SP	
628	Cemetery	SP	SP	SP	SP	SP		SP	SP	SP	SP				
630	Civic Club, Lodge or Assoc. (non-profit)								SP ^g	SP	S	S	S	SP	
632	Community Residence														
	Mentally Ill Adults - Group Home	P	P	P	P	P		P	P	P	P				
	Mentally Retarded Persons - Group Home	P	P	P	P	P		P	P	P	P				
	Sober House & Drug Treatment Facility	P	P	P	P	P		P	P	P	P				
6634	Conference Center Development ^a										SP	SP	SP	SP	

Table 6.1 Allowed Uses by Zone

SECTION	USES	R1	R2	R3	R4	R5	T1	T2	T3	T3.5	T4	T5	M	NC	TG
6623	Public Use & Public Utility	SP	SP	SP	SP	SP	SP	SP							
656	Parking Garage										SP	S	SP	SP	SP
	Public Parking Lot ^e								SP ^g	SP ^{eg}	SP	S	SP	SP	SP
Recreation & Fitness, Commercial															
	≤10,000 sf gross leasable space									SP	SP	S	S	SP	
	>10,000 sf gross leasable space										SP	S	S	SP	
Residential															
620	Single-Family Accessory Dwelling Unit	P	P	P	P	P		S	S	S	S	S			
	Accessory Dwelling Unit, Other	P	P	P	P	P		P	P	SP	P	P		P	
652	Multi-Family Dwellings														
	Adaptive Re-use to Multi-Family		SP	SP	SP	SP			SP	SP	SP	SP		SP	
	Managed Residential Care Community ^f		SP	SP	SP	SP			SP	SP ^f	SP	SP		SP	
	New Construction				SP	SP				SP	SP	SP		SP	
	Low Density														
	Single-Family	P	P	P	P	P		P	P	P	P	P			
	Two-Family ^f					P				p ^f	P				
	Three-Family ^f					P				p ^f	P				
Refuse Disposal															
664	Resource Recovery, Transfer Station, Volume Reduction Facility												SP		
	Research, Development & Medical Lab.										SP	S	S		
666	Retail														
	≤1,500 sf gross leasable space								SP ^g	P	P	P	S	SP	
	>1,500 sf to ≤10,000 sf gross leasable space ^g								SP ^g	S/SP ⁱ	S	S	SP	S	
	>10,000 sf to ≤20,000 sf gross leasable space									SP	SP	S	SP	SP	
656	>20,000 sf to 250,000 sf gross leasable space ^d										SP ^{dh}	SP ^d	SP		
	Farmers Market	S	S	S	S	S		S	S	S	S	S		S	S
	Sale of Alcohol, Package Store ^g								SP ^g	SP	SP	S	SP		
	Sale of Fire Arms												SP		
668	Schools														
	Business School ≤50 students at peak ^g									SP ^g	S	S	S	S	
	Business School >50 students at peak ^{f g}									SP ^{f g}	SP	SP	S	S	
	College & University	SP	SP	SP	SP	SP			SP	SP	SP	SP			
	Dormitories		SP	SP	SP	SP			SP	SP	SP	SP		SP	
	Elementary & Secondary School	SP	SP	SP	SP	SP			SP	SP	SP	SP			SP
Storage															
	Warehouse & Wholesale w/ indoor storage										SP		S		
654	Outdoor Storage														
	Accessory Use										SP		SP		
	Primary Use												SP		
670	Student Housing	P	P	P	P	P		P	P	P	P	P			
672	Telecommunications Facility	S	S	S	S	S	S	S	S	S	S	S	S	S	S
676	Wind Energy Conservation System ^f	SP	SP	SP	SP	SP		SP	SP	SP ^f	SP	SP	SP	SP	SP

^a Use shall not be allowed in T3 or T4 Zones along Whitney Avenue between Walden Street and Glendower Road.

^b See Section 520.8

^c Allowed in Manufacturing Zone on Sherman Avenue, Corporate Ridge, Crestway, Overlook Drive and Rossotto Drive only.

^d Not allowed on Whitney Avenue.

^e No multi-story parking structure shall be permitted in a T3.5 Zone.

^f Use shall not be allowed between Walden and Glendower Streets.

^g Use shall not be allowed along Whitney Avenue north of West Woods Road.

^h Use shall not be allowed on Leeder Hill Drive, Hamden Hills Drive, Mix Avenue or Arch Street

ⁱ Use shall require a Special Permit north of West Woods Road in a T3.4 Zone.

Section 620 Accessory Dwelling Units in Single-Family Homes

A single-family dwelling may be converted to allow the incorporation of one Accessory Apartment in any zone permitting a single-family residence subject to a Zoning Permit and the following conditions:

- a. Public sewer and public water supply shall serve the principal dwelling. If not, the subject lot shall have a minimum area of 6,000 square feet or as required by the applicable zone, whichever is greater.
- b. An Accessory Apartment shall have a minimum floor area of 300 square feet and a maximum floor area of 600 square feet, and a maximum of two bedrooms.
- c. One of the occupants of the dwelling shall be the owner of record.
- d. No Accessory Apartment shall be located in a garage or basement unless one wall opens to grade.
- e. An Accessory Apartment shall be self-contained, with separate entrance, cooking, sanitary and sleeping facilities for the exclusive use of the occupant.
- f. No exterior change shall be made to the existing front of the principal dwelling *except for dormers or windows*.
- g. Expansion of a principal dwelling shall be permitted to accommodate an Accessory Apartment via dormer(s) or an addition beyond the existing foundation.
- h. No accessory building shall be used or created for the purpose of accommodating an Accessory Apartment.
- i. The principal dwelling and Accessory Apartment shall conform to all requirements of the applicable building, health, fire, sanitary and zoning codes.

620.1 Dwelling Units, Accessory to Non-Residential Use

A dwelling unit, when accessory to a legal non-residential use, is permitted subject the following conditions:

- a. The application shall include all contiguous property under the same name or all property deemed by the Commission to be part of the same development.
- b. Up to three dwelling units that are accessory to a non-residential use located in an R-4 Zone, are permitted.
 - c. Retail, service shall only be permitted on the first floor level.
- d. Separate entrances and exits shall be provided for the residential and non-residential portions of the building.
- e. Accessory dwelling units shall conform to all requirements of the applicable building, health, housing, fire and sanitary codes.
- f. The building shall be served by public sewer and water supply,
- g. The required floor area per accessory dwelling unit shall be as indicated in **Table 6.2**:

Table 6.2 Required Floor Area for Accessory Dwelling Units	
Unit Type	Minimum Floor Area
1 room	350 sf
2 room (1 BR)	425 sf
3 rooms (1 BR)	500 sf

Section 622 Adult Oriented Establishments

622.1 Purpose

The intent of this Section is to regulate adult-oriented establishments that are customarily not open to the public generally, but only to one or more classes of the public, thereby excluding any minor by reason of age. These establishments, as defined in **Section 622.4** and further defined in Hamden Town Ordinance, affect the public health, morals, safety, and general welfare of the community and include, but are not limited to, one or more combination of the types of businesses that are indicated in **Section 622**. Considering the potentially serious objectionable operational characteristics of adult-oriented establishments, special regulations of these uses are necessary to ensure that no adverse effects will contribute to the blighting or downgrading of the surrounding neighborhood.

622.2 The primary purposes of this Section are to:

- a. Protect and preserve the health, safety and welfare of the patrons of such establishments;
- b. Prevent a concentration of these uses in one area of a building;
- c. Protect the public health, morals, safety and general welfare of the citizens of Hamden;
- d. Regulate and prohibit the carrying on, within the Town of Hamden, of any trade, manufacture, business or profession, that is, or may be, so carried on as to become prejudicial to public health, conducive to fraud and cheating, or dangerous to or constituting an unreasonable annoyance to those living or owning property in the Town of Hamden; and
- e. Protect and preserve the quality of life for the citizens of Hamden, especially its children.

622.3 Consistency with Federal and State Law

- a. The United States Constitution and the Connecticut State Statutes grant the Town powers, especially police power, to enact reasonable legislation and measures to regulate and supervise "Adult-Oriented Establishments", as hereinafter defined, in order to protect the public health, morals, safety and welfare.
- b. It is not the intent of the Planning and Zoning Commission, in enacting this regulation, to deny to any person rights to speech that are protected by the United States of America and/or the State Constitution, nor is it the intent of the Planning and Zoning Commission to impose any additional limitations or restrictions on the contents of any communicative materials, including sexually oriented films, videotapes, books and/or other materials.
- c. Further, by enacting this Regulation, the Planning and Zoning Commission does not intend to deny or restrict the rights of any adult to obtain and/or view any sexually oriented materials protected by the United States of America and/or the State Constitution, nor does it intend to restrict or deny any constitutionally protected rights that distributors or exhibitors of such sexually oriented materials may have to sell, distribute or exhibit such materials.

622.4 Relevant Definitions

For the purpose of this regulation, the following will define and explain certain words used. Where a question arises as to the precise meaning of a word, the Planning and Zoning Commission shall determine the meaning of the word, giving due consideration to the expressed purpose and intent of this regulation. Other words used in these Regulations shall have the meaning commonly attributed to them.

In addition to the terms in **Article VIII**, the following definitions pertain specifically to **Section 622**:

Adult-Oriented Entertainment shall include, whether as a primary use or an accessory use, without limitation, adult bookstore, adult cabaret, adult media outlet, adult motion-picture theater, adult mini-motion-picture theater, adult news racks, adult novelty, adult personal service, adult retail establishment, and adult video arcade, and further means any premises to which the public, patrons or members are invited or admitted, and which are so physically arranged as to provide booths, cubicles, rooms, studios, compartments or stalls, separate from the common areas of the premises, for the purpose of viewing adult-oriented motion pictures, or any premises wherein

an entertainer provides adult entertainment to a member of the public, a patron or a member, when such adult entertainment is held, conducted, operated or maintained for a profit, direct or indirect, and from which minors are excluded by virtue of age. An "Adult-Oriented Establishment" further includes, without limitation, premises that are so physically arranged as above and are used as such whether advertised or represented as an adult entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, modeling studio, juice bar or any other term of like import.

Adult Media Outlet shall mean a business, whether as a primary use or accessory use, engaging in the barter, rental or sale of items consisting of books, magazines, periodicals, other printed matter, pictures, slides, records, audiotapes, videotapes, compact discs, motion pictures, films or other media, if such business is open to the public, patrons or members, or if a substantial or significant portion of such items are distinguished or characterized by an emphasis on the depiction or description of "Specified Sexual Activities" or "Specified Anatomical Areas," (*See below for definitions*) and which excludes minors by virtue of age.

Adult Bookstore shall mean an establishment that has as a principal activity, whether as a primary use or accessory use, the sale or barter of books, magazines, newspapers or other printed material, videotapes, video discs and motion-picture films or tapes, pictures, slides, audiotapes, videotapes, on compact discs that are characterized by their emphasis on portrayals of human genitals and pubic areas or acts of human masturbation, sexual intercourse or sodomy, and which establishment excludes minors by virtue of age.

Adult Motion-Picture Theater shall mean an enclosed building, or portion of said building, with a capacity of 50 or more persons, having as a principal activity displaying motion pictures characterized by their emphasis on portrayals of human genitals and pubic regions or of human masturbation, sexual intercourse, or sodomy for observation by patrons therein, and from which minors are excluded by virtue of age.

Adult Mini-Motion-Picture Theater shall mean an enclosed building or portion of said building, with a capacity of 50 or fewer persons, having as a principal activity, whether as a primary use or accessory use, the presenting of material characterized by emphasis on portrayals of human genitals and pubic regions or actions of human masturbation, sexual intercourse, or sodomy, for observation by patrons therein in individual viewing booths, and from which minors are excluded by virtue of age.

Adult Cabaret shall mean an establishment licensed to serve food and/or alcoholic beverages, which features nude and/or partially nude dancers, go-go dancers, exotic dancers, strippers, male or female impersonators, or similar entertainers, and from which minors are excluded by virtue of age.

Adult Novelty Business shall mean a business, whether as a primary use or accessory use, which has as the principal activity the sale of devices or simulated human genitals designed for sexual stimulation and from which minors are excluded by virtue of age.

Adult Personal Service Business shall mean a business, whether as a primary use or accessory use having as a principal activity a person, while nude, partially nude, or fully clothed, providing personal services for a person of the same or other sex, on an individual basis, in an open or closed room, and which excludes minors by virtue of age. It includes, but is not limited to, the following activities: massage parlors, exotic rubs, modeling studios, body painting studios, tattoo parlors, wrestling studios and individual theatrical performances. It does not include activities performed by persons pursuant to, and in accordance with licenses issued to such persons by the State of Connecticut.

Adult Video shall mean any place to which the public is permitted or invited wherein coin or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where

the images so displayed are distinguished or characterized by an emphasis on depicting, describing or relating to “Specific Sexual Activities” or “Specified Anatomical Areas,” and whereby excludes minors by virtue of age.

Adult Entertainment shall mean any exhibition of an adult-oriented motion picture, live performance, display or dance of any type, which has as a significant or substantial portion of such performance any actual or simulated performance of “Specified Sexual Activities” or exhibition and viewing of “Specified Anatomical Areas,” removal of articles of clothing or appearing unclothed, pantomime, modeling, or other personal services offered customers, and from which minors are excluded by virtue of age.

Partially Nude shall mean having any or all of the following bodily parts exposed: buttocks, genitals, pubic area, or female breasts.

Primary Use shall mean a use accounting for more than 25% of a business stock-in trade, display space, or floor space, or movie-display time per month.

Accessory Use shall mean a use accounting for less than 25% of a business stock-in trade, display space, or floor space, or movie-display time per month.

Employee shall mean any and all persons, including independent contractors, who work in or at, or render any services directly related to the operation of, an adult-oriented establishment.

Minor shall be deemed to refer to a person under the age of 18 years.

Operator shall mean any person, proprietor, shareholder, general partner or limited partner who holds 20% or more of the shares or partnership interest in any business operating, conducting or maintaining an “Adult-Oriented Establishment.”

Specified Sexual Activities shall mean:

Human genitals in a state of sexual stimulation or arousal;
Acts of human masturbation, sexual intercourse, or sodomy; and
Fondling or erotic touching of human genitals, pubic region, buttocks or female breasts.

Specified Anatomical Areas shall mean:

Less than completely and opaquely covered:
Human genitals, pubic region;
Buttocks;
Female breasts below the point immediately above the top of the areola; and
Human male genitals in a discernible turgid state, even if completely opaquely covered.

Sexual Activities as used in this Regulation is not intended to include any medical publications or films or *bona fide* educational publications or films, nor does it include any art or photography publications that denote at least 25% of the lineage of each issue to articles and advertisements dealing with subjects of art or photography, nor does this definition apply to any news periodical that reports or describes current events and that, from time to time, publishes or shows photographs or depictions of nude or semi-nude persons when describing cultures in which nudity or semi-nudity is indigenous to the population.

Obscene Material or Performance is obscene to minors if it depicts a prohibited sexual act and, taken as a whole, it is harmful to minors. For purpose of this subsection “harmful to minors” means:

That quality of any description or representation, in whatever form, of a prohibited sexual act, when it predominantly appeals to the prurient, shameful or morbid interest of minors;

It is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material for minors; and

Taken as a whole, it lacks serious literary, artistic, educational, political or scientific value for minors.

Prohibited Sexual Act means erotic fondling, nude performance, sexual excitement, sadomasochistic abuse, masturbation or sexual intercourse.

Child Pornography means any material involving a live performance or photographic or other visual reproduction of a live performance that depicts a minor in a “prohibited sexual act”.

Regulated Uses

Regulated adult-oriented establishments include, but are not limited to the following:

- a. Adult Bookstore
- b. Adult Cabaret
- c. Adult Entertainment
- d. Adult Media Outlet
- e. Adult Mini-Motion-Picture Theater
- f. Adult Motion-Picture Theater
- g. Adult News wrack
- h. Adult Novelty
- i. Adult Personal Service
- j. Adult Retail Establishment
- k. Adult Video Arcade
- l. Businesses a/k/a:
 - i. Encounter Studio
 - ii. Exotic Dance Studio
 - iii. Juice Bar
 - iv. Modeling Studio
 - v. Rap Studio
 - vi. Sensitivity Studio
 - vii. or any other term of like impact.

Permitted

Adult-oriented establishments, whether as a primary use or an accessory use, as that term is defined in **Section 622** and further defined in the Hamden Town Ordinances, which definition may be amended from time to time, shall be permitted in the Manufacturing (M-) Zone, subject to Special Permit and Site Plan One-Year Approval, to be renewed annually. Adult-oriented establishments shall be restricted to one use per building. The following restrictions in addition to conditions set forth in **Section 718** shall apply:

- a. Such establishments shall be a minimum of 100 feet from public, parochial or private schools, daycare centers, public parks, (including the Farmington Canal Greenway), playgrounds, recreational lands, or other areas where numbers of minors regularly travel or congregate in any zone, municipal boundary lines, residentially zoned property or libraries and 1,000 feet from other adult-oriented establishments.
- b. For the purposes of this section, distances shall be measured in a straight line, without regard to intervening structures or objects, from the nearest portion of the building containing or proposing to contain an adult-oriented use, to the nearest boundary of the use herein specified.
- c. Nor shall any such establishment be located within 100 feet of the property line of any church, convent, monastery, synagogue, mosque or similar place of worship, or cemetery.
- d. Pursuant to **Section 718**, such establishments shall be subject to Special Permit and Site Plan approval by the Planning and Zoning Commission, for a limited period of time, not to exceed one year with annual renewal

required. The following site specific criteria shall apply:

- i. All exterior signs shall comply with **Section 550** and no exterior sign shall contain any photographic or artistic representation of specified anatomical areas as defined in the Hamden Town Ordinance.
 - ii. All building openings, entries, windows, doors shall be located covered or screened in such a manner as to prevent view into the interior of the building from any public right-of-way or adjacent properties.
 - iii. No adult-oriented use shall be established in any building of which any part is used for residential purposes.
 - iv. No residential use shall be established in any building of which any part is used as an adult-oriented establishment.
 - v. Stairways, sloping or rising paths and building entrances and exits shall be well illuminated. No spotlight-type fixtures attached to the building are permitted.
- e. Adequate site lighting shall be provided to ensure the safe movement of persons and vehicles and for security purposes.

Exemptions

The provisions of this Section shall not apply to nor shall they prohibit the following uses and activities performed by persons pursuant to, and in accordance with, licenses issued to such persons by the State of Connecticut.

- a. *Treatment by a licensed chiropractor, a licensed osteopath, a Connecticut-licensed masseur or masseuse, a licensed practical nurse or a registered professional nurse;*
- b. *Electrolysis treatment by a licensed operator of electrolysis equipment;*
- c. *Hospitals, nursing homes, medical clinics or medical offices;*
- d. *Barbershops or beauty parlors that offer massage to the scalp, face, neck or shoulders only;*
- e. *Athletic facilities of an educational institution, including alumni club, or of a philanthropic or charitable institution; and*
- f. *Health establishments, including commercial and non-commercial clubs that are equipped and arranged to provide instruction, services or activities that improve or affect a person's physical condition by physical exercise or by massage. Physical exercise programs include aerobics, martial arts, boxing, and/or the use of exercise equipment.*

Variances

Adult-oriented establishments shall not be permitted by variance in any zone.

Required Registration

All adult-oriented establishments shall be registered with the Zoning Enforcement Officer at the time of Special Permit application. Any unlawful preexisting adult-oriented establishments, whether as a primary use or an accessory use, in operation prior to the effective date of this regulation (**Section 622** inclusive) shall be registered within 30 days of the effective date of said regulations.

It shall be the responsibility of the owner or agent responsible for the management or control of a building that contains an adult-oriented establishment to furnish and maintain the registration with the Zoning Enforcement Officer, which shall include the following information:

- a. The correct street address of the premises;
- b. The name of the owner of the premises, or the names of the beneficial owners if the property is in a land trust, or the names of the owners in interest of a corporation or limited-liability corporation;
- c. The address and phone numbers of the owner or beneficial owners or owners in interest;
- d. The trade name of the regulated adult-oriented establishment;
- e. The names(s), address(es) and telephone number(s) of the owner(s), beneficial owner(s) or the major stockholders or limited-liability partners, or partners of the regulated adult-oriented establishment;

- f. The date of the initiation of the regulated adult-oriented establishment;
- g. The issuance date of the license to operate an adult-oriented establishment issued by the Hamden Police Chief or his/her designee; and
- h. If the building is leased, a copy of the lease shall be furnished.

It shall be unlawful for the owner or person in control of any property to establish or operate thereon, or to permit any person to establish or operate, an adult-oriented establishment without first having properly registered and received certification of approved registration and having received Planning and Zoning approval and a license to operate from the Chief of Police or his/her designee.

The owner, operator, manager or agent of a registered adult-oriented establishment shall display a copy of the Certification of Registration, approved by the Planning and Zoning Commission and certified by the Zoning Enforcement Officer, in a conspicuous place on the premises.

Required Renewals

The Planning and Zoning Commission requires the renewal of Special Permits for adult-oriented establishments in January of each calendar year, which shall conform to the following standards:

- a. The renewal process shall consist of a Special Permit Renewal Application pursuant to **Section 718** and shall be submitted prior to the expiration date.
- b. Purchasers of buildings or structures that have had Special Permit approval for adult-oriented uses who want to continue a Special Permit that has not expired shall obtain a Zoning Permit and demonstrate that all conditions prerequisite to obtaining the relevant permit have been met prior to the continued operation of the adult-oriented use.
- c. Any such renewal shall be referred to the Planning and Zoning Commission for consideration. The Planning and Zoning Commission, at its sole discretion, may require a new application and a demonstration of compliance with all conditions necessary for a Special Permit prior to the continued operation of the adult-oriented uses.

Violations

It shall be a violation to establish or operate a regulated adult-oriented establishment, whether as a primary use or an accessory use without:

- a. Obtaining and maintaining a Special Permit from the Planning and Zoning Commission for the operation;
- b. Obtaining and maintaining a license to operate such establishment from the Chief of Police or his/her designee; and
- c. Obtaining and maintaining proper registration of such establishment from the Zoning Enforcement Officer.

Any person, partnership or corporation that is found to have violated this regulation (Section 622) shall be fined a definite sum not to exceed \$100 for each violation.

Each violation of this regulation (Section 622) shall be considered a separate offense, and any violation continuing more than one hour of time shall be considered a separate offense for each hour of violation.

Section 624 Agriculture

624.1 Commercial Farm

Commercial farms, including plant nurseries and greenhouses, are permitted subject to the following conditions:

- a. Any structure housing animals shall be located at least 100 feet from any lot line.
- b. No livestock or farm animals shall be permitted to graze or feed within any required yard.
- c. Any run, paddock or barnyard shall be a minimum of 100 feet from any lot line.

- d. A fence of sufficient height to assure containment of the animals shall properly enclose any run, paddock, or barnyard.
- e. Buildings or stands for the sale of produce are permitted subject to Site Plan approval and the following conditions:
 - i. The building or produce stand is accessory to the primary use of the property.
 - ii. The produce stand does not exceed a gross floor area of 500 square feet.
 - iii. The building or produce stand meets the yard requirements of the applicable zone for a principal building.

624.2 Community Garden

Community Gardens are permitted subject to the following conditions:

- a. Property shall be clear of rubble and contamination;
- b. Access to water shall be provided;
- c. Area for compost shall be provided;
- d. Storage area for tools and secured trash receptacles shall be provided;
- e. Trash removal on no less than a weekly basis shall be provided;
- f. Outdoor lighting, if provided, shall not exceed 1.5 footcandles on the site and shall comply with all provisions of **Section 580**.

624.3 Farmer's Market

See Section 724 Temporary Permits

Section 626 Animals

626.1 Animal Day Care

Animal Day Care facilities are permitted subject to the following conditions:

- a. Each lot shall have a minimum area of 80,000 square feet.
- b. Outdoor exercise areas for animals shall be a minimum of 100 feet from any lot line.
- c. Open exercise areas shall be properly enclosed by a fence of sufficient height to assure containment of the animals and such areas shall be maintained in a sanitary and odor-free condition at all times.
- d. All stalls, pens and similar enclosures for animals shall have a floor made of concrete or other impervious material, which shall contain adequate drainage facilities connected to a sanitary system for proper washing and maintenance.
- e. Overnight boarding is prohibited.

626.2 Animal Training Facility

Animal Training facilities are permitted subject to the following conditions:

- a. Each lot shall have a minimum area of 80,000 square feet.
- b. Outdoor exercise areas for animals shall be a minimum of 100 feet from any lot line.
- c. Open exercise areas shall be properly enclosed by a fence of sufficient height to assure containment of the animals and such areas shall be maintained in a sanitary and odor-free condition at all times.
- d. All stalls, pens and similar enclosures for animals shall have a floor made of concrete or other impervious material, which shall contain adequate drainage facilities connected to a sanitary system for proper washing and maintenance.
- e. Overnight boarding is prohibited.

626.3 Grooming

Animal grooming facilities are permitted subject to the following conditions:

- a. Each lot shall have a minimum area of 20,000 square feet.
- b. Buildings containing animals shall be a minimum of 20 feet from any lot line.

- c. All stalls, pens and similar enclosures for animals shall have a floor made of concrete or other impervious material, which shall contain adequate drainage facilities connected to a sanitary system for proper washing and maintenance.
- d. Overnight boarding is prohibited.

626.4 Keeping of Animals

The keeping and raising of domestic farm animals other than pigs, fur-bearing animals and fowl is permitted as an accessory use subject to the following conditions:

- a. Each lot shall have minimum area of 120,000 square feet.
- b. Not more than three domestic farm animals shall be permitted on any lot.
- c. Any building used for the keeping of animals shall be located at least 50 feet from any lot line.
- d. No domestic farm animal shall be permitted to graze or feed within any required yard.
- e. Any open area used for exercising or feeding of animals shall be properly enclosed by a fence of sufficient height to assure containment of the animals and shall not be within any required yard or 25 feet from any lot line, whichever is greater.
- f. All areas used by such animals shall be kept in a sanitary condition that is satisfactory to the Department of Health.

626.5.5 Kennels & Stables

Boarding kennels, riding stables and boarding stables are permitted subject to the following conditions:

- a. Each lot shall have a minimum area of 200,000 square feet.
- b. Buildings and open exercise areas containing animals shall be a minimum of 100 feet from any lot line.
- c. Open exercise areas shall be properly enclosed by a fence of sufficient height to assure containment of the animals and such areas shall be maintained in a sanitary and odor-free condition at all times.
- d. All stalls, pens and similar enclosures for animals shall have a floor made of concrete or other impervious material, which shall contain adequate drainage facilities connected to a sanitary system for proper washing and maintenance.

626.6 Veterinary Hospitals

Veterinary Hospitals are permitted subject to the following conditions:

- a. In any Residential Zone, T-4 or T-5 Zone, the minimum lot size shall be 20,000 square feet.
- b. Sanitary sewers shall serve the lot. Depending on the size of the facility, the Commission may require adequate public water service.
- c. A veterinary hospital shall not include a crematorium or any outside enclosure for animals.

Section 628 Cemeteries

Cemeteries are permitted subject to the following conditions:

- a. Each lot shall have a minimum area of 400,000 square feet.
- b. Each lot shall have front, side and rear yards of at least 50 feet each.
- c. No structures, monuments, markers, burial sites or parking shall be located in any required yard.

Section 630 Civic Clubs, Lodges or Associations (Non-Profit)

Civic Clubs, Lodges or Associations are permitted subject to the following conditions:

- a. Each lot shall have a minimum area of 80,000 square feet.
- b. Outdoor recreation facilities such as, but not limited to, swimming pools, tennis courts, putting greens, and basketball courts are permitted as accessory uses, provided the minimum lot area is 200,000 square feet.
- c. Buildings, off-street parking, swimming pools, ball diamonds, picnic areas and other recreation uses, shall occupy not more than 80% of the area of the lot.

- d. No off-street parking or recreation facility shall be located in any required yard.
- e. Sanitary sewers shall serve the lot.

Section 632 Community Residences

Community residences, group homes, and residential care facilities for mentally ill adults and mentally retarded persons are permitted subject to the following conditions:

- a. The group home shall have an approved license from the State of Connecticut prior to issuance of a Certificate of Zoning Compliance.
- b. If residents are not permitted to own or operate a motor vehicle, the Commission may reduce or waive the parking requirements.

632.1 Sober Houses & Drug Treatment Facilities

Sober houses and drug treatment facilities are permitted subject to the following conditions:

- a. The drug treatment facility shall have an approved license from the State of Connecticut prior to issuance of a Certificate of Zoning Compliance.
- b. If residents are not permitted to own or operate a motor vehicle, the Commission may reduce or waive the parking requirements.

Section 634 Conference Center Development

Conference Center Developments are permitted subject to the following conditions:

- a. Restaurants, dining rooms and banquet facilities are permitted as accessory uses.
- b. Business or professional offices are permitted as an accessory use, provided the gross floor area utilized for said use does not exceed 40% of the gross floor area of the structures.
- c. Stores for the retail sales of goods are permitted as an accessory use provided the gross floor area utilized for said use does not exceed 5% of the gross floor area of the structures.

Section 636 Day Care

Regularly organized day care centers are permitted subject to the following conditions:

636.1 Child Day Care Center, Nursery Schools & Group Day Care Home

- a. If the use is an accessory to a dwelling, not more than 25% of the existing floor area of the dwelling unit shall be used for day care purposes.
- b. No play apparatus shall be located in any required front or side yard. Either a fence or foliage screen shall screen any play apparatus. This screening shall be of such type and location as to provide privacy to adjoining properties, but shall not be so constructed or located as to constitute an unsafe situation for the users of the outdoor apparatus.
- c. The day care center shall have an approved license from the State of Connecticut prior to the issuance of a Certificate of Zoning Compliance.
- d. Public water service and sanitary sewers are required. The Commission may waive either or both of these utility requirements, subject to a technical report from a qualified authority that on-site systems for sewage disposal and/or potable water supply are adequate.
- e. The day care center shall not create any excessive noise, dust, smoke, odor or unsightly condition that would constitute a public nuisance to adjoining properties.
- f. No overnight stays are allowed.

636.2 Family Day Care Home

Family Day Care Homes are permitted subject to the following conditions:

- a. No play apparatus shall be located in any required front or side yard. Either a fence or foliage screen shall screen any play apparatus. The screening shall be of such type and location to provide privacy to adjoining residential properties, but shall not be so located or constructed as to constitute an unsafe situation for the users of the play apparatus.
- b. The family day care home shall have an approved license from the State of Connecticut prior to issuance of a Certificate of Zoning Compliance.
- c. The family day care home shall not create any excessive noise, dust, smoke, odor or unsightly condition that would constitute a public nuisance to adjoining properties or the neighborhood.

636.3 Adult Day Care

Adult day care centers are permitted subject to the following conditions:

- a. If the use is an accessory to a dwelling, not more than 25% of the existing floor area of the dwelling unit shall be used for day care purposes.
- b. No outdoor apparatus shall be located in any required front or side yard. Either a fence or foliage screen shall screen outdoor apparatus. This screening shall be of such type and location as to provide privacy to adjoining properties, but shall not be so constructed or located as to constitute an unsafe situation for the users of the outdoor apparatus.
- c. Public water service and sanitary sewers are required. The Commission may waive either or both of these utility requirements, subject to a technical report from a qualified staff authority that on-site systems for sewage disposal and/or potable water supply are adequate.
- d. The day care center shall not create any excessive noise, dust, smoke, odor or unsightly condition that would constitute a public nuisance to adjoining properties.
- e. No overnight stays are allowed.

Section 638 Food Service

6.38.1 Outdoor Café

Outdoor cafes and eating areas, when accessory to a restaurant, are permitted subject to a Zoning Permit and the following conditions:

- a. The outdoor eating area shall be accessible from the restaurant building only;
- b. The outdoor eating area shall not exceed 20% of the indoor eating area;
- c. The outdoor eating area shall be largely open to the elements and shall not be permanently enclosed with a roof or walls;
- d. All food and beverages shall be served at the table;
- e. Outdoor eating areas shall be operated on a seasonal basis not to exceed six months in a calendar year and shall be exempt from providing parking spaces other than those required for the restaurant;
- f. The outdoor eating area shall be landscaped with planters, window boxes, planted pots and/or planted beds containing appropriate trees, shrubs and/or flowers to provide privacy and ambience for diners;
- g. There shall be no live or recorded music played or projected outside the restaurant building without the prior issuance of a Zoning Permit.

Section 640 Health Care Facilities

Public and private hospitals, nursing homes, convalescent homes, and residential rehabilitation facilities are permitted subject to the following conditions:

- a. There shall be a minimum lot area of 40,000 square feet, or 1,500 square feet for each patient bed, or as required by the applicable zone, whichever is greater.
- b. Each lot shall have front, side, and rear yards with depths of at least 50 feet each.
- c. Any emergency entrance shall have direct access to a public street with a minimum pavement width of 50

feet.

- d. Sanitary sewers shall serve the lot. Depending on the size of the facility, the Commission may require public water services.

642 Heliports

Heliports are permitted subject to the following conditions:

- a. Heliports are accessory to the primary land use; they are not commercial in nature, not held out or open to the general public, nor allowed to charge a fee at any time.
- b. There will be no overnight storage of helicopters as a normal operation, no fueling or storage of maintenance materials.
- c. The facility will have a favorable FAA airspace determination that is current and complies fully with all recommendations and/or conditions made by the FAA. A copy of the full FAA Form 7480 Application and response from the FAA will be part of the application package. The facility will be limited to the size of the helicopters that it was designed for and that will be specifically stated in the application and zoning permit.
- d. The facility will comply with all the applicable licensing guidelines and regulations for such facilities as defined by the State of Connecticut Department of Transportation (DOT). The written acknowledgement from that department that it meets such requirements is needed as part of the application package.
- e. The facility will be listed with the FAA when activated and this listing will be kept current as required.
- f. The facility will be approved by the Hamden Fire Department with all of their recommendations and conditions being complied with.
- g. The heliport flight paths, while legally under the sole jurisdiction of the FAA, should be designed to use natural sound corridors and roads to enhance the compatibility with the surrounding community.
- h. Permission is granted as a part of the approval for the Hamden Public Safety Departments, i.e. Fire and Police, to use and access the heliport in the event of a local emergency and to allow appropriate emergency helicopters to serve the public need. The facility will also allow for any needed emergency service (MedEvac, State Police, etc.) helicopter to use the heliport within its weight and size notations.
- i. The facility will be used only by the owner and his/her guests.
- j. If the primary land use ceases at the location, the facility will no longer be approved as an accessory use.
- k. A trip shall be defined as one landing and one take-off.
- l. There will be no helicopter operations, *except for emergencies*, between the hours of 11:00 p.m. and 6:00 a.m.

644 Home Occupation

Customary home occupations are permitted accessory uses, subject to the following conditions:

644.1 The home occupation or office shall:

- a. Not occupy more than 25% of the existing floor area of the dwelling or 600 square feet, whichever is less;
- b. Not change the exterior residential character or appearance of the dwelling in any visible manner;
- c. Be clearly incidental to the residential use of the dwelling. The home occupation or office may involve only members of the immediate family residing in the dwelling unit. Subject to Special Permit and Site Plan approvals, the home occupation or office may also involve one non-resident employee;
- d. Not involve the sale of any commodity or article;
- e. Not include any manufacturing, processing or assembling (other than artists, craftsmen or bakers);
- f. Not have materials or products related to the home occupation stored outside of any building;
- g. Not have parking in any required front or side yard;
- h. Not create any excessive noise, traffic, odor, dust, vibration, smoke, gas fumes, radiation, electromagnetic interference, or unsightly condition that would constitute a public nuisance to adjoining properties or the neighborhood;
- i.. Require sanitary sewers should the Commission decide that such service is necessary.

644.2 A home occupation, such as an office, may be approved by Zoning Permit only if:

- a. No changes to the exterior of the house and site are made;
- b. No signage is located on site;
- c. No non-family members are employees;
- d. There are only infrequent visits to the home by clients;
- e. The activity does not exceed the approved capacity of private wells or private subsurface sewage disposal systems;
- f. There is no discharge toxic or hazardous waste material into a private, subsurface sewage disposal system,
- g. No toxic materials are used; and
- h. No additional parking is required;

Home occupations may be permitted in a dwelling unit that is part of a two-family, three-family or multi-family development subject to above criteria.

Section 646 Lodging

646.1 Bed & Breakfast

Bed & Breakfasts are allowed subject to the following conditions:

- a. The establishment shall be owner-occupied;
- b. Up to five bedrooms may be offered for lodging;
- c. No parking shall be allowed in the required front or side yards.

646.2 Hotel/Motel/Inn

General Requirements for Hotels, Inns & Motels

- a. The lot shall be serviced by a public water supply.
- b. The size and appearance of any proposed hotel, inn or motel shall be compatible and harmonious with the character and appearance of buildings in the immediate vicinity and shall not be detrimental to the appropriate and orderly development of any adjacent lot or building.
- c. No more than 10% of rental units shall have kitchen or cooking facilities.
- d. Proposed sewage disposal systems shall meet all State and Local requirements, shall be approved by the local health department and shall have no adverse effects on adjacent sewage disposal systems.

Hotels, inns and motels on parcels abutting residential and T3 zones are permitted subject to the following conditions:

- a. The maximum amount of patron space for limited conference and dining use shall not exceed 20 square feet per lodging room. Dining facilities shall be designed to focus on servicing patrons and their guests.
- b. **Side and/or rear yard setbacks abutting residentially zoned property shall be a minimum of 25 feet.**

Hotels, motels and inns on parcels that do not abut residential an/or T3 zones are permitted subject to the conditions of the underlying zone.

646.3 Rooming & Boarding House

The keeping of no more than two roomers and boarders who do not meet the definition of “student” is permitted as an accessory use in a one-, two- or three-family dwelling subject to the following conditions:

- a. The roomers or boarders shall reside within the principal dwelling unit.
- b. The sleeping space shall be no less than 80 square feet for the first person and 70 square feet for the second

person.

- c. No cooking or cooking appliances shall be permitted in rented rooms,
- d. One off-street parking space shall be provided for each roomer or boarder.
- e. No roomer or boarder shall be permitted where the family occupying the dwelling unit is composed of a group of four unrelated persons.

Section 648 Manufacturing

648.1 Accessory Use

The manufacturing, assembling, converting, altering, finishing, cleaning or other similar processing of products, when accessory to a retail, business/personal service use, is permitted subject to the following conditions:

- a. The goods produced or processed shall be sold exclusively on the premises.
- b. The area used for such purposes shall be entirely within the building occupied by the principal use.
- c. The area used for such purposes shall not exceed 50% of the area devoted to retail sales or 20% of the gross floor area of the building, whichever is less. This provision shall not be applicable to businesses primarily involved in food processing such as bakeries.
- d. Sanitary sewers and a public water supply shall serve the lot.

648.2 Primary Use

The manufacturing, assembling, converting, altering, finishing, cleaning or other similar processing of products is permitted provided that the lot is served by sanitary sewers and has public water supply.

Section 650 Motor Vehicles

650.1 Sales, Rental, Service & Repair of Vehicles and Gas Station

Motor vehicle (including automobile, truck, recreation vehicle, trailer, boat and mobile home) sales, rental, service (including gas stations and car wash facilities) and repair are permitted subject to the following conditions:

- a. Each lot shall have a minimum area of 20,000 square feet and shall have at least 150 feet of frontage on one street.
- b. All fuel pumps and service equipment shall be setback from any lot line by at least 15 feet and located in the rear of the lot.
- c. Curb cuts shall be at least 25 feet from any other curb cut or street intersection.
- d. Trash, garbage and unusable vehicle parts shall be temporarily stored within the principal building or within a covered container or receptacle that is suitably screened from adjoining properties.
- e. The outdoor display, exhibition, and storage of motor vehicles is permitted as an accessory use subject to the provisions in **Section 654 Outdoor Storage**.
- f. Freestanding signs for gas stations shall comply with **Section 550.2.10**. However, the total surface area of 32 square feet may be increased by one square foot for posting each fuel price provided that the total surface area of the sign does not exceed 36 square feet and the posted prices are an integral part of the face of the sign.
- g. Sanitary sewers and a public water supply shall serve the lot.
- h. All hazardous materials and waste chemicals shall be stored inside on an impervious floor with some form of secondary containment.
- i. Scrap metal or other parts in contact with lubricant shall be stored in a watertight container to prevent the accumulation and contamination of stormwater.
- j. Solid waste material shall be stored in an appropriately sized, covered, solid waste dumpster or other watertight container that is plugged to prevent the release of any liquids.
- k. Waste material shall be disposed of by a licensed waste hauler in accordance with all applicable federal, state and local regulations.
- l. All servicing of vehicles shall be conducted indoors on an impervious surface.

- m. All vehicle washing shall be conducted indoors.
- n. There shall be absolutely no discharges of motor vehicle fluids or detergent chemicals to the environment.
- o. Any vehicles that are leaking automotive fluids shall be stored in a garage or at minimum on an impervious surface where the leaks can be contained and cleaned up.
- p. RWA inspectors shall be granted access to any property located within the Mill River Watershed or an Aquifer Protection Area during the Authority's annual inspection program.

650.2 Commercial Vehicle Storage, Accessory Use in Residential, T2 and T3 Zones

650.2.1 The parking of commercial vehicles may be permitted in any residential district as an accessory use only and subject to the following conditions:

- a. Only one commercial vehicle not exceeding 11,000 pounds gross vehicle weight (GVW) may be parked or stored on a lot provided it also does not exceed 10 (ten) feet in height from the base of the wheel to the top (including any cargo) or 10 (ten) feet in cargo (box) length, subject to the issuance of a Zoning Permit by the Zoning Enforcement Officer.
- b. By Special Permit, one commercial vehicle exceeding the requirements referred to above may be parked or stored on a lot, subject to Special Permit approval and the following:
 - i. The Commission shall consider such factors as proposed screening; proximity to adjacent lots and buildings; the size, intended use, and hours of operation of the vehicle in question; other vehicles on the property; character of the neighborhood.
 - ii. No commercial vehicle shall exceed thirteen feet, six inches (13'6") in height from the base of the wheel to the top (including any cargo).
 - iii. No commercial vehicle shall exceed 26,000 pounds GVW.

650.2.2 All commercial vehicles, regardless of GVW, shall meet the following standards:

- a. No vehicle shall have more than 2 (two) axles.
- b. No vehicle shall be parked so as to obstruct the view of traffic from adjacent driveways or streets.
- c. No vehicle containing hazardous materials or waste may be parked on a residential lot.
- d. Construction vehicles, including but not limited to, backhoes, bobcats, bucket loaders, track vehicles, shall not be allowed.
- e. No tanker trucks or similar type vehicles used for hauling liquids including but not limited to, oil trucks, septic cleanout trucks, etc, shall be allowed.
- f. All commercial vehicles shall be parked on the driveway of the occupied residential lot or a parking area leased to the residential occupant, provided no commercial vehicle may be parked closer than ten (10') from any adjacent property line.
- g. The commercial vehicle shall be owned or operated by the permanent resident of the property on which it is to be parked.
- h. No maintenance or repair of a commercial vehicle shall be allowed on the residential property.
- i. There shall be no loading or unloading of commercial vehicles between the hours of 9 p.m. and 7 a.m.
- j. No garbage hauling, dump trucks or any other trucks that haul cargo that emits objectionable odors shall be permitted.
- k. No tractor-trailer, nor the tractor or the trailer, shall be parked in a residential district at any time except in connection with a moving operation.

650.2.3 All applications for Special Permits shall include a detailed description of the vehicle to be used including gross vehicle weight, height, total length, box length (if applicable), wheelbase, model and make. Any permits granted shall be for the specific vehicle described in the application. Any changes to the vehicle specifications as approved shall require a new approval by the Commission.

650.2.4 Commercial vehicles subject to Special Permit approval shall be screened along the closest residen-

tial property line by appropriate evergreen trees, shrubs, fence, or a combination thereof. Exceptions and modifications may be considered by the Commission taking into consideration topography and proximity of adjacent residential structures.

650.2.5 Nothing herein shall be construed to permit a home occupation that is not otherwise permitted under the regulations. Any home occupation in conjunction with the parking of a commercial vehicle must meet the applicable requirements and receive a permit from the Zoning Enforcement Officer.

650.2.6 Nothing herein shall be construed so as to prohibit commercial vehicles parked temporarily while engaged in providing products or services to the owner of the property.

650.2.7 Nothing herein shall be construed to prohibit commercial vehicles that are used as part of the following:

- a. A permitted agriculture, farming, forestry, or nursery gardening use.
- b. A permitted earth excavation, removal or deposit activity authorized by these Regulations.
- c. A use of a facility operated by the Town of Hamden, the State of Connecticut, or the Federal Government;
- d. A maintenance facility in support of a multiple dwelling project on the lot, or in support of a Special Permit use, if specifically authorized by the Commission.

650.3 Recreational and Other Vehicle Storage, Accessory Use in Residential, T2 and T3 Zones

650.3.1 The storage of travel trailers, campers, boats, recreation vehicles, vans and pick-up trucks on residential properties is permitted as an accessory use subject to the following conditions:

- a. Not more than two such vehicles shall be stored or parked on a lot used for residential purposes for a period exceeding 24 hours per month.
- b. No pick-up truck or van having a Gross Vehicle Weight Rating (GVWR) of more than 11,000 pounds shall be allowed to park for a period exceeding 24 hours per month on any residential lot unless it is in an enclosed structure.
- c. There shall be no outside storage of construction equipment and/or vehicles *except when essential to on-site construction activities*.
- d. The resident or owner of the premises shall own all vehicles and equipment.
- e. If not in a completely enclosed structure, travel trailers, campers, boats and recreation vehicles may not exceed 18 feet in length. Such vehicles shall be parked or stored in the rear yard, and not closer than ten feet to any lot line.
- f. All vehicles and equipment shall be screened from view.
- g. Travel trailers, campers, boats and recreation vehicles may be parked anywhere on a residential premises for a period not exceeding 24 hours during unloading or loading.
- h. No travel trailer, camper, boat, recreation vehicle, pick-up truck or van parked or stored in any zone shall be used for living, sleeping or housekeeping purposes.
- i. No vehicle shall have more than 2 (two) axles.
- j. No vehicle shall be parked so as to obstruct the view of traffic from adjacent driveways or streets.
- k. No vehicle containing hazardous materials or waste may be parked on a residential lot.
- l. The vehicle shall be owned or operated by the permanent resident of the property on which it is to be parked.
- m. No maintenance or repair of a commercial vehicle shall be allowed on the residential property.
- n. No trucks that haul cargo that emits objectionable odors shall be permitted.

Section 652 Multi-Family Dwellings

Multi-family dwellings are permitted in the R-4, R-5, T3.5, T4 and T5 Zones. All multi-family developments, as provided for in **Sections 652** of the Hamden Zoning Regulations, shall conform to the following requirements.

652.1 General Requirements

- a. All multi-family developments shall be designed and developed to integrate into and enhance the surrounding neighborhoods, provide a residential environment that creates a sense of community, and provide affordable housing.

T3.5, T-4, T-5	R-4, T-4 & T-5	R-5, T-4 & T-5
Whitney Avenue	Dixwell Avenue	Whitney Avenue
Washington Avenue	Old Dixwell Avenue	Dixwell Avenue
	Arch Street	Old Dixwell Avenue
		Arch Street
		Evergreen Avenue
		State Street
		School Street
		Mix Avenue

*Multi-family dwellings shall be located on *and have vehicular access only* to these streets.

- b. The minimum lot requirements for size, frontage, depth, area per dwelling unit, and useable open space shall be as follows:

Lot Requirements	Zone		
	R-3	R-4	R-5
Lot Size	80,000 sf	40,000 sf	20,000 sf
Continuous Frontage on streets listed in Table 6.3	200 ft	160 ft	120 ft
Lot Area per Dwelling Unit	8,500 sf	6,500 sf	6,500 sf
Useable Open Space per Dwelling Unit	1,000 sf	1,000 sf	750 sf

- d. There shall be no parking in any required yard.
- e. Sanitary sewers and a public water supply shall serve the lot.
- f. The size and appearance of any proposed multi-family building or development shall be compatible and harmonious with the residential character and appearance of buildings in the immediate vicinity of the proposal and shall not be detrimental to the appropriate and orderly development of any adjacent lot or building.
- g. Parking shall be individually provided for each unit, with no common parking areas that contain more than five spaces.
- h. Townhouses shall be placed along the frontage of all public streets, to enhance the streetscape. Common access drives may be used where necessary for safety due to traffic conditions on the public street.
- i. Each unit shall have private use of and direct access to private open space with a minimum area of 45 square feet. Such open space may be in the form of a patio or yard for ground floor units or a balcony for second and third floor units.
- j. Open space shall be of such shape, topography, general character, and location as to be useful. The community open space shall be accessible to all residents of the multi-family development and be in location(s) central and convenient to the development, in the opinion of the Commission. The community open space shall contain active and passive recreational facilities suitable and appropriate for the residents of the development. The community open space shall be the focus or central point of the multi-family development. Common mailboxes shall be located within the useable community open space. Community swimming pools shall not be included to meet the minimum usable community open space.
- k. All multi-family developments shall be designed to be oriented towards and enhance the streetscape. The priority shall be the enhancement of the streetscape of existing public streets within the Town but, where appli-

cable, the development shall also include a design that creates a well-designed pedestrian-oriented streetscape for internal private streets. Such orientation shall include the following elements:

- i. Doors and entrances shall be located facing the public street or a private street, driveway, accessway or other method of internal access designed to create a pedestrian-oriented environment.
 - ii. Parking lots shall not have prominent frontage along the public street, *except for entrances and driveways to such parking lots.*
 - iii. The character of the architecture along the street shall be consistent with that of the nearby neighborhood, in terms of size, scale, and design features.
 - iv. Garage door entrances shall not face the public street unless otherwise approved by the commission.
 - v. Where internal or private streets, driveways, accessways or other methods of internal access are utilized, the garages shall be placed and oriented such that they do not visually dominate the private streets, driveways, or accessways that are designed to be the primary pedestrian entrance to dwelling units.
- l. All multi-family developments shall contain a comprehensive walkway system to provide safe pedestrian circulation separate from the vehicular travel ways. In areas where the Commission determines that the street system does not conform to a convenient pattern of pedestrian circulation, particularly in the vicinity of parks, playgrounds, schools, trails or other public or semi-public places, the Commission may require off-site pedestrian connections.
- m. No wall of any building shall exceed 100 feet in length in an unbroken plane, without an offset of at least five feet. All walls 30' or more in length shall have varied surface material that will avoid the creation of a monotonous appearance.
- n. All multi-family developments of 25 units or greater shall have a common room for use by the residents for recreational and social activities. Such room shall be centrally located and shall have a minimum area of 500 square feet, or 5 square feet per unit, whichever is greater.
- o. All efficiency and one-bedroom units shall have a minimum floor area of 600 square feet.
- p. All two-bedroom units shall contain a minimum floor area of 1,000 square feet and three-bedroom units shall have a minimum floor area of 1,200 square feet.

652.2 Adaptive Re-Use to Multi-Family Dwellings

Any existing building in any zone may be converted to a multi-family dwelling subject to the following conditions:

- a. A determination by the Commission that the existing building its environs will be suitable for multi-family conversion and that conversion will not adversely impact the existing neighborhood character;
- b. The maximum permitted number and type of dwelling units on the lot shall be determined by dividing the GFA of the existing building by one or more of the following factors:

Type of Dwelling Unit	Computation Factor
1 BR	600
2 BR	900
3 BR	1,200

- d. If the maximum permitted number of dwelling units is not achieved within the existing building, an addition may be permitted provided that:
 - i. The maximum permitted number and type of dwelling units does not exceed 'c' above.
 - ii. The addition does not exceed 50% of the GFA of the existing building.
 - iii. The addition conforms to all other regulations for the zone in which it is located.
 - iv. The addition conforms architecturally and in scale to the existing building.

- e. The existing building and addition, if any, shall be served by public sewer and public water supply;
- f. There shall be a minimum of 100 square feet of useable community open space per dwelling unit. The Commission may permit the provision of less than 100 square feet of useable community open space per dwelling unit if it determines that the configuration of the site makes the provision of the full amount of community open space not feasible, and if the nature of the units proposed is conducive to the provision of a smaller amount of community open space;
- g. All adaptive re-use to multi-family structures that contain five units or more shall include affordable housing units, as provided by **Section 652.3**.
- h. Where feasible, there should be no parking in any required yard;
- i. Where feasible, adaptive re-use to multi-family developments shall be oriented towards and enhance the streetscape. The priority shall be the enhancement of the streetscape of existing public streets within the Town, but the development should also include an orientation toward the internal streets within the development, if internal streets are created. Such orientation shall include the following elements:
 - i. Parking lots shall not be placed along the public street, *except for entrances and driveways to such parking lots*.
 - ii. The character of the architecture along the street shall be consistent with that of the nearby neighborhood, in terms of size, scale, and design features.
 - iii. Garage door entrances shall not face the public street unless otherwise approved by the Commission.

652.3 Affordable Housing in Multi-Family Dwellings

652.3.1 Purpose

All multi-family housing developments containing 5 or more dwelling units shall set aside a minimum of 20% of the dwelling units as Affordable Housing Units as provided for in Section 8-30g of the Connecticut General Statutes, as amended. The Affordable Housing Units shall be conveyed by deeds containing covenants or restrictions requiring that Affordable Housing Units be sold or rented at, or below, prices that will preserve these units as housing for occupants whose annual income is less than or equal to 80% of the median income for the New Haven area. The cost of such housing shall not exceed 30% of the annual income of the occupant(s). These restrictions shall be in place for a period of at least forty years after the initial occupation of the unit. Median income shall be defined as provided for in Section 8-30g (a) (7) of the Connecticut General Statutes, as amended.

652.3.2 Maximum Sale Price of Affordable Housing Units

The maximum price for all affordable units that are sold or resold, for the period of affordability restrictions, to a household earning 80% of the median income or less, shall be determined as follows:

- Step 1** Determine area median income and the statewide median as published by the U. S. Department of Housing and Urban Development for the Town of Hamden, and use the lower of these figures.
- Step 2** Adjust median income identified in Step 1 by family size by assuming that 1.5 persons will occupy each bedroom of an affordable unit, *except in the case of a studio or zero-bedroom unit, in which case 1.0 person shall be assumed*. Family size adjustment shall be made based upon the following percentages:

Table 6.6 Adjustment to Affordable Housing Units Based on Family Size								
Number of Persons in Family	1	2	3	4	5	6	7	8
Percentage Adjustment	70%	80%	90%	100% (BASE)	108%	116%	124%	132%

The family size adjustment that involves a half person (such as 4.5 persons) shall be calculated by taking the midpoint between the relevant figures above and below the half. For example, the adjustment for a 4.5 person household is 104%.

- Step 3** Calculate 80% of Step 2.
- Step 4** Calculate 30% of Step 3. This number represents the portion of household income to be used for housing costs.
- Step 5** Divide step 4 by 12 months to determine the maximum monthly housing payment.
- Step 6** Determine, by reasonable estimate, monthly housing expenses, including real property taxes for the Town of Hamden; real property insurance; any common-interest ownership or similar fee required of all unit purchasers or owners; and heat and utility costs, excluding television, telecommunications, and information technology services.
- Step 7** Subtract Step 6 from Step 5 to determine the amount available for mortgage principal and interest.
- Step 8** Using the amount resulting from Step 7, apply a 30-year mortgage term and interest rate that is commercially reasonable and available to households likely to apply to purchase such units, in order to determine the financeable amount.
- Step 9** Calculate down payment. The maximum allowable down payment used in calculating the maximum sale or resale price of an affordable unit shall be the lesser of 20% of the total sale price or 20% of the Connecticut Housing Finance Authority (CHFA) maximum sales price limit for a comparably sized unit in the area, as published by the CHFA.
- Step 10** Add Steps 8 and 9 to determine the maximum sale or resale price.

652.3.3 Maximum Cost of Affordable Rental Units

The maximum monthly rent for all affordable units, during the period of affordability restrictions to a household earning 80% of the median income or less, shall be determined as follows:

- Step 1** Determine area median income and the statewide median as published by the U. S. Department of Housing and Urban Development for the Town of Hamden, and use the lower of these figures.
- Step 2** Adjust median income identified in Step 1 by family size by assuming that 1.5 persons will occupy each bedroom of an affordable unit, *except in the case of a studio or zero-bedroom unit, in which case 1.0 person shall be assumed*. Family size adjustment shall be based on Table 6.7.

The family size adjustment that involves a half person (such as 4.5 persons) shall be calculated by taking the midpoint between the relevant figures above and below the half. For example, the adjustment for a 4.5 person household is 104%.

- Step 3** Calculate eighty 80% of Step 2.
- Step 4** Calculate 30% of Step 3. This number represents that portion of household income to be used for housing costs.

- Step 5** Divide Step 4 by 12 months to determine the maximum monthly housing payment.
- Step 6** Determine the fair market rent for a unit with the same number of bedrooms in Hamden as published by the U. S. Department of Housing and Urban Development.
- Step 7** Multiply the U. S. Department of Housing and Urban Development fair market rent as determined in Step 6 by 120%.
- Step 8** The maximum monthly housing payment for occupants of the subject rental unit shall be the lower of the results of calculations in Steps 5 and 7.
- Step 9** Determine, by reasonable estimate, monthly expenses for heat and utility costs for which the tenant is directly responsible, excluding television, telecommunications, and information technology services, but including any other periodic fees for which the tenant is directly responsible, such as common charges in the case of a common-interest ownership community.
- Step 10** Deduct the estimate of tenant-paid utilities and fees determined in Step 9 from the maximum monthly housing payment in Step 8. The result is the maximum amount that the developer/owner may charge for this rental unit as the monthly contract rent.

652.3.4 Requirements for Affordable Units

- a. Affordable units shall be comparable to market-rate units in size, quality, finishes and amenities.
- b. Affordable units shall be evenly distributed throughout the development in such a manner that at least 20% of the dwelling units within each multi-family building or cluster of units shall be affordable units.
- c. The project shall be phased such that a minimum of 20% of the units for which building permits and certificates of zoning compliance have been cumulatively issued shall be affordable units.

652.3.5 Affordability Plan

All applications for multi-family developments that contain 5 or more units shall submit an Affordability Plan that includes the following:

- a. All elements set forth in section 8-30g (b) (1) of the Connecticut General Statutes.
- b. The designation of the person or entity who will be qualified and responsible for administration of the affordability plan including the following:
 - i. Ensuring that households applying for affordable units qualify within applicable maximum income limits;
 - ii. Assuring the accuracy of sale or resale prices or rents, and providing documentation where necessary to buyers, sellers, lessors, lessees, and financing institutions;
 - iii. Maintaining minimum percentages in a set-aside development;
 - iv. Reporting compliance to the Town Planner and the Town Attorney; and
 - v. Executing the affirmative fair-housing marketing plan.
- c. An affirmative fair-housing marketing plan that conforms to the requirements of Sections 8-30g-7(a)(2) and 8-37ee-1 of the Regulations of Connecticut State Agencies.
- d. The maximum sale price, resale price or rent for the affordable units, as determined in accordance with the requirements of 6.23.1 and 6.23.2 above.
- e. A description of the projected sequence in which affordable units shall be built and offered for occupancy. Such description shall consist of a narrative and schematic plan describing the construction sequence of the proposed site development and the location of the affordable and market-rate units with each phase of the sequence.

652.4 Managed Residential Community

Managed Residential Communities which provide Assisted Living Services or other services for persons aged 55 or older are permitted subject to the following conditions:

- a. Managed Residential Communities shall be located in an area within 1,500 feet of public transportation, to be measured along a public pathway.
- b. Managed Residential Communities shall not be permitted on parcels which are within a Flood Plain Zone or designated by the Federal Emergency Management Agency as either a special flood-hazard area or located within a flood way.
- c. At least one entrance shall have direct access to a public street having a minimum pavement width of 30 feet.
- d. The minimum lot requirements, including, lot size, yards, area per dwelling unit, useable open space, and maximum lot coverage shall be as follows, or as required by the applicable Zone, whichever is greater:

Table 6.7 Minimum Lot Requirements for Managed Residential Community		
Minimum Lot Requirements	Residential Zones	T-4 & T-5 Zones
Lot Size	40,000 sf	See T-4 & T-5 requirements
Lot Area per Dwelling Unit	2,000 sf	See T-4 & T-5 requirements
Useable Open Space per Dwelling Unit	750 sf	See T-4 & T-5 requirements

- e. Sanitary sewers and a public water supply shall serve the lot.
- f. The size and appearance of any proposed Managed Residential Community shall be compatible and harmonious with the character and appearance of buildings in the immediate vicinity of the proposal and shall not be detrimental to the appropriate and orderly development of adjacent lots or buildings.
- g. Each dwelling unit shall have no more than two permanent occupants.
- h. No parking shall be allowed in the setbacks adjoining residential zones.
- i. Accessory buildings shall not be located in required setbacks that adjoin residential zones.
- j. The site area accessible to residents shall have no slope greater than 5%, which is within the Americans with Disabilities Act (ADA) requirements, i.e., everything accessible to the residents should meet ADA requirements.
- k. A van drop-off area and parking spaces shall be located at the main entry for the convenience of residents.
- l. Loading spaces should be provided in accordance with the requirements of **Section 591**; access to loading spaces should be designed so as not to interfere with normal traffic, and shall be screened.
- m. No less than 25% of the total area of usable open space shall be contiguous. Natural geological features and specimen trees should be preserved in these areas.
- n. Outdoor space designed for use by the residents should be 50 sq. ft. per unit, with a minimum of 2,000 sq. ft., landscaped, and provide benches, paved walkways, site lighting and beneficial views, and be shielded from heavy traffic.
- o. **All Managed Care facilities containing more than 5 dwelling units shall set aside a minimum of 20% of the dwelling units as Affordable Housing Units as provided for in Section 8-30g of the Connecticut General Statutes, as amended and shall comply with the Affordable Housing in Multi-Family Dwellings section of these regulations.**

Section 654 Outdoor Storage in Non-Residential Zones

Outdoor storage of vehicles, materials and equipment is permitted as an accessory use, subject to the following conditions:

- a. The outdoor storage of vehicles, materials and equipment shall be located on the same premises as the principal use or building.
- b. All outdoor storage areas shall be located in the side or rear yards except as provided herein.
- c. All outdoor storage areas shall be screened from view by suitable landscaping and fencing except as provided herein.

- d. The outdoor display of vehicles when accessory to a use permitted in accordance with **Section 650** shall be exempt from provisions B and C above.
- e. In no case shall stored materials exceed the height of the screening or fencing,
- f. No outdoor storage area shall be located within 10 feet of any lot line.
- g. All equipment and vehicles in a storage area shall be in operable condition.
- h. No tractor-trailer or truck loaded with merchandise shall be parked in a lot for a period exceeding seven consecutive days in one calendar month.

Section 656 Parking Garages and Big Box Retail

Liner Buildings: All parking structures and big box stores along public rights-of-way and at key intersections (as determined by the Commission) shall be screened from public view by one or more liner buildings that include ground floor commercial uses that will activate the street frontage. Liner buildings may be attached to a parking structure or big box store or separated by a service alley of no more than 15'-0" in width.

Facades of parking structures shall be designed such that parked vehicles are reasonably obscured from view. Facades should camouflage the incline of the interior levels from public view.

Section 658 Places of Worship

Churches, synagogues, mosques, parish houses, rectories, parsonages, convents and similar uses are permitted subject to the following conditions:

- a. Each lot shall have a minimum area of 40,000 square feet or as required by the applicable zone, whichever is greater.
- b. No off-street parking shall be located in any required front or side yard.
- c. The front door shall be oriented toward the street where possible.

Section 660 Preservation of Historic Structures

Any addition to or modification of a building that has been designated on a local, state or national historic register shall be subject to Special Permit approval.

Section 662 Public Uses & Public Utilities

Public uses such as Town, State or Federal buildings, facilities (other than public housing and solid waste facilities) as well as public utilities are permitted in any zone subject to the following conditions:

- a. The use shall promote the general welfare of the Town of Hamden and, if a neighborhood use, be essential to the health, safety and welfare of the general area of the Town in which the use is proposed.
- b. No materials or equipment shall be stored in any required yard.
- c. Depending on the nature of the public use, the Commission may require service by sanitary sewer and/or public water supply.

Section 664 Resource Recovery, Volume Reduction Facility and/or Transfer Station

664.1 Preamble

It is the intent of this Section to provide that resource recovery, volume reduction facilities and/or transfer stations be sited so as not to be detrimental to the use and development of the land in the vicinity and operated so as not to constitute a nuisance to such land in the vicinity of the disposal area, having regard for the statutes and regulations that are enforced by the Commissioner of Environmental Protection where appropriate.

Resource Recovery, Volume Reduction Facilities and/or Transfer Stations are permitted in Manufacturing Zones subject to the following conditions:

664 .2 General Standards

- a. Prior to submission of an application to the State Department of Environmental Protection, the applicant shall have received approval for a Resource Recovery and/or Volume Reduction Facility or Transfer Station from the Planning and Zoning Commission.
- b. Said application shall contain all information required by **Section 718 and Section 720** and shall be accompanied by an operational plan, and a landscaping plan with a planting schedule. Said landscaping plan shall provide for adequate planting of any buffer area and appropriate screening to protect adjacent property.
- c. No material shall be received at the site that is not permitted by the Department of Environmental Protection; nor shall any material prohibited under these regulations.
- d. The site proposed for a resource recovery, volume reduction facility and/or a transfer station shall meet the Standards as provided herein.
- e. The Commission may refer any application to the Quinnipiac Valley Health District, the Department of Environmental Protection or any other department or agency the Commission deems appropriate and may request any such department or agency to submit a report to the Commission on matters that are of concern to it in connection with its own responsibility.
- f. The Commission may, after a public hearing, grant a permit.
- g. The owner of the property shall at all times assume full responsibility for the use of his/her property and keep on file, with the Zoning Enforcement Officer, at all times the names and addresses of the agent(s) for service of notice required by law.
- h. In evaluating a Special Permit application under this section, the Commission shall take into consideration the health, safety and welfare of the public, in general, and the neighborhood, in particular. The Commission may deny a Special Permit where the proposed use is of such location, size and character that it will not be in harmony with the appropriate and orderly development of the zone in which it is proposed to be situated and will be detrimental to the orderly development of adjacent properties in accordance with the zoning classification of such properties. If the Commission concludes that the proposed use meets the threshold requirements of compatibility, the Commission may grant a Special Permit with conditions attached thereto, the purpose of said conditions being to assure compatibility with the neighborhood and protection of the health, safety and welfare of the public in general.

664 .3 Specific Standards

664 .3.1 Lot Area

Each Resource Recovery Facility, Volume Reduction Facility and/or Transfer Station shall have a minimum lot size of 80,000 square feet and a width of 200 feet measured at the required front yard setback.

664.3.2 Setbacks

- a. Each lot shall have a front yard of 50 feet.
- b. Each lot shall have two side yards of at least 30 feet each.
- c. Each lot shall have a rear yard of not less than 50 feet.

664.3.3 Lot Coverage

All buildings shall occupy not more than 35% of the area of the lot.

664.3.4 Maximum Height

No building or structure shall exceed 40 feet in height.

664.3.5 Landscaping and Buffer Area

A 15-foot-wide buffer area shall be provided along all abutting lot lines to minimize the visual intrusion of a re-

source recovery and/or volume reduction facility or transfer station on adjoining uses. The buffer area shall be installed in accordance with a time schedule approved by the Commission, shall be seeded and fertilized so as to establish suitable grass cover, shall be planted with trees as approved by the Commission, and shall be properly maintained and kept free of debris, litter, machinery and vehicles.

664.3.6 Access to Site Area

Resource recovery, volume reduction facilities and/or transfer stations shall be restricted to areas that have public access roads of sufficient width and capacity to carry maximum projected volumes and loads. Truck traffic shall avoid routes that require passage through residential areas.

On-site roads shall be constructed to handle maximum projected loads, shall have an all-weather surface and shall be maintained so as to be passable by all vehicles that utilize the area.

Access to the site shall be controlled to prevent unauthorized use. Control may be accomplished through use of appropriate fences, gates and signs.

664.4 Operating Conditions and Procedures

- a. An operator certified by the Commissioner of Department of Environmental Protection (DEP) must be present at the resource recovery and/or volume reduction facility or transfer station at all times during operating hours.
- b. A sign shall be posted at the entrance to the site which states, at a minimum, the name of the permittee and hours of use of the facility, the authorized users and required safety precautions.
- c. No solid waste shall be stored within the property boundary for a period greater than 48 hours unless authorized by the DEP and the Planning & Zoning Commission. All solid waste shall be stored indoors, *except that bulky waste or recyclable materials may be otherwise stored on-site in appropriate areas or containers*. A building roofed, and enclosed on all sides or otherwise enclosed to satisfactorily control dust and litter, shall be provided for all solid waste other than bulky waste or recyclable materials.
- d. Unloading of solid waste, *except for bulky waste and recycled materials, shall take place only within an enclosed structure and/or only in designated areas approved in writing by the DEP*. Scavenging shall be prohibited at the unloading area.
- e. Solid waste shall be confined to the unloading, loading and handling area. The facility and adjacent areas shall be kept clean and reasonably free of litter.
- f. Hazardous wastes and special waste shall be excluded.
- g. Dust and odors resulting from the unloading of solid waste and the operation of the resource recovery facility and/or volume reduction plant, or transfer station shall be controlled at all times to assure compliance with the applicable regulations of the DEP.
- h. Equipment shall be provided to control fires and arrangements made with the Hamden Fire Department to immediately acquire services when needed.
- i. The resource recovery facility and/or volume reduction plant or transfer station design and/or equipment shall provide for explosion protection.
- j. If, for any reason, the resource recovery facility, volume reduction plant and/or transfer station is rendered inoperable, an alternative method approved by the Commissioner of DEP shall be available for processing or transfer and disposal of solid waste.

664.5 Closure

If an owner or permittee intends to close a resource recovery and/or volume reduction facility or a transfer station, the owner or permittee shall submit a site plan showing the proper closing in order to preserve and protect the natural resources and environment of the Town of Hamden. Said plan shall show the use of the site after closure.

664.6 Conditions

The Commission may attach such conditions to the operation as it shall deem necessary to protect the public health and welfare of the residents of the Town of Hamden and the neighborhood, in particular, and may, if it deems necessary, require a performance bond in a form and amount acceptable to the Commission or its designated agents, to guarantee performance of the site work as shown on the approved site plan. The Commission may also, if it deems necessary, require a performance bond of sufficient magnitude to assure compliance with the closure plans.

Section 666 Retail

Retail stores are permitted subject **Table 6.1** to the following conditions:

- a. All public utilities shall be placed underground. However, the Commission may waive the requirement provided engineering data substantiate that such placement is impractical.
- b. The gross floor area of any individual retail store shall be limited to a maximum of 250,000 square feet.
- c. Stores selling firearms shall have a security system installed and approved by the Town Building Official, the Police Chief and the Fire Marshall.

666.1 Design Standards for Stores over 20,000 square feet

The following are required in addition to the standards set forth in Article III of these regulations:

- a. The Commission may require design features on any façade.
- b. All stores must be accessible to pedestrians and bicyclists. Where practicable, stores that border two or more public streets shall have a minimum of one entry from each street.
- c. Landscaped sidewalks that link store(s), parking, transit stops and crosswalks must be included on site plan.
- d. Exposed concrete masonry units (CMU) may not constitute more than 33% of finish material on front or side façades.**

Section 668 Schools

6.26.1 Business Schools

Business schools are allowed subject to Table 6.1.

668.2 Colleges & Universities

Colleges and Universities are permitted subject to the following standards:

- a. The combination of abutting and nearby lots functioning as a campus shall have a minimum area of 120,000 square feet or 1,000 square feet for each student based on enrollment capacity, whichever is greater.
- b. Each lot shall have two side yards of at least 50 feet each.
- c. Each lot shall have a rear yard of at least 50 feet.
- d. For commonly owned adjoining properties, required side and rear yards are applicable only to the perimeters of such properties.
- e. Sanitary sewers and a public water supply shall serve the lot.
- f. The maximum building height shall be consistent with that of the underlying zone.
- g. *Exceptions in the case of parcels with steep slopes:*
 - The maximum building height shall be 60 feet subject to the following conditions:*
 - i. The building shall be located on a lot having a minimum lot size of 200 acres; and*
 - ii. The building is located on a lot with at least 40% steep slopes that have at least a 20% grade; and*
 - iii. No building on the lot shall be in excess of 35 feet in height above the highest elevation on the lot.*
 - iv. The property on which the building is located must be at least 500 feet from any neighboring municipality.*

668.3 Elementary & Secondary Schools

Regularly organized public or private elementary schools, secondary schools (including vocational schools), accredited by the State of Connecticut or other applicable crediting authority, are permitted uses subject to the fol-

lowing conditions:

- a. Each lot shall have a minimum area of 120,000 square feet or 1,000 square feet for each student based on enrollment capacity, whichever is greater.
- b. Each lot shall have two side yards of at least 50 feet each.
- c. Each lot shall have a rear yard of at least 50 feet.
- d. Off-street parking, active sports facilities, such as tennis or basketball courts or ball diamonds, shall not occupy space in any required rear or side yards. Play apparatus such as a swing set, a jungle gym, a see-saw and similar equipment may be located no closer than 20' from any lot line subject to the following:
- e. Prior to installation of such equipment, a Zoning Permit shall be obtained from the Zoning Enforcement Officer.
- f. Fencing or screening shall be required for any equipment installed, if deemed necessary by the Town Planner.
- g. Sanitary sewers and a public water supply shall serve the lot.
- h. Non-profit schools, acting as a Regional Educational Service Center, approved by the Connecticut State Board of Education, which provide regional educational programs, services and activities, are permitted uses as adaptive re-use in T-5 Zones subject to Special Permit and Site Plan approvals.

670 Student Housing

The following section is adopted to provide for the needs of students for off-campus housing while at the same time providing for the health, welfare, and safety of students and residents and the livability of residential neighborhoods. Student housing unit is defined as a dwelling unit occupied primarily by unrelated individuals enrolled in a program of study at an educational institution, college or university, trade school, training facility or similar entity. Student housing units are allowed subject to the following conditions and standards:

670.1 Owner-Occupied Buildings

- a. Up to 2 students as renters or boarders in any single dwelling unit that is, and will continue to be, an owner-occupied dwelling unit an owner-occupied are allowed subject to the following requirements:
 - i. No structural exterior changes are permitted to existing buildings unless required for compliance with building, housing or fire code;
 - ii. No parking is allowed in any required front yard;
 - iii. Initial and thereafter renewal registration and certification of owner occupancy; renewal registration and certification must be received by August 1st of each year;
 - iv. A Zoning Permit must be obtained;
 - v. The Zoning Permit will automatically renew each year upon submission of registration and certification provided that the ZEO has not made a finding of non-compliance with the provisions of this section.
- b. Three or 4 students per dwelling unit as renters in an existing 2- or 3-dwelling-unit building that is occupied by the building owner and will continue to be occupied by the building owner are allowed subject to the following requirements:
 - i. Building Official approval for current building-code compliance,
 - ii. Health Official approval for current housing-code compliance;
 - iii. Fire Marshall approval for fire safety-code compliance
 - iv. No structural exterior changes to existing buildings unless required for compliance with building, housing or fire code;
 - v. Demonstrated provision for parking at one space per student, with at least two spaces per dwelling unit having unimpeded access;
 - vi. No parking in any required front yard;
 - vii. A maximum of 4 students per dwelling unit are allowed, provided compliance with housing code for minimum square footage;
 - viii. Submission of floor plans and, thereafter, any proposed modifications thereto;
 - ix. Initial and thereafter renewal registration and certification of owner occupancy. Renewal registration must

- be received by August 1st of each year;
- x. A Zoning Permit must be obtained;
 - xi. The Zoning Permit will automatically renew each year upon submission of the registration form and fee, provided that the ZEO has not made a finding of non-compliance with the provisions of this section.

670.2 Non-Owner-Occupied One-, Two- and Three-Dwelling-Unit Buildings

All student housing located in a one-, two-, or three-dwelling-unit building that is not occupied by the building owner shall meet the following requirements:

- a. Building Official approval for current building-code compliance;
- b. Health Official approval for current housing-code compliance;
- c. Fire Marshall approval for fire safety-code compliance
- d. No exterior changes to existing buildings unless required for compliance with building, housing or fire code;
- e. The demonstrated provision for off-street parking at one space per student, with at least two spaces per dwelling unit having unimpeded access;
- f. No parking in any required front yard, or side yard that is unpaved as of November 14, 2006;
- g. Parking is prohibited within 10 feet of the rear yard line;
- h. The landlord shall be responsible for providing trash receptacles and recyclable bins and posting instructions regarding Town of Hamden pick-up schedules;
- i. Submission of floor plans and, thereafter, any proposed modifications thereto;
- j. Initial and renewal registration of student rental housing providing 24-hour contact person in Connecticut to resolve complaints;
- k. Compliance with following density: A maximum of 4 students per dwelling unit, provided compliance with housing code for minimum square footage;
- l. A Zoning Permit must be obtained;
- m. The Zoning Permit will automatically renew each year upon submission of registration, provided that the ZEO has not made a finding of non-compliance with the provisions of this section. A renewal registration form and fee must be received by August 1st of each year.

670.3 Student Housing in Multiple-Dwelling-Unit Buildings

Existing multiple-dwelling-unit buildings as of the effective date of this section shall be regulated as follows:

- a. Student housing units located within existing multiple-unit buildings as of the effective date of this section are not subject to the provisions of **Section 670** unless they are converted to either a multiple-unit student housing building in which more than 50% of the units are occupied by students or are converted to a dormitory.
- b. Multiple-dwelling-unit buildings existing as of the effective date of this section and converted to multiple-unit student-housing building in which more than 50% of the units are occupied by students shall comply with the following conditions:
 - i. Current building, housing, and fire code compliance as of the date of the conversion;
 - ii. Initial and thereafter renewal registration of student rental housing providing 24-hour contact person in Connecticut to resolve complaints;
 - iii. Side and rear yards shall be adequately screened from adjoining properties by a suitable landscape buffer of at least 10 feet;
 - iv. Off street parking must be provided in amounts sufficient to meet student demand, i.e., one space per student;
 - v. Submission of floor plans and thereafter any proposed modifications thereto;
 - vi. Special Permit, Site Plan and Zoning Permit;
 - vii. The Zoning Permit will automatically renew each year upon submission of registration, provided that the ZEO has not made a finding of non-compliance with provisions of this section. A renewal registration form and fee must be received by August 1st of each year;

670.4 New Construction Multiple-Unit Student-Housing Buildings

Student-Housing Multiple-Unit Buildings (occupied more than 50% by students) constructed after the effective date of these regulations shall meet the following requirements:

- a. Multi-dwelling-unit student-housing buildings are permitted only where multiple-dwelling-unit buildings are permitted and must meet the requirements for multiple-dwelling-unit structures in the applicable zone, and the provisions of **Article III and Section 652** in addition to the provisions of **Section 670**. In the case of conflicts, the more restrictive provision shall apply;
- b. All buildings shall be served by fire sprinklers;
- c. Submission of floor plans and, thereafter, any proposed modifications thereto;
- d. Initial and thereafter renewal registration of student rental housing, providing 24-hour contact person in Connecticut to resolve complaints;
- e. Special Permit and Site Plan approval for building; Zoning Permit for building;
- f. The Zoning Permit will automatically renew each year upon submission of registration, provided that the ZEO has not made a finding of non-compliance with the provisions of this section. A renewal registration form and fee must be received by August 1st of each year;

672 Telecommunications Facility

672.1 Purpose

These regulations are intended to establish guidelines and standards for the siting of antenna and related facilities in Hamden in order to protect the public safety and general welfare and, through design, siting, and screening, to minimize any adverse visual and operational effects.

672.2 No Permit Required

- a. Residential Household Antenna - An antenna used solely for residential household television and radio reception, provided any such antenna meets required setbacks and does not exceed by more than 6 feet the maximum total building height for the zone in which it is located.
- b. Residential Satellite Dish Antenna - A satellite dish antenna is allowed in a residential zone, provided:
 - i. The dish antenna measures 1 meter (3.28 feet) or less in diameter; and
 - ii. A building-mounted installation complies with yard setback and total building height standards for a principal structure.
- c. Commercial Satellite Dish Antenna - A ground-mounted or roof-mounted satellite dish antenna in a Non-Residential Zone is allowed, provided the dish antenna measures 2 meters (6.56 feet) or less in diameter.

672.3 Zoning Permit Required

- a. Amateur Radio Antenna - An amateur radio antenna owned and operated by an amateur radio operator licensed by the FCC provided:
 - i. A ground-mounted installation is located in the rear yard;
 - ii. A building-mounted installation is affixed to the rear of the residential structure;
 - iii. Any tower and antenna combination is less than 40 feet in total height and is erected no nearer to any property line than a distance equal to the vertical height of the tower and antenna; and
 - iv. A suitable safety fence may be required to preclude unauthorized access.
- b. New Public Safety Tower or Antenna - A new antenna tower intended and used primarily for the purpose of police, fire, ambulance, and/or other emergency services or similar emergency communications.
- c. Existing Tower Repair - Repair of existing towers and antennas, provided there are no changes in design, height or appearance.

672.4 Permitted by Site Plan Approval

- a. Commercial Satellite Dish Antenna - A ground-mounted or roof-mounted satellite dish antenna in a Manufac-

turing, T3.5, T4, or T5 zone that does not comply with **Section 672.2**.

- b. Other Antennas on Existing Structures - Any other antenna which is not attached to a tower, provided:
 - i. The antenna complies with all applicable FCC and FAA regulations;
 - ii. The antenna complies with all applicable building codes;
 - iii. The antenna does not extend more than 10 feet above the highest point of the structure; and
 - iv. The antenna is screened or designed and installed to be architecturally compatible with the structure in question.

672.5 Permitted by Special Permit

- a. New Tower or Antenna on Town-Owned Property - A new antenna located on property owned, leased or otherwise controlled by the Town.
- b. New Tower or Antenna - Any new tower or antenna not regulated by the Connecticut Siting Council.

672.6 Requirements for Special Permit Applications

- a. Each application shall include:
 - i. Documentation that a licensed carrier or an authorized emergency-services organization is either an applicant or a co-applicant on the application;
 - ii. Documentation that the proposed facility will not cause any interference with any emergency or public-safety radio system;
 - iii. Documentation showing how the proposed facility will accommodate emergency service communications for police, fire and ambulance services or a statement from each organization that such accommodation is not desired;
- b. Documents indicating that:
 - i. All towers, antennas, and/or equipment to be installed meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the State or Federal Government with the authority to regulate towers and antennas, and;
 - ii. If such standards and regulations are changed, then the owners of the towers and antennas governed by this regulation shall bring such towers and antennas into compliance;
 - iii. Documentation regarding noise emission from equipment and identification of appropriate steps to provide soundproofing so that any noise above ambient levels is inaudible at the property line; and
 - iv. A written maintenance plan for the site, including, but not limited to, all facilities and landscaping at the site.
- c. Visual Standards
 - i. Towers and antenna and appurtenances shall be painted a neutral color or given other such finish, as determined by the Commission, to minimize visual obtrusiveness.
 - ii. The design of the equipment, buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.
 - iii. If an antenna is installed on a structure other than a tower, the antenna and supporting equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure to make the antenna and related equipment as visually unobtrusive as possible.
 - iv. Towers shall not be artificially lighted, unless required by the FAA or other applicable authority and specifically authorized by the Commission.
- d. Equipment/Tower Standards
 - i. Any equipment cabinets or other appurtenances used in association with the tower or antenna shall be clearly shown as part of the application, including how such equipment is designed to blend with the surrounding landscape or be obscured from adjacent properties and streets.
 - ii. Security fencing, no more than six feet in height, may be required by the Commission around the antenna, tower, and equipment, depending on the nature of the installation.

- viii. Landscaping, including buffering, may be required by the Commission around the antenna, tower, and equipment, depending on the nature of the installation.
- iv. Towers shall be set back from all property lines a distance equal to their height. This requirement may be waived when there is adequate documentation that the tower structure has been designed to collapse in a manner which will not impact adjacent properties.
- v. Tower heights shall not exceed 200 feet.

672.7 Bonding

Upon approval of any new tower and/or attendant facilities, excluding Town-owned towers, the applicant is required to provide a separate Demolition Performance Bond in an amount approved by the Town Planner. The bond must be in the form of a bank or certified check or an insurance bond, the premium of which has been paid in advance for five years and which is renewed in the same manner.

674 Transfer Station

(See Sections 664, Resource Recovery, Volume Reduction Facility; and Solid Waste and Bulky Waste Disposal Area)

676 Wind Energy Conservation Systems

Wind energy conservation systems, such as windmills, are permitted as accessory uses, subject to the following conditions:

- a. Each lot shall have a minimum area of 40,000 square feet or as required by the applicable zone, whichever is greater;
- b. No windmill or similar structure shall exceed 80 feet in height;
- c. No windmill or similar structure shall be located in any required yard;
- d. The windmill or similar structure shall be set back from all lot lines a distance at least equal to the height of the windmill or similar structure.

