

Hamden, CT



Zoning Regulations

Effective: XXXXXXXX

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DRAFT REGULATIONS

ARTICLE I INTRODUCTION

Section 1.1 Authority (100)

In accordance with the provisions of Chapter 124 of the General Statutes of the State of Connecticut, as amended, Chapter 151 of the Town of Hamden Ordinances and the Town of Hamden Subdivision [RegulationsOrdinance](#), as amended, the Planning and Zoning Commission of the Town of Hamden hereby adopts the following Zoning Regulations for the Town of Hamden, Connecticut.

The existing State of Connecticut enabling legislation, Chapter 151 of the Town of Hamden Ordinances and the Town of Hamden Subdivision [RegulationsOrdinance](#) (Existing Local Codes) shall continue to be applicable to issues not covered by these Regulations except where these Existing Local Codes are in conflict with Section 1.3 Purpose.

Section 1.2 Jurisdiction

These Regulations apply to all areas within the Town of Hamden and to the use and form to which any area and any and all buildings and structures may be devoted.

Section 1.3 Purpose (100)

The intent of these Zoning Regulations is to protect and enhance the health, safety and welfare of Hamden's population, environment, infrastructure and economic viability by enabling, encouraging and qualifying the implementation of the following policies:

1.3.1 Health, Safety and Welfare

- A. Promote the health, safety and general welfare of the community with regard to living and working conditions;
- B. Design streets and buildings to reinforce safe environments, but not at the expense of accessibility;
- C. Minimize public and private losses due to flood conditions;
- D. Secure safety from fire, panic and other dangers;
- E. Provide adequate light, air and privacy.

1.3.2 Environment & Natural Resources

1. Facilitate adequate provisions for water, sewerage, schools, parks and other public requirements;
2. Protect existing and potential public surface, groundwater and drinking water supplies in recognition of their importance to the health, safety and general welfare of the Town and its larger environs;

3. Conserve and protect the natural resources of the Town, the value of land and buildings and encourage the most appropriate use of land throughout the town;
4. Distribute open space including parks, squares and playgrounds within neighborhoods and urban center zones;
5. Use green corridors to define and connect the urbanized areas;
6. Regulate development such that it is consistent with soil types, terrain and infrastructure and insure that proper provisions are made for Soil Erosion and Sediment Control for any project for which a permit is required or sought from the Town;
7. Encourage the use of solar and other renewable forms of energy and energy conservation and encourage the development of housing opportunities for all citizens of the municipality;

1.3.3 Growth & Development

- A. Guide the future growth and development of the Town in accordance with the Plan of Conservation and Development;
- B. Provide a guide for public policy and action for the efficient provision of public facilities;
- C. ~~S~~erve private enterprise in building development, investment and other economic activity relating to uses of land and buildings throughout the Town;
- D. Retain the natural infrastructure and visual character of the Town derived from topography, woodlands, farmlands, and riparian corridors;
- E. Develop architecture and landscape from local climate, topography, history and building practice;
- F. Balance pedestrian with vehicular scales of development;
- G. Use growth strategies that encourage infill and redevelopment to a greater extent than new community construction;
- H. Protect the character and the historic, social and economic stability of the Town and ensure that development is orderly and beneficial; Preserve and renew historic buildings to facilitated and affirm the continuity and evolution of the Town;
- I. Create compact, pedestrian-oriented and mixed-use neighborhoods;
- J. Use a pattern for new development and infill development that is compatible with existing adjacent neighborhoods; zones specializing in single-use should be the exception;
- K. Prevent the overcrowding of land and avoid undue concentration of population;
- L. Control development in residential areas to an amount commensurate with the capacity of the land and the availability of public facilities;
- M. Embed civic, institutional, commercial activity and public gathering places in downtown and design district cores so as to reinforce community identity. These uses should not be isolated in remote single-use complexes;
- N. Situate civic buildings so they are distinctive and appropriate to a role more important than the other buildings that constitute the fabric of the Town;
- O. Develop in substantial conformance with the Neighborhood Plans set forth in the Plan of Conservation and Development;
- P. Organize development non-contiguous to urban areas in the pattern of clusters, traditional neighborhoods or villages and regional centers;
- Q. Distribute affordable housing options through-out the Town to match job opportunities and avoid concentrations of poverty;
- R. Provide a range of housing types and price levels within neighborhoods to accommodate diverse ages and incomes;
- S. Regulate and restrict the location of trades and industries and the location of buildings designed for specified uses; consider the compatibility of adjacent uses;

- T. Bring about the gradual conformity of the uses of land and buildings to the Neighborhood Plans set forth in the Plan of Conservation and Development and minimize conflicts between the uses of the land and buildings;

Transect Zone descriptions on Table ____ shall constitute the intent of these regulations with regard to the general character of every zone other than R1, R2, R3, R4 and R5.

1.3.4 Circulation

- A. Promote the most beneficial relationship between the form of buildings, the public realm, the uses of land and circulation throughout the Town;
- B. Use buildings and landscaping to contribute to the physical definition of thoroughfares as civic places;
- C. Include a framework for the Town for transit, pedestrian and bicycle systems that provide alternatives to the automobile;
- D. Facilitate adequate provisions for the convenience of pedestrian, vehicular and bicycle circulation to avoid undue congestion in the streets;
- E. Accommodate automobiles while respecting the pedestrian and the spacial form of public areas;
- F. Plan and reserve transportation corridors in coordination with land use;
- G. Allow independence to those who do not drive by locating ordinary activities of daily living within walking distance of most dwellings;
- H. Design interconnected networks of thoroughfares to disperse and reduce the length of automobile trips;
- I. Provide appropriate building densities and land uses within walking distance of transit stops;
- J. Size and locate schools to enable children to walk or bicycle to them.

Section 1.4 Application of Regulations

1.4.1 Conformity Required (110)

No land, building, structure or part thereof shall be constructed, reconstructed, extended, enlarged, moved, arranged, designed, intended to be used or altered except in conformity with these regulations. No lot shall be less in area or width nor have smaller yards, nor shall any building or buildings or part thereof occupy in the aggregate a greater percentage of the lot. No building shall be greater in height than as prescribed in the applicable section of these Regulations. Exceptions shall only be as specifically provided herein. No lot shall be diminished in area nor shall any yard or other open space be reduced except in conformity with these Regulations.

1.4.2 Consistency with Subdivision Regulations

The existing Subdivision Regulations shall continue to be applicable to issues not covered by these Regulations except where the existing Subdivision Regulations would be in conflict with these Regulations, in which case the conflict shall be resolved in favor of these Zoning Regulations.

Section 1.5 Zoning Map and Districts (301)

(See Zoning Map)

Section 1.6 Interpretation of Zoning Boundaries (302, 303)

- A. The boundaries of these Zones are hereby established, as shown on a map entitled, "Zoning Map of the Town of Hamden, CT.," as amended, which, with all explanatory matter thereon, including the referenced sectional maps, is hereby adopted and made a part of these Regulations. A copy of this map, henceforth known and referred to as "the zoning map" indicating the latest amendments, shall be kept up to date in the Planning and Zoning Office for the use and benefit of the public.
- B. Where uncertainty exists with respect to the boundaries of any of the zones shown on the aforesaid map, the following rules shall apply:
1. Unless otherwise indicated on the zoning map, the zone boundary lines are the centerlines of streets, the middle of the channel of waterways, the centerline of main tracks of railroad lines, or the centerlines of utility rights-of-way.
 2. Where zone boundaries are shown graphically following property lines indicated on the zoning map, such boundaries shall be the property lines as described by a duly recorded deed on file with the Town Clerk of the Town of Hamden at the time of passage of these Regulations or any amendment thereto changing the zone boundary affecting such property.
- C. Where the boundary of a zone divides a lot, the existence of which lot is recorded by deed in the land records of the Town of Hamden on or before the effective date of these regulations or amendment thereto, a use permitted in one zone may be extended into the other zone a distance of not more than 50 feet subject to Special Permit and Site Plan approvals and any other conditions set forth for the subject use in **Article 10**.

Section 1.7 Interpretation of Regulations

- A. Any principal use of land, buildings or structures not expressly permitted by these Regulations in the various zones is prohibited.
- B. Any activity not expressly permitted in the Regulations is prohibited.
- C. For a principal use permitted by these Regulations, accessory uses that are customarily incidental and are actually subordinate thereto are permitted.
- D. No accessory use shall be established on a property until a principal use has first been established.
- E. Where any conflict arises between the provisions of these Regulations and any other law, ordinance, regulation or permit, the provision that imposes the highest standard or establishes the greatest restriction upon the use of the land, buildings, structures or site shall control.

Section 1.8 Validity (900)

If any portion of these regulations is judged to be invalid, such adjudication shall apply only to said portion and the remainder of these regulations shall be deemed valid and effective.

Section 1.9 Repealer (910)

The provisions of the Zoning Regulations of the Town of Hamden as adopted January 3, 1967 and subsequently amended are hereby repealed as of the effective date of these Zoning Regulations, except that all terms and conditions attached to Special Permits, Site Plans, Planned Unit Developments, and Variances granted under prior regulations shall remain in effect. No new Planned Unit Developments shall be approved, however, for those Planned Unit Developments previously approved, and still in process of development; said governing regulations are included herein as an Appendix for reference.

Section 1.10 Effective Date (920)

The effective date of these Regulations is XX**SOONER RATHER THAN LATER**.XX

ARTICLE I I DEFINITIONS

Section 2.0 Use of Terms

For the purposes of these Regulations, the following terms, phrases, words, and their derivations shall have the meaning defined in this Section of these Regulations, unless otherwise clearly qualified by the context. When not inconsistent with the context, words used in the present tense include the future, words in the plural include the singular, and words in the singular include the plural.

Article II contains regulatory language that is integral to these Regulations. Those terms not defined in Article II shall be accorded their common accepted meanings (See **Section 2.2**). In the event of conflicts between these definitions and those of the Existing Local Codes, these Regulations shall take precedence.

Where in conflict, numerical metrics shall take precedence over graphic metrics.

Section 2.1 Specific Terms

In the interpretation and enforcement of these Regulations, certain words contained herein shall be interpreted as follows:

- A. The word "shall" is always mandatory.
- B. The word "should" is recommended.
- C. The word "may" is optional.
- D. The words "occupied" or "used" include the words "designed, arranged or intended to be occupied or used".
- E. The words "zone", "zoning district", and "district" have the same meaning.
- F. The word "person" also includes a partnership, association, trust, corporation or other legal entity.
- G. The word "lot" includes the words "plot" or "parcel".
- H. The words "arranged," "intended," "designated," "used", and "occupied" shall be synonymous in these Regulations.

Section 2.2 Undefined Terms

In the interpretation and enforcement of these Regulations, the Commission after consulting one or more of the following shall interpret words not defined in this Article:

- A. The State Building Code, as amended;
- B. The Connecticut General Statutes, as amended;
- C. The Illustrated Book of Development Definitions (Rutgers University, Center for Urban Policy Research (Piscataway, NJ), as amended;
- D. Black's Law Dictionary; and

E. A comprehensive general dictionary

Section 2.3 Defined Terms

A-Frame Sign: A portable, self-supporting, double-faced sign on any upright, rigid supporting frame in the form of a triangle or an inverted V.

[ADD Diagram]

Abut: To physically touch or border upon; or to share a common property line;

Accessory Structure: A structure detached from a principal building located on the same lot and customarily, ~~and~~ incidental and subordinate to the principal building or use.

Accessory Unit: An apartment not greater than 600 square feet sharing ownership and utility connections with a principal building.

Acre, (Zoning): 40,000 square feet.

Advertising Sign: A sign for the display of advertisements of a business, product, service or activity not conducted, sold, or offered on the premises where such advertising sign is located.

Adult Day Care: An establishment having facilities and all necessary personnel for the care, guidance and/or supervision of adults on a regular basis for a part of the 24 hours in one or more days of the week.

Adult-Oriented Establishment: See **Section 9.4** Definitions.

Allee: A regularly spaced and aligned row of trees usually planted along a thoroughfare or path.

Alley: A service way providing a secondary means of public access to abutting property and not intended for general traffic circulation.

Animal Day Care: A commercial service for the care of dogs or other household pets for periods of less than 24 consecutive hours.

Animal Grooming Establishment: An establishment in which dogs and cats are bathed and groomed. The animals are not boarded overnight.

Animated, Flashing or Moving Sign: Any sign or source of light or part thereof that flashes, rotates, moves, or in any way simulates motion, exclusive of any portion used for relating time and temperature information.

Apartment: A residential unit sharing a building and a lot with other units and/or uses; it may be for rent, or for sale as a condominium.

Apartment, Accessory: A dwelling unit that is an integral part of a principal one-family dwelling but subordinate in terms of size and location.

Applicant: An individual, firm, association, syndicate, partnership, corporation or the official agent thereof, having recorded title to the land or building, or sufficient proprietary interest to seek development or use of the premises.

Aquifer Protection Regulations: See separate Aquifer Protection Regulations

Arcade: A private frontage conventional for retail use wherein the façade is a colonnade supporting habitable space that overlaps the sidewalk, while the façade at sidewalk level remains at the frontage line.

As Built: [See Improvement Location Survey](#)

Assisted Living Services: Nursing services and assistance with activities of daily living provided to clients living within a managed residential community having supportive services that encourage clients primarily age 55 or older to maintain a maximum level of independence. Assisted Living Services are provided by Assisted Living Services Agencies, licensed by the State of Connecticut.

Attic: The interior part of a building contained within its roof structure.

Avenue (AV): A thoroughfare of high vehicular capacity and low to moderate speed, acting as a short distance connector between urban centers, and usually equipped with a landscaped median.

Back-building: A single-story structure connecting a principle building to an outbuilding.

Basement: Any area of the building having its floor below ground level on all sides. A story in a building located partly underground, but having less than one-half of its clear floor-to-ceiling height below the average level of finished grade adjoining the exterior walls of the building and having a clear floor-to-ceiling height of not less than 6½ feet.

Bed & Breakfast: An owner-occupied type of lodging offering up to 5 bedrooms, and permitted to serve breakfast to guests.

Bedroom: Any room within a dwelling unit, other than a living room or kitchen, enclosed by four walls and having a livable floor area of at least 60 square feet.

Belt Course: [A continuous row or layer of stones, tile, brick, shingles, etc. in a wall. The Romanesque style of architecture is notable for the use of belt courses.](#)

Bicycle Lane (BL): A dedicated lane for cycling within a moderate-speed vehicular thoroughfare, demarcated by striping.

Bicycle Route (BR): A thoroughfare suitable for the shared use of bicycles and automobiles moving at low speeds.

Bicycle Trail (BT): A bicycle way running independently of a vehicular thoroughfare.

Big Box Store: [Retail establishments in freestanding industrial-style one-story buildings, with floor areas of approximately 100,000 to 200,000 square feet.](#)

Billboard Sign: A commercial sign that directs attention to a business, commodity, service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located. **LARGE & OVERHEAD Billboard: See Sign Related Definitions below.**

Block: The aggregate of private lots, passages, rear alleys and rear lanes, circumscribed by thoroughfares.

Block Face: The aggregate of all the building facades on one side of a block.

Boarder: See Roomer.

Boulevard (BV): A thoroughfare designed for high vehicular capacity and moderate speed, traversing an urbanized area. Boulevards are usually equipped with slip roads buffering sidewalks and buildings.

Brownfield: An area previously used primarily as an industrial site.

Buffer or Buffer Area: A strip of land along a property line which shall be free of any building or use other than landscape materials and/or fencing and which may be a part of the minimum yard requirements.

Buildable Area: That part of a lot on which a principal building or use may be located, as defined by the minimum yard required.

Building: Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any person, animal or material of any kind or nature. Where two or more buildings are connected by covered walkways or by structural features which are not roofed or provide shelter, housing, or enclosures of persons, animals, or material they shall be considered separate buildings.

Building, Accessory: Any building which is subordinate, incidental or supplementary to the use of the principal building on the same lot or on a contiguous lot where both lots are under the same ownership in all respects as to title and fractional interest. A detached accessory building is one that is not attached to the principal building by any covered porch, breezeway or other roofed structure.

Building Area: The ground area enclosed by the exterior walls of a building together with the ground area of all covered porches and other roofed portions.

Building Coverage: The ratio of the horizontal area measured from the outer most exterior walls of all principal and accessory buildings, including swimming pools, sheds, garages and tennis courts, to the total lot area.

Building Height: The vertical distance of a building measured from the average elevation of the finished grade adjacent to the exterior walls of the building to the highest point of the roof, including any parapet, in the case of a flat roof, to the top of the lower slope of a mansard roof, and the average height between the eaves and the ridge of a gable, hip or gambrel roof or other roof types. When the finished ground level slopes away from the an exterior wall, the vertical distance will be calculated based on the lowest points within the area between the building and the lot line or, when the lot line is more than ten feet from the building, between the building and a point ten feet from the building.

Building, Principal: A building in which the primary use of the lot is conducted.

Building, Setback Line: The line within a lot defining the minimum required horizontal distance between the principal building or use and an adjacent street or lot line.

Building Square: The area where a building is to be located that is free from wetlands and/or steep slopes in excess of 20% grade and is located within the buildable area.

ADD: Diagram showing building square location and dimensions

Bulk Standards: Standards applying to individual lots that control such items as the placement, intensity and character of development and include the amount of open space on the lot, the height of structures, setbacks from property lines and public rights-of-way, impervious coverage and density.

Bulky Waste: Oversized non-putrescible items including, but not limited to: tires, mattresses, bicycles, large kitchen and laundry appliances and land clearing and demolition debris that require separate handling by virtue of their bulk and weight and tendency to foul compacting and other processing equipment.

Business Sign: A sign advertising a business, profession, use, product, service or activity conducted, sold or offered on the premises where such sign is located.

Camper: A structure that can be mounted on a vehicle, and with sufficient equipment to render it suitable for use as a temporary living accommodation for travel, recreational or vacation use.

Canopy Sign: Any sign attached to the underside of, or constructed upon a canopy.

Cell Construction Method: The spreading, compacting and covering daily of solid wastes in areas that are enclosed by at least three walls or berms of soil.

Cemetery: Property used for the interring of the dead.

Change of Use: Any use that substantially differs from the previous use of a building or land.

Child Day Care Center: See Nursery School.

Civic: The term defining government and not-for-profit organizations dedicated to arts, culture, education, recreation, transit, and municipal parking, or for use approved by the legislative body.

Civic Building: A building operated by government and/or not-for-profit organizations dedicated to arts, culture, education, recreation, transit, and municipal parking, or for use approved by the legislative body.

Civic Club: An association of persons which owns, leases or occupies an establishment operated solely for a recreational, social, fraternal, religious, political or athletic purpose, whose activities are confined to its members and guests, are not extended to the general public, excluding clubs where the chief activity is a service customarily carried on primarily for business or gain.

Civic Space: Designation for public sites dedicated for civic buildings and/or open space.

Clear Cutting: The large-scale, indiscriminate removal of trees, shrubs, and undergrowth, typically with the intention of preparing real property for nonagricultural development.

Clinic, Outpatient: An establishment where patients are admitted for examination and treatment by one or more physicians, dentists or psychologists and where patients are not lodged overnight.

Coastal Area Management: The area of Hamden that lies within the Coastal Area boundaries described in Section 22a-94 (a), (b), (c) and (d) of the Connecticut General Statutes and as shown on a map titled "Coastal Boundary" 1980, as it may be amended from time to time, prepared by Coastal Area Management Program, Connecticut Department of Environmental Protection which is on file in the Planning and Zoning Office and in the office of the Hamden Town Clerk.

College: An educational institution of higher learning certified or accredited by the State of Connecticut to award degrees or certificates.

Column: A vertical architectural element that is usually structural. It typically has a capital and a base.

Commercial: The term collectively defining workplace, office, retail, and lodging functions.

Commission: The Hamden-Town of Hamden Planning and Zoning Commission, the Planning Section of the Planning and Zoning Commission, ~~or~~ the Zoning Section of the Planning and Zoning Commission, or the Zoning Board of Appeals (ZBA), whichever has jurisdiction over the particular subject matter thereof.

Common Yard: A planted private frontage wherein the façade is set back from the frontage line. It is visually continuous with adjacent yards.

Community Residence – Mentally Ill Adults: A facility which is defined in Connecticut General Statutes Sec. 19a-507a, as amended from time to time, which is generally defined as “a community based residential facility housing the staff of such a facility and 8 or fewer mentally ill adults which is licensed by the State of Connecticut to provide services needed for daily living and other support services.”

Community Residence – Mentally Retarded Persons: A facility which is defined in Connecticut General Statutes in Sec. 17a-220(e), as amended from time to time, which is generally defined as “a community based residential facility housing up to 6 mentally retarded or autistic persons which provides services needed for daily living and other support services.”

Configuration: The form of a building, based on its massing, private frontage, and height.

Construction Sign: A temporary sign erected where construction or remodeling is taking place, during construction, with the names of the architect(s), engineer(s), landscape architect(s), contractor(s) or similar artisan(s), and the owner(s), financial supporter(s), sponsor(s), and similar individuals or firms having a role or interest in the structure or project.

Contiguous: See Abut.

Convalescent Home: See Nursing Home.

Cornice: Any horizontal structural or non-structural member, projecting outward from the exterior wall at the roofline, including eaves and other roof overhang.

Corridor: A lineal geographic system incorporating transportation and/or greenway trajectories. A transportation corridor may be a lineal Transect Zone.

Cottage: An edgeward building type. A single-family dwelling, on a regular lot, often shared with an accessory building in the back yard.

County Soil and Water Conservation District: The New Haven County Soil and Water Conservation District established under subsection (a) of Section 22a-315 of the General Statutes.

Courtyard Building: A building that occupies the boundaries of its lot while internally defining one or more private patios. See **Table 9**.

Cover Material: Solid or other suitable material used to cover compacted solid waste in a solid waste disposal area. This material shall be classified as GM, silt gravels, poorly graded gravel-sand-silt mixtures; GC, clayey gravels, poorly graded gravel-sand-clay mixtures; ML, inorganic silts and very fine sands, rock flour, silty or clayey fine sands with slight plasticity in accordance with the unified soil classification system.

Curb: The edge of the vehicular pavement that may be raised or flush to a swale. It usually incorporates the drainage system.

Curb Cut: The opening along the curb line at which point vehicles may enter or leave the roadway.

Day Care Center: See Nursery School or Adult Day Care Center

Density: The number of office, retail, lodging and dwelling units within a standard measure of land area.

Design Speed: The velocity at which a thoroughfare tends to be driven without the constraints of signage or enforcement. There are four ranges of speed: Very Low: (below 20 MPH); Low: (20-25 MPH); Moderate: (25-35MPH); High (above 35 MPH). Lane width is determined by desired design speed. See **Table 3A**.

Developed: A lot that has a building on the site. The maximum frontage build-out *need not* be complete to count ~~as~~ a lot that is 100% developed.

Development: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations or any use or extension of the use of land, or storage of equipment or materials.

Directional Sign: A sign limited to directional messages that direct the way to a place or activity or to point towards a place of activity.

Dog Daycare: See Animal Day Care

Dooryard: A private frontage type with a shallow setback and front garden or patio, usually with a low wall at the frontage line. See **Table 7**. (Variant: lightwell, light court.)

Dormitory: (1) A building used for accommodating students with sleeping quarters with or without communal kitchen facilities and administered by an educational institution, college or university, trade school, training facility or similar entity. Dormitory includes fraternity and sorority houses. (2) Any building occupied by 15 or more individuals meeting the definition of student who were assigned to live in that building by an educational institution, college or university, trade school, training facility or similar entity shall be considered a dormitory under these regulations.

Drainage: The controlled removal of surface water or ground water from land by drains, grading or other means including runoff controls to minimize erosion, reduce suspended solids and maximize groundwater recharge during and after construction or development.

Drive: A thoroughfare along the boundary between an urbanized and a natural condition, usually along a waterfront, park, or promontory. One side has the urban character of a thoroughfare, with sidewalk and building, while the other has the qualities of a road or parkway, with naturalistic planting and rural details.

Drive-Through: [Relating to or conducting exchanges with clients who drive up to a window and remain in their automobiles.](#)

Driveway: A vehicular lane within a lot, often leading to a garage. See **Section 4.10 and Table 3B-f**.

Dwelling: A building or portion thereof that is used exclusively for human habitation. The term shall not be deemed to include a motel, hotel, camper, trailer, recreation vehicle, or tent.

Dwelling, Attached: A dwelling having any portion of one or more walls in common with another dwelling.

Dwelling, Detached: A dwelling that is not attached to any other dwelling by any means.

Dwelling, Multi-Family: Any building designed, constructed, and used as a residence for four or more dwelling units; the term applies to town house and apartment complexes of four or more dwelling units.

Dwelling, One-Family: A building containing one dwelling unit

Dwelling, Two-Family: A building containing two dwelling units

Dwelling, Three-Family: A building containing three dwelling units

Dwelling Unit: One or more connected rooms, constituting a separate, independent housekeeping establishment containing independent cooking, sleeping and sanitary facilities for the exclusive use of an individual or single-family maintaining a household, and physically separated from other rooms or dwelling units which may be in the same structure.

Dwelling Unit, Efficiency: A dwelling unit having only one habitable room, not inclusive of bathroom, water closet compartment, kitchen, laundry, pantry, foyer, communicating corridor, or closets.

Edgeyard Building: A building that occupies the center of its lot with setbacks on all sides.

Effective Parking: The amount of parking required for mixed-use after adjusted by the shared parking factor.

Effective Turning Radius: The measurement of the inside turning radius taking parked cars into account.

Egress: An exit.

Elevation: A vertical distance above or below a fixed referenced level; or a flat scale drawing of the front, rear, or side of a building; an exterior wall of a building not along a frontage line.

Emission: A discharge of substances into the air.

Encroach: To break the plane of a vertical or horizontal regulatory limit with a structural element, so that it extends into a setback, into public frontage, or above a height limit.

Encroachment: Any structural element that breaks the plane of a vertical or horizontal regulatory limit, extending into a setback, into the public frontage, or above a height limit.

Enfront: To place an element along a frontage, as in “porches enfront the street.”

Erosion: The detachment and movement of soil or rock fragments by water, wind, ice and gravity.

Estate House: An edgeyard building type. A single-family dwelling on a very large lot of rural character, often shared by one or more accessory buildings. (Syn: country house, villa)

Excavation: Removal or recovery of soil, rock, minerals, mineral substances or organic substances other than vegetation by any means from water or land on or beneath the surface.

Expression Line: A line prescribed at a certain level of a building for the major part of the width of façade, created by variation in material or by limited projection such as molding or balcony. See **Table 8**.

Façade: The exterior wall of a building exposed to public view.

Façade Width: The width of the exterior wall(s) of a building exposed to public view that is adjacent to or fronts a public street, park or plaza.

Family: One or more persons related by blood, marriage, civil union, or adoption; or a group of not more than four persons who need not be so related and who are living together in a dwelling unit and maintaining a common household. Foster children or wards of the state are included as members of a family. *Exception: Unrelated individuals occupying a dwelling unit and meeting the definition of students will be classified as a student-housing unit.*

Family Day Care Home: An establishment licensed by the State of Connecticut, caring for not more than 6 children including the provider's own children not in school full time, where the children are cared for not less than 3 nor more than 12 hours during a 24--hour period and where care is given on a regularly recurring basis.

Farm: A lot or contiguous lots containing at least 2 acres where the land and buildings are devoted to farming and other accessory uses.

Farm, Commercial: A farm containing at least 5 acres and producing vegetables, grains, grasses, trees, herbs, flowering plants, shrubs or fruit for the market, or the raising of livestock, farm animals, fish, birds or bees and the production of milk for the market. *Exception: No commercial farm may raise pigs or fur-bearing animals, nor shall it include a commercial kennel.*

Fence: A barrier of any material or combination of materials erected to enclose, separate, or screen areas of land.

Flood Plain Related Definitions:

Area of Special Flood Hazard: The land in the flood plain within a community subject to a 1% or greater change of flooding in any given year.

Flood or Flooding: A temporary condition of partial or complete inundation by water of normally dry land areas.

Flood, Base: The flood having a 1% chance of being equaled or exceeded in any given year (100-year storm).

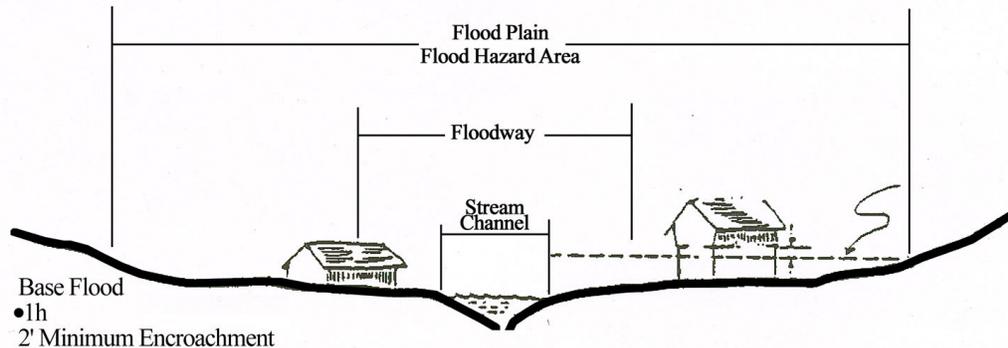
Flood Hazard Area: See Special Flood Hazard Area

Flood Insurance Rate Map (FIRM): The official map in which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to Hamden.

Flood Insurance Study: The official report from the Federal Emergency Management Agency (FEMA) that contains examinations, evaluations, and determinations of flood hazards and if appropriate, corresponding water, surface elevations.

Flood Plain: The relatively flat area or low lands adjoining the channel of a river, stream, watercourse or any body of standing water which has been or may be covered by flood water.

Floodplain Cross Section



Floodway, Regulatory: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Mean Sea Level: For purposes of the National Flood Insurance Program, mean sea level means the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Maps are referenced.

New Construction in Special Flood Hazard Areas: Any construction for those structures in the area of flood hazard for which the "start of construction" commenced on or after the effective date of the FIRM, June 15, 1979, and includes any subsequent improvements to such structures.

Special Flood Hazard Area: The land in the flood hazard areas within Hamden subject to a 1% or greater chance of flooding in any given year as delineated on the Flood Insurance Rate Maps dated June 15, 1979, as revised.

Start of Construction: Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main structure.

For substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Substantial Improvement: Any combination of repairs, re-construction, alteration, or improvements to a structure taking place over a 1-year period, in which the cumulative cost equals or exceeds 50% of the market value of the structure. The market value of the structure should be (1) the appraised value of the structure using the cost approach of value, prior to the start of the initial repair or improvement, or (2) in the case of damage; the value of the structure prior to the damage occurring.

For purposes of this definition, "Substantial Improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include either: any project for improvement of a structure to comply with existing State or local health, sanitary, or safety code specifications which are solely necessary to insure safe living conditions or any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

Water Surface Elevation: The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the flood plains of coastal or riverine areas.

Floor: The top surface of an enclosed area in a building (including the basement) upon which one walks, i.e., the top of slab in concrete slab construction or top of wood flooring in a wood frame construction. The term does not include the floor of a garage used solely for parking of vehicles.

Floor, Lowest: The lowest floor of the lowest enclosed area (including basement).

Floor Area, Gross (GFA): The sum of the gross horizontal areas of the several floors of a building, measured from the exterior faces of exterior walls (and from the center lines of party walls if the portions of the building separated by such party walls are to be treated separately), including (a) basement space, (b) attic space, whether or not floor has been laid, over which there is structural head room of 6½ feet or more, and (c) enclosed porches, interior balconies and mezzanines and penthouses. *Exception: Elevators and stairwells at each floor, floor space permanently devoted to mechanical equipment used in the operation and maintenance of the building, floor space permanently devoted to parking, any space where the floor-to-ceiling height is less than 6½ feet, and that portion of any enclosed mall area or interior walkway within a retail building not used for the sale of goods or services, or seating for food consumption.*

Floor Area, Livable: The floor area of a dwelling unit finished for occupancy and capable of maintaining an interior room temperature of 70 degrees Fahrenheit with adequate ventilation when outside temperature is zero degrees Fahrenheit and having ceiling heights in accordance with the applicable provisions of the Building Code. *Excluding: Porches, utility rooms, garages, bay windows or public hallways.*

Forecourt: A private frontage where a portion of the façade is close to the frontage line and the central portion is set back. **See Table 7.** ADD: **Diagram**

Freestanding Sign: Any non-movable sign erected on or affixed to the land or any exterior sign not attached to a building.

Frontage: See Lot Line, Front.

Frontage Build-out: The ratio of the horizontal area, measured from the exterior surface of the exterior walls of the ground floor, of all principal and accessory buildings closest to the front lot line to the total lot width measured at the front lot line. ADD: **Diagram**

Frontage Line: A lot line bordering a public frontage. Facades facing frontage lines define the public realm and are therefore more regulated than the elevations facing other lot lines. **See Table 17.**

Fur-Bearing Animal: An animal that is customarily bred and raised for the use of its pelt for clothing or decoration of clothing such as mink, fox or rabbit.

Gallery: A private frontage conventional for retail use where the façade is aligned close to the frontage line with an attached cantilevered shed or lightweight colonnade overlapping the sidewalk. **See Table 7.** ADD: **Diagram**

Garage: A deck, building or structure, or part thereof, used or intended to be used for the parking or storage of vehicles.

Gas Station: Any lot, building or part thereof, used for the sale of vehicular fuels and accessories and which may include facilities for lubrication, washing and the servicing of vehicles as permitted by a limited repairers license as defined in Chapter 246 of the Connecticut General Statutes.

Geographic Information System (GIS): A computerized program in widespread municipal use that organizes data on maps. **See Section 2.1.**

Grade: The degree of rise or descent of a sloping surface.

Grade, Finished: The final elevation of a particular point above or below a given reference datum.

Grading: Any excavating, grubbing, filling (including hydraulic fill) or stockpiling of earth materials or any combination thereof, including the land in its excavated or filled condition.

Green: A civic space type for unstructured recreation, spatially defined by landscaping rather than building frontages. **See Table 13.**

Greenfield: An area that consists of open or wooded land or farmland that has not been previously developed.

Greenway: An open space corridor in largely natural conditions that may include trails for bicycles and pedestrians.

Greyfield: An area previously used primarily as a parking lot. Shopping centers and shopping malls are typical greyfield sites.

Group Day Care Home: See Nursery School.

Group Home: See Community Residence – Mentally Ill Adults or Mentally Retarded Persons

Ground Floor: The first floor of a building other than a basement.

Hazardous Material: Any material included in EPA's list of priority pollutants, or Section 3001 of the Resource Conservation and Recovery Act, or Connecticut's Hazardous Waste Regulations, whichever is in effect.

Hazardous Wastes: Solid or liquid wastes in the following classifications: Explosives, pathogenic wastes, radioactive wastes, hospital operating room wastes, and chemical wastes which either create an immediate safety hazard to persons disposing of the waste or which by virtue of their chemistry and/or the method of disposal present a threat to the quality of ground or surface waters or any other natural resources.

Height: See Building Height

Highway: A rural and suburban thoroughfare of high vehicular speed and capacity. This type is allocated to the more rural Transect Zones.

Home Occupation: Any use customarily conducted entirely within a dwelling which is clearly incidental and secondary to the use of the dwelling for living purposes and carried on by the residents of the premises and employing not more than one person on the premises who is not a resident thereof.

Hospital: A facility licensed by the State Department of Health providing health services and medical or surgical care to persons, primarily as in-patients.

Hospital, Veterinary: A facility for the diagnosis, treatment and/or care of animals by a veterinarian licensed by the State of Connecticut.

Hotel/Motel: **See Article VI [SmartCode]**

Housing Unit for the Elderly: A dwelling unit specifically designed for the needs of an elderly person or persons, and conforming to the eligibility requirements of State and/or Federal programs providing for housing for the elderly.

Improvement Location Survey: A type of survey which depicts or notes the position, horizontally and, where required, vertically, between particular existing or proposed improvements with respect to the applicable municipal or statutory requirements. The purpose of this type of survey is to enable determination of compliance with said requirements. No other improvements or features need be depicted.

In-Patient: A facility licensed by the State Department of Health providing overnight accommodations, health services and medical or surgical care to persons in need of such care.

Industrial Processing Waste (Non-Hazardous): Commercial solid waste which is no threat to water resources or any other natural resources but requires special consideration for haul and disposal by virtue of the volume or properties of the material when dumped at a disposal site.

Infill: New development on land that had been previously developed, including most greyfield and brownfield sites and cleared land within urbanized areas.

Ingress: An entrance.

Inn: A lodging type offering 6 to 12 bedrooms and permitted to serve breakfast to guests. **See Table 4.1.**

Impervious Surface: A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water.

Inspection: The periodic review by appropriate personnel, of actual site and/or building conditions, including sediment and erosion control measures as they compare to the approved plan and for impacts upon public health, safety and welfare.

Junkyard: Any land or building where the principal use, in whole or in part, is for the collecting, storage, processing, purchase, sale or abandonment of waste paper, rags, scrap metal, or similar material; including an automobile junkyard as defined by State law.

Kennel: An establishment where more than 5 dogs or domesticated animals more than 1 year old are housed, bred, boarded, trained or sold for the purpose of monetary gain.

Layer: A range of depth of a lot within which certain elements are permitted. **See Table 17**

Lighting Related Definitions:

Direct Light: Light emitted directly from the lamp, off of the reflector or reflector diffuser, or through the refractor or diffuser lens, of a luminaire. **ADD: Diagram**

Fixture: The assembly that houses the lamp or lamps and can include some of the following parts: a housing, a mounting bracket or pole socket, a lamp holder, ballast, a reflector or mirror, and/or a refractor or lens.

Flood, Search, or Spot Light: Any light fixture or lamp that incorporates a reflector or a refractor to concentrate the light output into a directed beam in a particular direction.

Full Cutoff Light: A luminaire or light fixture that, by design, of the housing, does not allow any light dispersing or direct glare to shine above a 75 degree horizontal plane from the base of the fixture. Full cut-off fixtures must be installed in a horizontal position as designed, or the purpose of the design is defeated, and glare will result.

Fully Shielded Light: Any light fixture that allows control of light beams in any direction.

Glare: Light emitting from a luminaire with intensity great enough to reduce a viewer's ability to see, and in extreme cases causing momentary blindness.

Height of Luminaire: The vertical distance from the ground directly below the centerline of the luminaire to the lowest direct-light-emitting part of the luminaire.

Indirect Lighting: Direct light that has been reflected or has scattered off of other surfaces.

Luminaire: A complete lighting system, including a lamp or lamps and a fixture.

Up-lighting: Any light source that distributes illumination above a 90-degree horizontal plane.

Lightwell: A private frontage type that is a below-grade entrance or recess designed to allow light into basements. **See Table 7.** (Syn: light court.)

Linear Building: A building specifically designed to mask a parking lot, parking structure or a big box store from a frontage.

Live-work: A mixed-use unit consisting of commercial and residential functions. The commercial function may be anywhere in the unit. The intent is occupation by a business operator who lives in the same structure that contains the commercial activity.

Loading Space: An off-street space available for the standing, loading and unloading of one truck, excluding adequate maneuvering area.

Lodging: A premises available for the renting of bedrooms with housekeeping services and other accessory uses such as the service of at least one meal.. **See Table 4.1 and table 12**

Lot: A plot or parcel of land under the same ownership and permitted by law to be occupied by one building or a group of buildings and accessory buildings including such yards and area as are required by these Regulations.

Lot Area: The gross horizontal area contained within the property lines of a lot *excluding slopes in excess of 20% and all wetland areas.*

Lot, Corner: A lot abutting on the intersection of two or more streets or on two parts of the same street forming an interior angle of less than 135 degrees.

ADD: **Diagram** showing footnote "c" Corner Lot conditions

Lot Coverage: The ratio of the building coverage plus all other impervious surfaces (including paved driveways, sidewalks) to the total lot area; the total area of impervious surface on a lot.

Lot Depth: The mean distance from the front lot line to the rear lot line measured in the general direction of the sidelines of the lot.

Lot, Interior: A lot other than a corner lot or rear lot or a through lot.

Lot Line: A property line of record bounding a lot.

Lot Line, Front: The lot line separating a lot from a street right-of-way. In the case of a rear lot, the front lot line shall be considered the line most nearly parallel to and closest to a street providing lot frontage. Syn. Frontage. ADD: **Diagram**

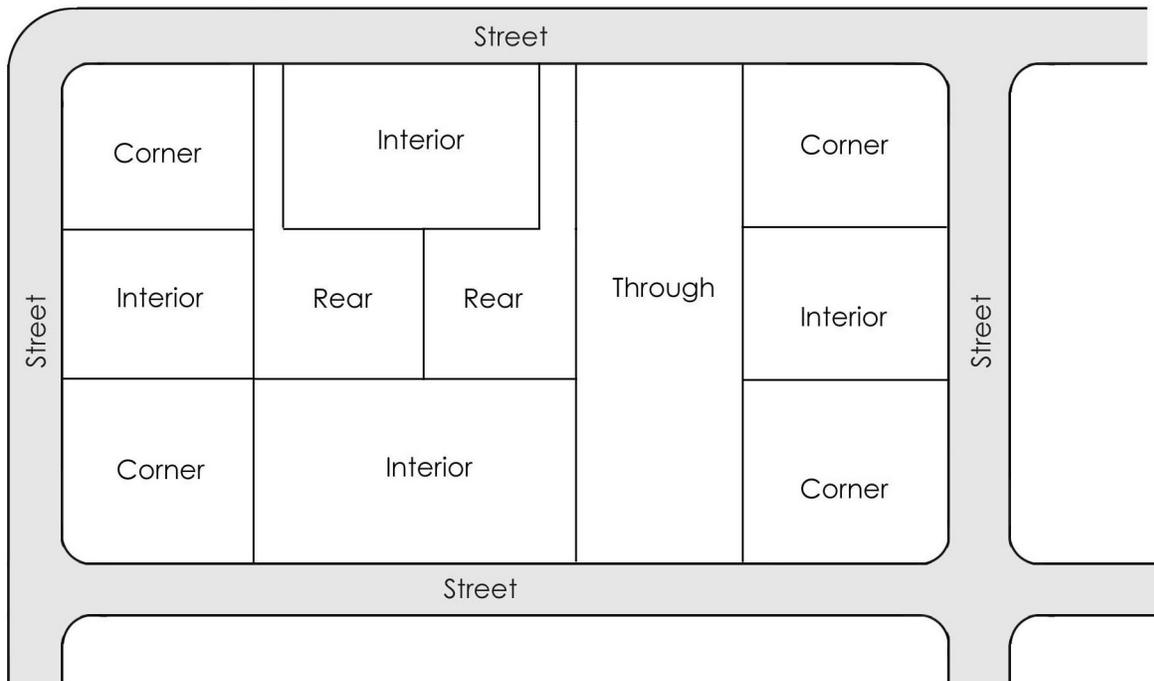
Lot Line, Rear: The lot line between the side lot lines and generally opposite to and most distant from the front lot line. ADD: **Diagram**

Lot Line, Side: The lot line generally extending from the street or front lot line and connecting the front and rear lot lines. ADD: **Diagram**

Lot, Rear: A lot having access to the street via an accessway that is part of the rear lot and where the buildable area is located generally to the rear of other lots having frontage on the same street.

Lot, Through: A lot other than a corner lot having frontage on two streets or two frontages on the same street.

Lot Width: The horizontal distance between side lot lines measured parallel to the street line and along the minimum required front setback line. [Various Lot Definitions](#)



Main Civic Space: The primary outdoor gathering place for a community. The main civic space is often, but not always, associated with an important civic building.

Managed Residential Community: A facility, consisting of private residential units, that provides a managed group living environment, including housing and other services, primarily for persons age 55 or older.

Manufactured Home: A structure, transportable in one of more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term "*Manufactured Home*" does not include a "*Recreational Vehicle*."

Manufacturing: Any process where the nature, size or shape of articles or raw materials is changed or where articles are assembled. The term "manufacturing" includes fabricating, compounding, assembling, packing, food processing and treatment activities.

Maximum Building Coverage: The total area of impervious surface due to buildings, accessory buildings, tennis courts, pools, etc., allowed on a lot. *Excluded: Sidewalks, paths or driveways.*

Medical Facility: A facility where diagnostic, therapeutic and rehabilitative programs are conducted, and which does not include in-patient services.

Minimum Building Square: [See Building Square](#)

Mixed-Use: multiple functions within the same building through superimposition or adjacency, or in multiple buildings by adjacency, or proximity.

Motel: See Hotel/Motel

Motor Vehicle Service: Any lot, building or part thereof used for the servicing of vehicles as permitted by a limited repairer's license as defined in Chapter 246 of the Connecticut General Statutes.

Motor Vehicle Repair: Any lot, building or part thereof for the repair of vehicles as permitted by a repairer's license as defined in Chapter 246 of the Connecticut General Statutes.

Neighborhood Plans, New: At a minimum, a map designated by the Town Planner the size of the pedestrian shed. The area should connect to and blend with surrounding development.

Non-conforming Building or Structure: A building or structure legally existing on the effective date of these Regulations or any applicable amendment thereto, but which fails by reason of such adoption, revision or amendment to conform to the present zoning regulations for any prescribed structure or building requirement (i.e. front, side or rear yards, building height, building area or lot coverage, lot area per dwelling unit, dwelling units per building, number of parking and loading spaces).

Non-conforming Lot: A lot legally existing on the effective date of these Regulations or any applicable amendment thereto but which fails by reason of such adoption, revision or amendment to conform to the present zoning regulations for any prescribed lot requirement.

Non-conforming Use: A use, whether of a building, structure or lot, or combination thereof, legally existing on the effective date of these Regulations or any applicable amendments thereto but which fails by reason of such adoption, revision or amendment to conform to the present use regulations of the zone where it is located.

Nursery School: An establishment licensed by the State of Connecticut having facilities and all necessary personnel for the care, guidance and/or supervision of 7 or more children not of common parentage on a regular basis for a part of 24 continuous hours in one or more days of the week.

Nursing Home: An in-patient chronic and convalescent facility or a rest home with nursing supervision, as defined and licensed by the State of Connecticut.

Occupant: The individual or individuals in possession of a premises.

Office: A room or group of rooms used for conducting the affairs of a business, profession, service or government.

Office Building: A building used primarily for conducting the affairs of a business, profession, service or government, or like activity, that may include ancillary services for office workers such as a restaurant, coffee shop, newspaper or candy stand.

Open Space, Useable: Space on a lot or parcel that is (a) unoccupied by principal or accessory buildings above the finished grade; (b) unobstructed to the sky; (c) not devoted to service driveways, service areas, off-street parking at finished grade or loading areas; (d) devoted to landscaping, active or passive recreation and other like uses; (e) made available in the same proportion to all occupants of the building or buildings on a lot or parcel. Additionally, all roof areas landscaped or developed for recreation; all landscaped areas above underground garages, and half the area of exterior balconies shall qualify as useable open space.

Outbuilding: An accessory building, usually located toward the rear of the same lot as a principal building, and sometimes connected to the principal building by a back building. **See Table 17**

Owner: An individual, firm, association, syndicate, partnership or corporation having recorded title to a parcel of land and/or a building.

Park: An open space that is a natural preserve available for unstructured recreation. **See Table 13.**

Parking Area: Any land area designed and used for parking motor vehicles, including garages, carports, and other enclosed, semi-closed and open spaces.

Parking Lot: An off-street ground level area used for the temporary parking of registered motor vehicles.

Parking Lot Aisle: An area in a parking lot intended or designed to allow for self-parking of motor vehicles and access to such parking spaces. *Excluding: Lanes of ingress or egress from a street.*

Parking Space: The area required for parking one automobile not including passageways and driveways appurtenant to and giving access thereto.

Parking Structure: A building containing one or more stories of parking above grade.

Passage (PS): A pedestrian connector, open or roofed, that passes between buildings to provide shortcuts through long blocks and connect rear parking areas to frontages.

Path (PT): A pedestrian way traversing a park or rural area, with landscape matching the contiguous open space, ideally connecting directly with the urban sidewalk network.

Pedestrian Shed: An area that is centered on a common destination. Its size is related to average walking distances for the applicable community type. Pedestrian sheds are applied to structure communities.

Personal Wireless Service, Facilities and Towers: Other Antennae and Satellite Dishes: **See Section 9.30** definitions.

Pervious Surface: Any material that permits full or partial absorption of stormwater into land.

Pilaster: A column partially embedded in a wall and usually non-structural.

Placement: The location of a building on its lot. **See Table 9 and Table 17.**

Places of Worship: A building or structure, or group of buildings or structures, which, by design and construction, are primarily intended for the conducting of organized religious services and accessory uses associated therewith.

Planter: The element of the public frontage that accommodates street trees, whether continuous or individual.

Plaza: A civic space designed for civic purposes and commercial activities in the more urban transect zones, generally paved and spatially defined by building frontages.

Pollution: The presence of matter or energy whose nature, location or quantity produces undesired environmental and/or health effects.

Premises: All land comprising a lot, together with all buildings and uses thereon.

Principal Entrance: The main point of access for pedestrians into a building.

Principal Frontage: On corner lots with two frontages, the private frontage designated to bear the address and principal entrance to the building, and the measure of minimum lot width. Prescriptions for parking layers pertain only to the principal frontage. Prescriptions for the first layer pertain to both frontages of a corner lot. **ADD: Diagram**

Private Frontage: The privately held layer between the frontage line and the principal building façade. **See Table 7 and Table 17. ADD: Diagram**

Projecting Sign: **A sign attached to a building or other structure and extending in whole or in part more than 14 inches beyond the building.**

Public Frontage: The area between the curb of the vehicular lanes and the frontage line. **See Table 4A and Table 4B. ADD: Diagram**

Rear Alley (RA): A vehicular way located to the rear of lots providing access to service areas, parking, and outbuildings and containing utility easements. **Rear alleys should be paved from building face to building face**, with drainage by inverted crown at the center or with roll curbs at the edges.

Rear Lane (RL): A vehicular way located to the rear of lots providing access to service areas, parking, and outbuildings and containing utility easements. **Rear lanes may be paved lightly to driveway standards.** The streetscape consists of gravel or landscaped edges, has no raised curb, and is drained by percolation.

Rear Yard Building: A building that occupies the full frontage line, leaving the rear of the lots as the sole yard. **See Table 9 ADD: Diagram**

Recreation, Commercial: A commercial establishment which provides indoor recreation facilities such as tennis clubs, skating rinks, bowling alleys, health clubs, racquet ball clubs, billiard or pool parlors, dance halls and other similar uses.

Regional Educational Service Center: A corporate body established under the laws of the State of Connecticut for the purpose of providing regional educational programs, services, and activities.

Residential Zone: An area restricted by zoning regulations to primarily one, two and three-family homes. R-Zones.

Resource Recovery Facility: A facility that reclaims material or energy values from solid wastes.

Retaining Wall: A structure that is constructed between lands of different elevations to stabilize the surfaces, prevent erosion, and/or protect structures.

Right-of-way (ROW): A strip of land acquired by reservation, dedication, prescription, or condemnation and intended to be occupied by a street, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer, or other similar uses. Generally, the right of one to pass over the property of another.

Roomer or Boarder: An individual other than a member of the family occupying a dwelling unit or a part thereof who, for a consideration, is furnished sleeping accommodations and may be furnished meals or other services as part of the consideration. *Exception: The student housing provisions of these regulations will govern unrelated individuals meeting the definition of student.*

School: Any building or group of buildings the use of which meets State of Connecticut requirements for primary or secondary education.

School, Business: Private establishments engaged in providing educational services for training in business or the arts such as: data processing, computer programming, typing, stenography, cosmetology, modeling, dancing, music, fashion design, drafting, or painting.

Service Establishment, Personal and Business: Establishments engaged in providing services for the home or business, as well as services of a personal nature such as accounting, house cleaning, nail and hair salons.

Setback: The minimum required horizontal distance from any lot line to any building, structure or use, measured in a straight line from and perpendicular to such lot line.

Shopping Center: A group of commercial establishments that may be interconnected by walls, roofs, and enclosed malls or walkways, planned and developed to make a common facility.

Sign: Any object, device, display or structure that is used for attracting attention to any use, product, service, or activity. *Exception: A flag or insignia of any government or governmental agency, or of any fraternal, civic, charitable, or religious organization.*

Sign Area: The number of square feet contained within a single continuous perimeter of the simplest regular geometric shape enclosing the extreme limits of the actual sign surface including any framing, trim or molding. *Exception: Structural members and supports required by Building Codes and not bearing advertising matter and not forming an integral part of the display.*

Sign Related Definitions:

A-Frame: [ADD Definition & Diagram]

Advertising Sign: A sign for the display of advertisements of a business, product, service or activity not conducted, sold, or offered on the premises where such advertising sign is located.

Animated, Flashing or Moving: Any sign or source of light or part thereof that flashes, rotates, moves, or in any way simulates motion, exclusive of any portion used for relating time and temperature information.

Billboard: A commercial sign that directs attention to a business, commodity, service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located. **LARGE & OVERHEAD**

Sign: Any object, device, display or structure that is used for attracting attention to any use, product, service, or activity. *Exception: A flag or insignia of any government or governmental agency, or of any fraternal, civic, charitable, or religious organization.*

Sign Area: The number of square feet contained within a single continuous perimeter of the simplest regular geometric shape enclosing the extreme limits of the actual sign surface including any framing, trim or molding. *Exception: Structural members and supports required by Building Codes and not bearing advertising matter and not forming an integral part of the display.*

Business Sign: A sign advertising a business, profession, use, product, service or activity conducted, sold or offered on the premises where such sign is located.

Canopy Sign: Any sign attached to the underside of, or constructed upon a canopy.

Construction Sign: A temporary sign erected where construction or remodeling is taking place, during construction, with the names of the architect(s), engineer(s), landscape architect(s), contractor(s) or similar artisan(s), and the owner(s), financial supporter(s), sponsor(s), and similar individuals or firms having a role or interest in the structure or project.

Directional Sign: A sign limited to directional messages that direct the way to a place or activity or to point towards a place of activity.

Freestanding Sign: Any non-movable sign erected on or affixed to the land or any exterior sign not attached to a building.

Projecting Sign: A sign attached to a building or other structure and extending in whole or in part more than 14 inches beyond the building.

Temporary Sign: A banner, pennant, poster, or advertising to be displayed for a short period of time.

~~Wall Sign: A sign fastened to the wall or other surface of a building, with the face of the sign approximately parallel to such wall or surface.~~

Sill: A horizontal member forming the bottom of a window or door.

Solid Waste: Unwanted or discarded material including municipal solid wastes, bulky wastes and non-hazardous industrial processing wastes. *Exception: Solid waste does not include septage and sludges, agricultural and mining wastes, or hazardous wastes.*

Solid Waste Disposal Area: The location for disposal of solid waste that is approved by the State Department of Environmental Protection and the Hamden Planning and Zoning Commission.

Solid Waste Facility: Any solid waste disposal area, volume reduction plant, resource recovery facility or transfer station if such facility handles more than five tons of solid waste per year.

Solid Waste, Municipal: Non-bulky, non-hazardous garbage that is normally collected by conventional refuse collection vehicles and hauled to a point for processing or disposal. This is the classification of refuse acceptable for a conventional packer truck, transfer station compactor, shredder, or refuse combustion unit.

Story: That portion of a building between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the roof above it and including those basements used for the principal use.

Street: A vehicular way opened to or intended for public use, but excluding an alley for service access only. "Street" shall be deemed to include the entire width of the right-of-way.

Street, Abandoned: One that the Town had accepted at one time and had maintained; and one that the Town has since relinquished any ownership rights to including the duty to maintain through a formal abandonment process or through a long period of non-use.

Street, Accepted: One that has been formally accepted by resolution by the Legislative Council or one that has been implicitly accepted by the Town due to public maintenance or use over an extended period.

Street, Unaccepted/Unacknowledged Road: One that has not been accepted by the Legislative Council or by implication; one that the Town has not acknowledged the existence of; and one that the Town has no duty to maintain.

Street Centerline: The centerline of a street or road describes the midpoint along the length of the street where the edges have been previously delineated.

Street Line: The line distinguishing the street from an adjacent lot.

Structure: Anything constructed, formed or erected. A walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank, or other man-made facility or infrastructure, for occupancy, ornamentation or visual communication, whether installed on, above, or below the surface of land or water. Except as otherwise indicated structure shall be deemed to include buildings, swimming pools, tennis courts, signs, fences and walls more than 6 feet high **other than retaining walls.**

Student: An individual enrolled in a program of study at an educational institution, college or university, trade school, training facility or similar entity.

Student Housing: 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. (Housing which meets the definition of dormitory shall be considered a dormitory and not student housing.)

Student Housing Unit: Unrelated individuals occupying a dwelling unit and meeting the definition of students.

Substantial Damage: Damage of any origin to a structure where the cost of restoring the structure to its before-damage condition would exceed 50% of the market value of the structure before the damage occurred.

Swimming Pool: An enclosure for water, permanently constructed or portable, in-ground or aboveground used for wading, swimming or bathing and having a depth of 18 inches or more and having a surface area of at least 100 square feet.

Temporary Sign: [A banner, pennant, poster, or advertising to be displayed for a short period of time.](#)

Trailer: A structure on wheels, capable of being towed or hauled, used for short-term human occupancy, carrying or storing materials, goods or objects, or as a temporary office.

Transect Zone: One of several areas on a zoning map regulated by the SmartCode. Transect zones are administratively similar to the land use zones in conventional codes, except that in addition to the usual building use, density, height and setback requirements, other elements are integrated, including those of the private lot, building and public frontage.

Transfer Station: A central collection point for the solid waste generated within a municipality or group of municipalities from where it is transferred to a vehicle for removal to another solid waste facility.

Truck Garden: A farm containing at least 2 acres and producing vegetables or fruit for the market.
Exclusion: The raising of animals.

Use: The specific purpose for which land or a building is designed, arranged or intended or for which land or a building is occupied or maintained.

Use, Accessory: A use of land, building, structure or portion thereof that is located on the same lot and is incidental and subordinate to that of the principal building or use of land.

Use, Commercial: Activity carried out for monetary gain.

Use, Principal: The primary or predominant use of any lot.

Vector: An insect or rodent or other animal (not human) that can transmit infectious diseases from one person or animal to another person or animal.

Vehicle, Commercial: Any motor vehicle licensed by the State as a commercial vehicle.

Vehicle, Motor: Any motor vehicle as defined by the General Statutes of the State of Connecticut, as amended.

Vehicle, Recreational: A vehicular type portable structure without permanent foundation, that can be towed, hauled or driven and primarily designed as temporary living accommodation for recreational, camping and travel use including, but not limited to, travel trailers, truck campers, camping trailers and self-propelled motor homes.

Volume Reduction Plant: A plant that is designed primarily for the purpose of reducing the volume of solid waste which must be disposed of, including but not limited to, incinerators, pulverizers, compactors, shredding and bailing plants, transfer stations, composting plants, and other plants that accept and process refuse for recycling.

Wall Sign: A sign fastened to the wall or other surface of a building, with the face of the sign approximately parallel to such wall or surface.

Working Face: The portion of a solid waste disposal area where waste is deposited, spread and compacted prior to the placement of cover material.

Yard: A space that is not occupied by a building or structure, is open to the sky, and on the same lot as the principal building.

Yard, Front: An unoccupied space extending across the full width of the lot and lying between the front lot line (the street line) and the front wall of the nearest building measured perpendicular to the building at the closest point to the front lot line.

Yard, Rear: A space extending across the full width of the lot and lying between the rear lot line and the rear wall of the principal building measured perpendicular to the building at the closest point to the rear lot line.

Yard, Side: A space between the principal building and the side lot line extending from the front yard to the rear yard, measured perpendicular from the side lot line to the closest point of the principal building.

DEFINE:

~~**Belt Course:**~~

~~**Column:** A vertical architectural element that is usually structural. It typically has a capital and a base.~~

~~**Sill:** A horizontal member forming the bottom of a window or door.~~

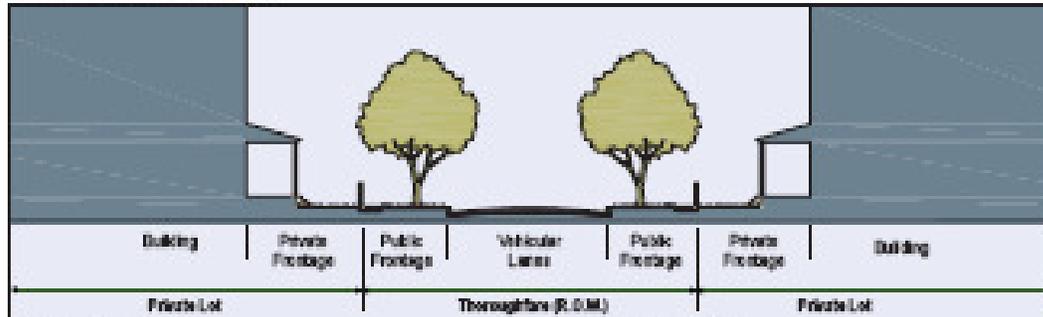
~~**Building Square:** The minimum area on a lot, excluding steep slopes in excess of 20% and wetlands, upon which a building containing the primary structure and use could be erected.~~

~~ADD: **Diagram** showing building square location and dimensions~~

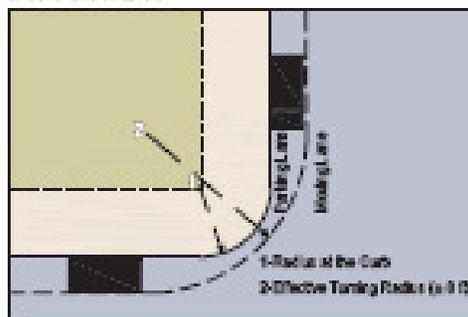
Street Centerline:

TABLE 17: Definitions Illustrated. This table provides a number of diagrams to support and clarify the Definitions in Article 7.

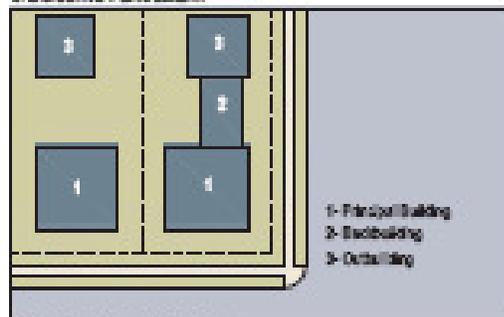
a. THROUGHFARE & FRONTAGES



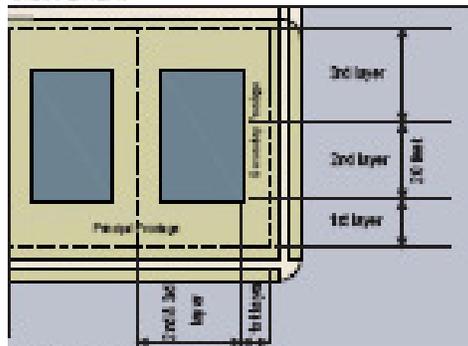
b. TURNING RADIUS



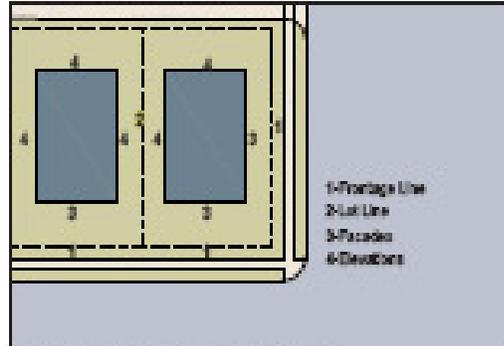
c. BUILDING PLACEMENT



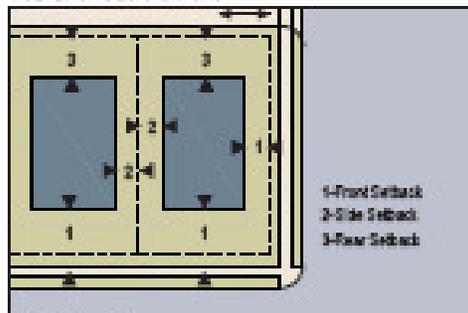
d. LOT LAYERS



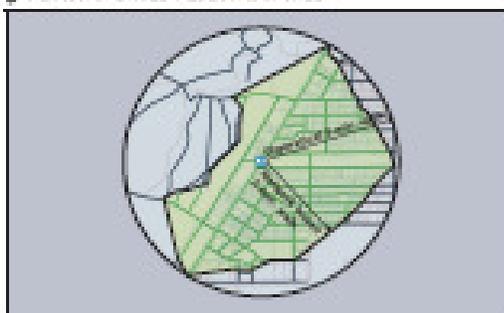
e. FRONTAGE & LOT LINES



f. SETBACK DESIGNATIONS



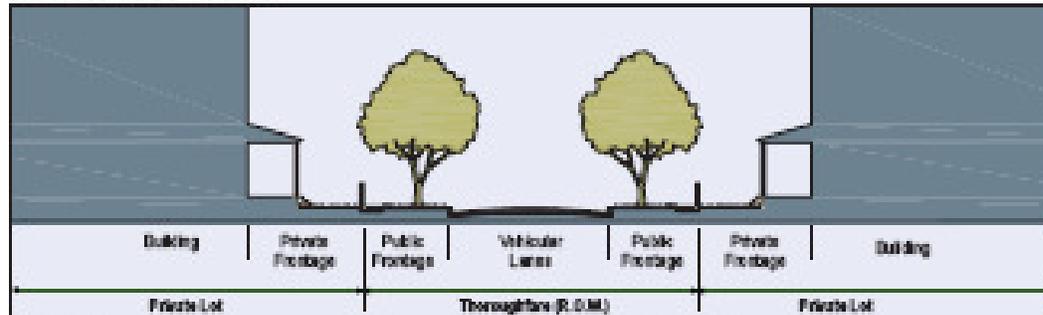
g. NETWORK-BASED PEDESTRIAN SHED



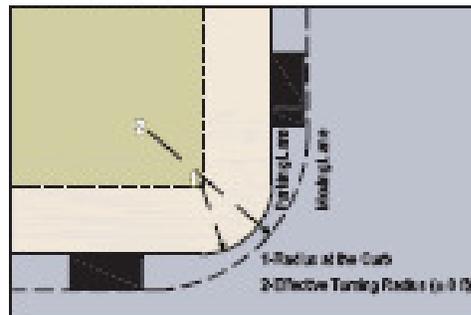
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TABLE 17: Definitions Illustrated. This table provides a number of diagrams to support and clarify the Definitions in Article 7.

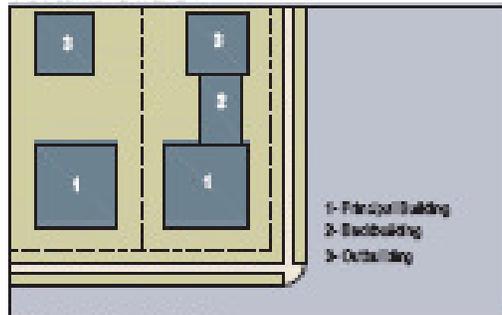
a. THROUGHFARE & FRONTAGES



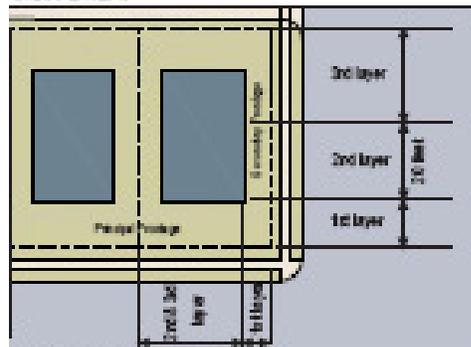
b. TURNING RADIUS



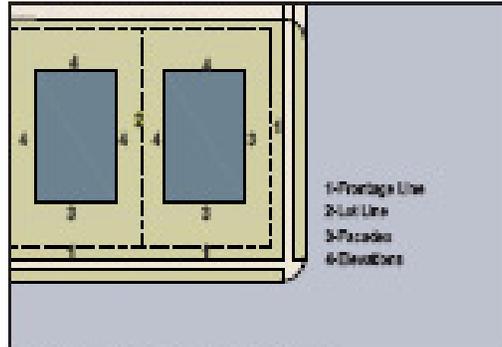
c. BUILDING PLACEMENT



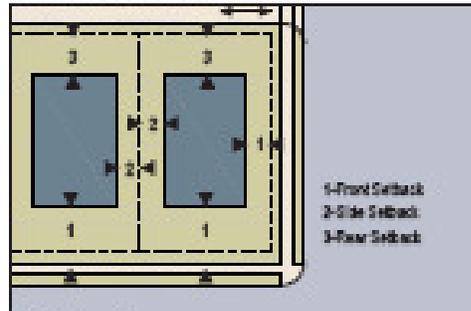
d. LOT LAYERS



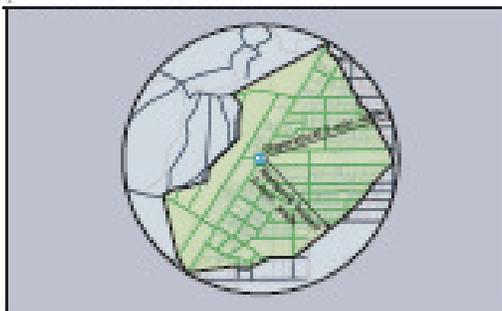
e. FRONTAGE & LOT LINES



f. SETBACK DESIGNATIONS



g. NETWORK-BASED PEDESTRIAN SHED



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ARTICLE III RESIDENTIAL ZONES R1 – R5

Section 3.1 Purpose (400)

Residential R-1 Zone - The purpose of this zone is to encourage development of lowest-density residential uses generally in areas with difficult topographic or soil conditions and without public water and sewer facilities. Its development should be in a manner that will preserve the rural open space character as well as the physical and environmental amenities of these areas. A limited number of other uses are permitted provided special conditions are met.

Residential R-2 Zone – The purpose of this zone is to encourage development of low-density residential uses generally in areas without public water and sewer facilities. Its development should be in a manner that will preserve the open space character as well as the physical and environmental amenities of these areas. A limited number of other uses are permitted, provided special conditions are met.

Residential R-3 Zone – The purpose of this zone is to provide for one-family dwellings on individual lots where public water supply and public sewage disposal facilities are generally present. A limited number of other uses are permitted provided special conditions are met.

Residential R-4 Zone - The purpose of this zone is to provide for moderate density one-family dwellings on individual lots where public water supply and public sewage disposal facilities are generally present. A limited number of other uses are permitted provided special conditions are met.

Residential R-5 Zone - The purpose of this zone is to provide for higher density residential development on lots where public water supply and public sewage disposal facilities are generally present. A limited number of other uses are permitted provided special conditions are met.

Section 3.2 Permitted Uses

Permitted uses in Residential Zones are listed in the **Table 3.1**. All other uses are prohibited. Special Permit uses are also subject to Site Plan Approval. Specific uses may be subject to the Special Provisions in **Article VIII**.

Section 3.3 Area, Density and Dimensional Requirements

Table 3.1 Allowed Uses in Residential Zones					
USES	R1	R2	R3	R4	R5
Accessory Building & Use	P	P	P	P	P
Agriculture					
Commercial Farm	S	S	S		
Community Garden	S	S	S	S	S
Truck Garden	P	P	P	P	P
Animals					
Animal Day Care					
Animal Training Facility					
Grooming					
Keeping of Animals	P	P	P	P	P
Kennel	SP	SP			
Stable	SP	SP			
Veterinary Hospital	SP	SP	SP	SP	SP
Business & Personal Service					
Cemetery	SP	SP	SP	SP	SP
Civic Club, Lodge or Association (non-profit)	SP	SP	SP	SP	SP
Community Residence					
Mentally Ill Adults – Group Home					
Mentally Retarded Persons – Group Home					
Sober Houses & Drug Treatment Facility					
Day Care					
Adult Day Care	SP	SP	SP	SP	SP
Child Day Care					
Day Care Center	SP	SP	SP	SP	SP
Nursery School	SP	SP	SP	SP	SP
Family Day Care Home	P	P	P	P	P
Group Day Care Home	SP	SP	SP	SP	SP
Food Service					
Catering Facility					
Outdoor Café					
Restaurant					
Take-out Food Service					
Funeral Home					
Golf Course & Country Club					
Health Care Facility					
Hospital					
Nursing Home				SP	SP
Medical Office - < 20,000sf					
Medical Office - > 20,000sf					
Rehabilitation Facility – Out-Patient	SP	SP	SP	SP	SP
Heliport					
Home Occupation	S	S	S	S	S
Library & Museum	SP	SP	SP	SP	SP
Lodging					
Bed & Breakfast	SP	SP	SP	SP	SP
Hotel / Motel					
Inn					
Motor Vehicle Uses					
Gas Station, Service & Repair, Rental					

Table 3.1 Allowed Uses in Residential Zones

USES	R1	R2	R3	R4	R5
New Car Sales					
Vehicle Storage					
Accessory Use		P	P	P	P
Commercial					
Natural Resource Removal	SP	SP	SP	SP	SP
Office Building		SP	SP	SP	SP
Open Space Development	SP	SP	SP	SP	
Place of Public Assembly	SP	SP	SP	SP	SP
Place of Worship	SP	SP	SP	SP	SP
Preservation of Historic Structure	SP	SP	SP	SP	SP
Public Use & Public Utility	SP	SP	SP	SP	SP
Public Parking Lot & Public Garage					
Residential					
Single-Family Accessory Dwelling Unit	P	P	P	P	P
Multi-Family Dwellings					
Adaptive Re-use to Multi-Family		SP	SP	SP	SP
Managed Residential Care		SP	SP	SP	SP
New Construction				SP	SP
Low Density					
Single Family	P	P	P	P	P
Two Family					P
Three Family					P
Retail					
> 1,500 sf gross leasable space					
< 1,500 sf to ≥ 20,000 sf gross leasable space					
> 20,000 sf to 250,000 sf gross leasable space					
Sale of Alcohol					
Schools					
Business School > 50 students at peak					
Business School ≤ 50 students at peak					
College & University (non-profit)	SP	SP	SP	SP	SP
Dormitories		SP	SP	SP	SP
Elementary & Secondary School	SP	SP	SP	SP	SP
Storage					
Warehouse & wholesale w/ indoor storage					
Outdoor Storage					
Accessory Use					
Primary Use					
Student Housing	P	P	P	P	P
Telecommunications Facility	S	S	S	S	S
Wind Energy Conservation System	SP	SP	SP	SP	SP

Table 3.2 Residential Area and Coverage Requirements					
Zone	Min Lot Area	Min Lot Width ^a	Min Building Square Dimension ^c	Max Building Coverage	Max Impervious Coverage ^d
R-1	80,000 sq. ft.	200 ft.	125 ft. x 125 ft	15%	30%
R-2	40,000 sq. ft.	120 ft.	80 ft. x 80 ft	15%	30%
R-3	20,000 sq. ft.	100 ft.	70 ft. x 70 ft	20%	40%
R-4	10,000 sq. ft.	80 ft.	55 ft x 55 ft	25%	50%
R-5 ^b	6,000 sq. ft.	60 ft.	40 ft x 40 ft	30%	60%

^a Measured at the required front yard setback

^b Each dwelling unit shall have a lot area of at least 3,000 sq. ft.

^c Each lot shall have an area of minimum square that is free from wetlands and/or steep slopes in excess of 20% grade

^d Equals Building Coverage plus all other impervious coverage

Table 3.3 Residential Yard and Height Requirements for PRIMARY STRUCTURES					
Zone	Min Front Yard from Street Line ^a	Min Front Yard from Centerline ^a	Min Side Yard	Min Rear Yard	Max Height
R-1	50 ft. ^b	75 ft. ^c	30 ft.	50 ft.	35 ft.
R-2	40 ft. ^b	65 ft. ^c	20 ft.	40 ft.	35 ft.
R-3	40 ft. ^b	65 ft. ^c	15 ft.	40 ft.	35 ft.
R-4	25 ft. ^b	50 ft. ^c	12 ft.	25 ft.	35 ft.
R-5 ^d	20 ft. ^b	45 ft. ^c	10 ft.	25 ft.	35 ft.

^a On a corner lot, one front yard is required on the primary street frontage, and one side yard is required on the other yard adjacent to secondary street. The yard opposite the designated front yard shall be deemed to be a rear yard and the remaining yard a side yard. The front yard shall be as required by the applicable zone. On a through lot, front yards are required on all streets in accordance with the applicable zone

^b Where street lines have been established

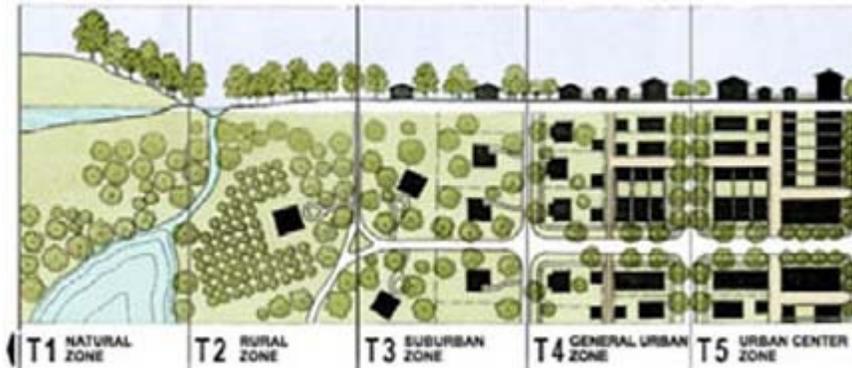
^c From center line of the right-of-way where street lines have not been established

^d Each dwelling unit shall have a lot area of at least 3,000 sq. ft.

Table 3.4 Residential Density	
Zone	Maximum Density
R-1	1 du / 80,000sf
R-2	1 du / 40,000sf
R-3	1 du / 20,000sf
R-4	1 du / 10,000sf
R-5	1 du / 6,000sf ^a
^a Maximum of 3 dwelling units allowed	

Table 3.5 Residential Yard and Height Requirements for ACCESSORY STRUCTURES				
Zone	Min Front Yard	Min Side Yard	Min Rear Yard	Max Height
R-Zones	12 ft. min. + building setback	3 ft.	5 ft.	15 ft.

ARTICLE IV TRANSECT ZONES T1 - T5

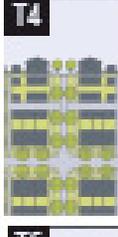
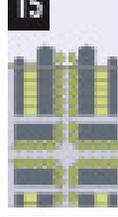
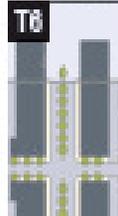


Section 4 PURPOSE

The purpose of this section is to enable and encourage the implementation of the following policies with the expansion of Transect Zones throughout the Town:

- A. Neighborhoods and regional centers be compact, pedestrian-oriented and mixed-use;
- B. Neighborhoods and regional centers should be the preferred pattern of development and that zones specializing in a single use should be the exception;
- C. Ordinary activities of daily living should occur within walking distance of most dwellings, allowing independence to those who do not drive;
- D. Interconnected networks of streets should be designed to disperse traffic and reduce the length of automobile trips;
- E. Within neighborhoods, a range of housing types and price levels should be provided to accommodate diverse ages and incomes;
- F. Civic, institutional and commercial activity should be embedded in downtowns, not isolated in remote single-use complexes;
- G. Schools should be sized and located to enable children to walk or bicycle to them;
- H. A range of open space including parks, squares and playgrounds should be distributed between neighborhoods.

TABLE 1: Transect Zone Descriptions. The following are general descriptions of the character of each Transect Zone. They may be interpreted as a constituent part of the intent of this Code.

 <p>T1</p>	<p>T-1 RURAL General Character: Natural landscape with some agricultural use Building Placement: Not applicable Frontage Types: Not applicable Typical Building Height: Not applicable Type of Civic Space: Parks, Greenways</p>
 <p>T2</p>	<p>T-2 RURAL General Character: Primarily agricultural with woodland & wetland and scattered buildings Building Placement: Variable setbacks Frontage Types: Not applicable Typical Building Height: 1- to 2-Story Type of Civic Space: Parks, Greenways</p>
 <p>T3</p>	<p>T-3 SUB-URBAN General Character: Lawns, and landscaped yards surrounding detached single-family houses; pedestrian occasionally Building Placement: Large and variable front and side yard setbacks Frontage Types: Porches, fences, naturalistic tree planting Typical Building Height: 1- to 2-Story Type of Civic Space: Parks, Greenways</p>
 <p>T4</p>	<p>T-4 GENERAL URBAN General Character: Mix of houses, townhouses & small apartment buildings, with scattered commercial activity; balance between landscape and buildings; presence of pedestrian Building Placement: Shallow to medium front and side yard setbacks Frontage Types: Porches, fences, doorways Typical Building Height: 2- stories with 3-Story allowed as a bonus Type of Civic Space: Squares, Greens</p>
 <p>T5</p>	<p>T-5 URBAN CENTER General Character: Shops mixed with townhouses, largely attached houses, Office, workplace, and civic buildings; predominantly attached buildings; trees within the public right-of-way; substantial pedestrian activity Building Placement: Shallow setbacks or none; buildings oriented to street defining a street wall Frontage Types: Stoops, Shopfronts, Galleries Typical Building Height: 3- to 4 stories, with 5-Story allowed as a bonus Type of Civic Space: Parks, Plazas and Squares, median landscaping</p>
 <p>T6</p>	<p>T-6 URBAN CORE General Character: Medium to High-Density Mixed Use buildings, entertainment, civic and cultural uses. Attached buildings forming a continuous streetscape; trees within the public right-of-way; highest pedestrian and transit activity Building Placement: Shallow setbacks or none; buildings oriented to street, defining a street wall Frontage Types: Stoops, Doorways, Forecourts, Shopfronts, Galleries, and Arcades Typical Building Height: 3- to 7 stories, with 8 stories allowed as a bonus Type of Civic Space: Parks, Plazas and Squares; median landscaping</p>

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Section 4.1 BUILDING LOCATION

4.1.1 Specific to zones T1, T2, T3, T4, T5

- a. Buildings in the T1 Zone are not permitted.
- b. Newly platted lots shall be dimensioned according to **Table 4.4** and relevant transect tables.
- c. **One principal building at the frontage, and one outbuilding to the rear of the principal building, may be built on each lot as shown in Table 17c.**
- d. Facades shall be built parallel to the street, as specified on **Table 4.4** and relevant transect tables. Setbacks for principal buildings shall be as shown in **Table 4.4** and relevant transect tables. In the case of an infill lot, setbacks shall match one of the existing adjacent setbacks.
- e. Rear setbacks for outbuildings shall be a minimum of 12 feet measured from the centerline of the Rear Alley or Rear Lane easement. In the absence of a rear alley or rear lane, the rear yard setback shall be 5 feet from the rear property line.

Section 4.2 BUILDING MASSING

4.2.1 General to zones T2, T3, T4, T5

- a. Buildings on corner lots shall have two private frontages as shown in **Table 17**. Prescriptions for the second and third layers pertain only to the principal frontage. Prescriptions for the first layer pertain to both frontages.
- b. The first story of all facades shall be glazed with clear glass no less than 30%.
- c. Building heights and expression lines shall conform to **Table 8 and Table 4.4**.
- d. Stories may not exceed 14 feet in height from finished floor to finished ceiling, except for a first floor commercial use, which shall be a minimum of 11 feet and may be a maximum of 25 feet. A single floor level exceeding 14 feet shall be counted as two (2) stories. Mezzanines extending beyond 33% of the floor area below shall be counted as an additional story.
- e. In a parking structure or garage, each level counts as a single story regardless of its relationship to habitable stories.
- f. Height limits may be increased by 15 feet for non-habitable spaces such as masts, chimney flues, water tanks, or elevator bulkheads.
- g. A spire, tower or belfry on a religious institution, or public building may exceed the height limitations of the underlying zone, but shall not:
 - i. Exceed the allowed height by more than 50 feet;
 - ii. Exceed 10% of the roof area.
- h. Building heights in T3 or T4 zones shall not exceed 38 feet.
- i. Building heights in T5 zones shall not exceed 60 feet.
- j. All rooftop mechanical units shall be screened from view from the ground and adjacent buildings of equal or lower height.

4.2.2 Specific to zones T2, T3, T4, T5

- a. The minimum size of a dwelling within a principal building shall be 350 sq ft in interior space. Impervious coverage by outbuildings may not exceed 440 sq ft.

4.2.3 Specific to zone T3

- a. No portion of the private frontage may encroach on the sidewalk.

- b. Open porches may encroach on the first layer by 50% of its depth.
- c. Balconies and bay windows may encroach on the first layer by 25% of its depth.
- 4.2.4 Specific to zone T4
 - a. Balconies, open porches and bay windows may encroach on the first layer by 50% of its depth.
- 4.2.5 Specific to zones T5
 - a. Awnings, arcades, and galleries may encroach on the sidewalk to within 2 feet of the curb but must clear the sidewalk vertically by at least 8 feet and shall not exceed 14 feet.
 - b. Stoops, lightwells, balconies, bay windows, and terraces may encroach on the first layer **100% of its depth.**
 - c. Loading docks and service areas shall be permitted on frontages only by variance.
 - d. In the absence of a building facade along any part of a frontage line, a streetscreen shall be built in the same plane as the facade.
 - e. Streetscreens should be between 3.5 and 8 feet in height. The streetscreen may be replaced by a hedge or fence. Streetscreens shall have openings no larger than necessary to allow automobile and pedestrian access.
 - f. A first level residential or lodging use shall be raised a minimum of 2 feet from average sidewalk grade.

Section 4.3 SPECIAL REQUIREMENTS

Unless otherwise approved by the Commission the following special requirements in a Transect Zone or Special District apply:

- a. Shopfront: A building that provides a shopfront at sidewalk level along the entire length of its private frontage with an openable door provided on average every 30’ along the frontage. The shopfront shall be no less than 70% glazed in clear glass and shaded by an awning overlapping the Sidewalk as generally illustrated in **Table 4.2** and specified in **Article 4**. The first floor shall be confined to retail use for a minimum depth of 20 feet from the frontage line within the first story. Lobbies for hotels, offices and multiple family dwellings may be considered as part of the required retail frontage provided that any such lobby occupies no more than 50% of said building.
- b. Gallery Frontage: A building that provides a permanent cover over the sidewalk, either cantilevered or supported by columns. The gallery frontage designation may be combined with a shopfront designation.
- c. Arcade Frontage: A building that overlaps the sidewalk such that the first floor facade is a colonnade. The arcade frontage designation may be combined with a shopfront designation.
- d. Terminated Vista Locations: A building with architectural articulation of a type and character that responds visually to the location, as approved by the Planning and Zoning Commission.
- e. Cross Block Passages: A minimum 8-foot-wide pedestrian access be reserved between buildings.
 - f. **Civic Space**: Civic spaces shall be generally designed as described in Table 13, their type determined by the underlying Transect Zone, subject to the approval of the Planning and Zoning Commission.

Section 4.4 BUILDING USE

- 4.4.1 General to zones T2, T3, T4, T5
 - a. Building uses in each Transect Zone shall conform to the uses on **Table 4.1 and Table 4.4.**
- 4.4.2 Specific to zones T2, T3, T4, T5
 - a. Accessory uses of lodging or office shall be permitted within an outbuilding. **See Table 4.1.**
- 4.4.3 Specific to zones T5
 - a. First story commercial uses shall be permitted.
 - b. Manufacturing uses within the first story may be permitted by Special Permit.

Table 4.1 Allowed Uses in Transect Zones (T-Zones)					
USES	T1	T2	T3	T4	T5
Accessory Building & Use		P	P	P	P
Adult Oriented Establishment					
Agriculture					
Commercial Farm		S			
Community Garden		S	S	S	S
Truck Garden		P			
Animals					
Animal Day Care					
Animal Training Facility					
Grooming			S	S	S
Keeping of Animals		S			
Kennel		SP			
Stable		SP	S	S	
Veterinary Hospital		S	S	S	
Business & Personal Service					
Cemetery		SP	S	S	S
Civic Club, Lodge or Association (non-profit)			SP	S	S
Community Residence					
Mentally Ill Adults – Group Home					
Mentally Retarded Persons – Group Home					
Sober Houses & Drug Treatment Facility					
Day Care					
Adult Day Care		SP	SP	SP	SP
Child Day Care					
Day Care Center			SP	SP	S
Nursery School			SP	SP	S
Family Day Care Home			P	P	P
Group Day Care Home		SP	SP	SP	SP
Food Service					
Catering Facility				S	S
Outdoor Café				S	S
Restaurant				S	S
Take-out Food Service				S	S
Funeral Home				SP	SP
Golf Course & Country Club					
Health Care Facility					
Hospital				SP	
Nursing Home					SP
Medical Office - < 20,000sf				S	S

Table 4.1 Allowed Uses in Transect Zones (T-Zones)

USES	T1	T2	T3	T4	T5
Medical Office - > 20,000sf				SP	SP
Rehabilitation Facility – Out-Patient				SP	SP
Heliport					SP
Home Occupation		S	S	S	S
Library & Museum		SP	SP	SP	SP
Lodging					
Bed & Breakfast		SP	SP	SP	SP
Hotel / Motel*				SP	SP
Inn				SP	SP
Manufacturing					
Accessory Use				S	S
Primary Use					
Motor Vehicle Uses					
Gas Station, Service & Repair, Rental				SP	SP
New Car Sales					SP
Vehicle Storage					
Accessory Use					
Commercial					
Natural Resource Removal	SP	SP	SP	SP	SP
Office Building			SP	SP	SP
Open Space Development			SP	SP	
Place of Public Assembly		SP	SP	SP	SP
Place of Worship		SP	SP	SP	
Preservation of Historic Structure	SP	SP	SP	SP	SP
Public Use & Public Utility	SP	SP	SP	SP	SP
Public Parking Lot & Public Garage				SP	SP
Residential					
Single-Family Accessory Dwelling Unit		S	S	S	S
Multi-Family Dwellings					
Adaptive Re-use to Multi-Family			SP	SP	SP
Managed Residential Care				SP	SP
New Construction				SP	SP
Low Density					
Single Family		P	P	P	P
Two Family				P	
Three Family				P	
Refuse Disposal					
Resource Recovery					
Transfer Station					
Volume Reduction Facility					
Research, Development & Medical Laboratory				SP	
Retail					
≥ 1,500 sf gross leasable space			SP	SP	P
< 1,500 sf to ≥ 20,000 sf gross leasable space			SP	SP	S
> 20,000 sf to 250,000 sf gross leasable space				SP	SP
Sale of Alcohol			SP	SP	S
Sale of Fire Arms					
Schools					
Business School > 50 students at peak				SP	SP
Business School < 50 students at peak				S	S
College & University (non-profit)			SP	SP	SP
Dormitories			SP	SP	SP
Elementary & Secondary School			SP	SP	
Storage					
Warehouse & wholesale w/ indoor storage				SP	
Outdoor Storage					
Accessory Use					
Primary Use					

Table 4.1 Allowed Uses in Transect Zones (T-Zones)

USES	T1	T2	T3	T4	T5
Student Housing	P	P	P	P	P
Telecommunications Facility	S	S	S	S	S
Wind Energy Conservation System		SP	SP	SP	SP
*Hotels & Motels shall not be allowed in T3 or T4 Zones along Whitney Avenue between Waite Street and Glendower.					

Section 4.5 PARKING AND DENSITY CALCULATIONS

- 4.5.1 Specific to zones T2, T3
 - a. Density on a lot shall be determined by the actual parking provided within the lot as applied to the uses permitted in **Table 4.1**.
- 4.5.2 Specific to zones T4, T5
 - a. Density on a lot shall be determined by the availability of required parking. Such parking shall be provided:
 - i. Within the lot;
 - ii. Along the parking lane corresponding to the lot frontage, and;
 - iii. By purchase or lease for 25 years from a parking lot within 300 feet;
 - iv. In a public parking garage available within 300 feet.
 - b. Parking requirements may be adjusted according to the shared parking factor of **Table 4.3** to determine the effective parking. The shared parking factor is available for any combination of uses within any pair of adjacent blocks.
 - c. Based on the effective parking available, the density of the projected use may be determined according to **Table 4.1**.
 - d. Within a Transit-Oriented Development (TOD) the effective parking may be further reduced by 30%.
 - e. Liner buildings that are less than 30 feet deep and no more than two stories shall be exempt from parking requirements.
- 4.5.3 Specific to zones T2, T3, T4 & T5

Parking calculations: The required parking table summarizes the parking requirement for each use by Transect Zone. Conversely, this table enables the calculation of building allowed on each site given the parking available. To use the shared parking factor, divide the number of required parking spaces by the sharing factor to find the reduced number of spaces required.

Table 4.2 Required Parking in Transect Zones			
	T2 & T3	T4	T5
Residential	2.0 / dwelling unit	1.5 / dwelling unit	1.0 / dwelling unit
Lodging	1.0 / bedroom	1.0 / bedroom	1.0 / bedroom
Office	3.0 / 1,000 sq. ft.	3.0 / 1,000 sq. ft.	2.0 / 1,000 sq. ft.
Retail	4.0 / 1,000 sq. ft.	4.0 / 1,000 sq. ft.	3.0 / 1,000 sq. ft.
Civic	To be determined by the Commission*		
Other	To be determined by the Commission*		
*The Commission shall use Table 6.XX as a guide when determining required parking.			

Table 4.3 Shared Parking Factor

Function		with	Function	
RESIDENTIAL				RESIDENTIAL
LODGING				LODGING
OFFICE		1	1	OFFICE
RETAIL		1.4	1.4	RETAIL
		1.2	1.2	
		1.3	1.3	
		1.2	1.2	
		1	1	

EXAMPLE: T-4 Zone, Mixed-use building with 10,000 sq. ft. office and 20,000 sq. ft. residential

Office: 10,000 sq. ft. = 10,000 sq. ft x (3 spaces / 1,000 sq. ft.)
= 30 spaces required

Residential: 20,000 sq. ft. = 20,000 sq. ft. x (1.5 spaces / dwelling)
= 30 spaces required

Sub-Total: 30 required + 30 required
= 60 spaces require

TOTAL: 60 spaces/1.4 sharing factor
= 43 effective spaces

Bicycle Parking Stalls

43 effective spaces (1 stall / 10 effective spaces)
Sub-Total: = 4.3 bicycle stalls
TOTAL: = 5.0 bicycle stalls required

Projects meeting the requirements of a TOD:
43 (30% reduction)
= 13 effective spaces
+ 2.0 bicycle stalls

Section 4.6 PARKING LOCATION and ROADWAY STANDARDS

- 4.6.1 General to zones T2, T3, T4, T5
 - a. Where possible, parking shall be accessed by rear alleys or rear lanes.
 - b. Surface parking lots shall be masked from the frontage by a building or streetscreen.
- 4.6.2 Specific to zones T2, T3
 - a. Surface parking lots shall be located in the second and third lot layers, however, driveways, drop-offs and unpaved parking areas may be located in the first lot layer.
 - b. Garages shall be located in the third layer, however, side- or rear-entry garages may be allowed in the first or second layer by Special Permit.

- 4.6.3 Specific to zones T3, T4
- a. Driveways at frontages shall be no wider than 12 feet in the first layer. (**Table 3B-f**)
- 4.6.4 Specific to zone T4
- a. All parking areas and garages shall be located in the second or third layer.
 - b. A minimum of one bicycle rack place shall be provided within the public or private frontage for every ten vehicular parking spaces.
- 4.6.5 Specific to zones T5
- a. All parking lots, garages, and parking structures shall be located in the second or third layer.
 - b. Vehicular entrances to parking lots, garages, and parking structures shall be no wider than 30 feet at the frontage. (**Table 3B-f**)
 - c. Pedestrian exits from all parking lots, garages, and parking structures shall be directly to a frontage line (i.e., not directly into a building) except underground levels that may be exited by pedestrians directly into a building.
 - d. A minimum of one bicycle rack place shall be provided within the public or private frontage for every ten vehicular parking spaces.

TABLE 3B. VEHICULAR LANE & PARKING ASSEMBLIES

DESIGN SPEED	TRAVEL LANE WIDTH	T1	T2	T3	T4	T5
Below 20 mph	8 feet	•	•	•	•	
20-25 mph	9 feet	•	•	•	•	
25-35 mph	10 feet	•	•	•	•	•
Above 35 mph	11 feet	•	•	•	•	•
DESIGN SPEED	PARKING LANE WIDTH	T3	T4	T5	T6	T7
20-25 mph	(Angle) 18 feet	•	•	•	•	•
20-25 mph	(Parallel) 7 feet	•	•	•	•	•
25-35 mph	(Parallel) 8 feet	•	•	•	•	•
Above 35 mph	(Parallel) 9 feet	•	•	•	•	•
DESIGN SPEED	TURNING RADIUS	T3	T4	T5	T6	T7
Below 20 mph	5-10 feet	•	•	•	•	•
20-25 mph	10-15 feet	•	•	•	•	•
25-35 mph	15-20 feet	•	•	•	•	•
Above 35 mph	20-30 feet	•	•	•	•	•
DESIGN SPEED	PARKING BOTH SIDES DIAGONAL	T5	T6	T7	T8	T9
Below 20 mph		•	•	•	•	•
20-25 mph		•	•	•	•	•
25-35 mph		•	•	•	•	•
Above 35 mph		•	•	•	•	•
DESIGN SPEED	PARKING ACCENT	T3	T4	T5	T6	T7
Below 20 mph		•	•	•	•	•
20-25 mph		•	•	•	•	•
25-35 mph		•	•	•	•	•
Above 35 mph		•	•	•	•	•

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Section 4.7 LANDSCAPE STANDARDS

4.7.1 Specific to zones T2, T3, T4

- a. The first layer may not be paved, except for driveways as specified in **Section 4.10.2 and Section 4.10.3.**

4.7.3 Specific to zone T3

- a. A minimum of two trees shall be planted within the first layer for each 30 feet of frontage line or portion thereof.
- b. Trees may be of single or multiple species as shown on **Table 6.**
- c. Trees shall be naturalistically clustered.

4.7.4 Specific to zone T4

- a. A minimum of one tree shall be planted within the first layer for each 30 feet of frontage line or portion thereof.
- b. Trees shall be a single species to match the species of street trees on the public frontage, or as shown on **Table 6.**

4.7.5 Specific to zones T5

- a. Trees shall not be required in the first layer.
- b. The first layer may be paved to match the pavement of the public frontage.

Are there landscaping requirements for 2nd & 3rd layers?

Section 4.8 SIGNAGE STANDARDS

4.8.1 General to zones T2, T3, T4, T5

- a. There shall be no signage permitted additional to that specified in this section.
- b. The address number, no more than 6 inches measured vertically, shall be attached to the building in proximity to the principal entrance or at a mailbox.

4.8.2 Specific to zones T2, T3

- a. Signage shall not be illuminated.

4.8.3 Specific to zones T4, T5

- a. Signage shall be externally illuminated, except that signage within the Shopfront glazing may be neon lit.

4.8.4 Specific to zones T2, T3, T4

- a. One blade sign for each business may be permanently installed perpendicular to the facade within the first layer. Such a sign shall not exceed a total of 4 square feet and shall clear 8 feet above the sidewalk.

4.8.5 Specific to zones T5

- a. Blade signs, not to exceed 6 square ft. for each separate business entrance, may be attached to and should be perpendicular to the facade, and shall clear 8 feet above the sidewalk.
- b. A single external permanent sign band may be applied to the facade of each building, providing that such sign not exceed 3 feet in height by any length.

Table 4.4 SmartCode Summary for T-Zones

	T1	T2	T3	T4	T5
RESIDENTIAL DENSITY					
Minimum	n/a	no minimum	no minimum	4 du / ac. net	15 du / ac. net
Maximum	by Amendment	by Amendment	4 du / ac. net	16 du / ac. net	24 du / ac. net
BLOCK SIZE					
Block Perimeter	no maximum	no maximum	3000 ft. max.	2400 ft. max.	2000ft. max.
THOROUGHFARES					
HW	permitted	permitted	permitted	not permitted	not permitted
BV	not permitted	not permitted	permitted	permitted	permitted
AV	not permitted	not permitted	permitted	permitted	permitted
CS	not permitted	not permitted	not permitted	not permitted	permitted
DR	not permitted	not permitted	permitted	permitted	permitted
ST	not permitted	not permitted	permitted	permitted	permitted
RD	permitted	permitted	permitted	not permitted	not permitted
Rear Lane	permitted	permitted	permitted	permitted	not permitted
Rear Alley	not permitted	not permitted	permitted	required	required
Path	permitted	permitted	permitted	permitted	not permitted
Passage	not permitted	not permitted	permitted	permitted	permitted
Bicycle Trail	permitted	permitted	permitted	not permitted	not permitted
Bicycle Lane	permitted	permitted	permitted	permitted	not permitted
Bicycle Route	permitted	permitted	permitted	permitted	permitted
CIVIC SPACES					
Park	permitted	permitted	permitted	permitted	permitted
Green	not permitted	not permitted	permitted	permitted	permitted
Square	not permitted	not permitted	not permitted	permitted	permitted
Plaza	not permitted	not permitted	not permitted	not permitted	permitted
Playground	permitted	permitted	permitted	permitted	permitted
LOT OCCUPATION					
Lot / Façade Width	n/a		72 ft min. / 120 ft max.	18 ft min. / 96 ft max.	18 ft min. / 180 ft max.
Building Coverage	3% max	10% max	25% max	30% max	35% max
Lot Coverage (total impervious)	6% max	15% max	50% max	60% max	70% max
Minimum Building Square	n/a	n/a	n/a	n/a	n/a
SETBACKS - PRINCIPAL BLDG.					
Front Setback - Principal	n/a	48 ft min.	24 ft. min	6 ft min./18 ft max.	0 ft min./12 ft max.
Front Setback - Secondary	n/a	48 ft min.	12 ft min.	6 ft min./18 ft max.	0 ft min./12 ft max.
Side Setback	n/a	96 ft min.	12 ft min.	0 ft min.	0 ft min./24 ft max.
Rear Setback	n/a	96 ft min.	12 ft min.	5 ft min.	5 ft min.
Frontage Buildout	n/a	n/a	40% min.	60% min.	80% min.
SETBACKS - OUTBUILDINGS					
Front Setback	n/a	20 ft min + bldg setback	20 ft min + bldg setback	24 ft min. + bldg setback	40 ft max. from rear prop. line
Side Setback	n/a	3 ft or 6 ft	3 ft or 6 ft	0 ft min. or 3 ft	0 ft min.
Rear Setback	n/a	5 ft min.	5 ft min.	5 ft min.	5 ft min.

Table 4.4 SmartCode Summary for T-Zones

	T1	T2	T3	T4	T5
BUILDING LOCATION					
Edgeyard	permitted	permitted	permitted	permitted	not permitted
Sideyard	not permitted	not permitted	not permitted	permitted	permitted
Rearyard	not permitted	not permitted	not permitted	permitted	permitted
Courtyard	not permitted	not permitted	not permitted	not permitted	permitted
PRIVATE FRONTAGES					
Common Yard	n/a	permitted	permitted	not permitted	not permitted
Porch & Fence	n/a	not permitted	permitted	permitted	not permitted
Terrace or Dooryard	n/a	not permitted	not permitted	permitted	permitted
Forecourt	n/a	not permitted	not permitted	permitted	permitted
Stoop	n/a	not permitted	not permitted	permitted	permitted
Shopfront & Awning	n/a	not permitted	not permitted	permitted	permitted
Gallery	n/a	not permitted	not permitted	permitted	permitted
Arcade	n/a	not permitted	not permitted	not permitted	permitted
BUILDING HEIGHT					
Principal Building (Also see Section 7.3.9)	n/a	38'-0" max. 1 story min. 2 stories max.	38'-0" max. 2 stories min. 2 stories max.	38'-0" max. 3 stories max. 2 stories min.	60'-0" max. 3 stories min. 5 stories max.
Outbuilding	n/a	20'-0" max. 1 story min. 2 stories max.	20'-0" max. 1 story min. 2 stories max.	20'-0" max. 2 stories min. 2 stories max.	Not applicable

TABLE 7. PRIVATE FRONTAGES

TABLE 7: Private Frontages. The Private Frontage is the Layer between the building and the Frontage Lot line.

	SECTION		PLAN		
	LOT → PRIVATE FRONTAGE	→ R.O.W. PUBLIC FRONTAGE	LOT → PRIVATE FRONTAGE	→ R.O.W. PUBLIC FRONTAGE	
a. Common Yard: a planted Frontage wherein the Facade is set back substantially from the Frontage Line. The front yard created remains unfenced and is visually continuous with adjacent yards, supporting a common landscape. The deep Setback provides a buffer from the higher speed Thoroughfare.					T2 T3
b. Porch & Fence: a planted Frontage wherein the Facade is set back from the Frontage Line with an attached porch permitted to Encroach. A fence at the Frontage Line maintains street spatial definition. Porches shall be no less than 8 feet deep.					T3 T4
c. Terrace or Lightwell: a Frontage wherein the Facade is set back from the Frontage line by an elevated terrace or a sunken Lightwell. This type buffers Residential use from urban Sidewalks and removes the private yard from public Encroachment. Terraces are suitable for conversion to outdoor cafes. Syn: Deepyard.					T4 T5
d. Forecourt: a Frontage wherein a portion of the Facade is close to the Frontage Line and the central portion is set back. The Forecourt created is suitable for vehicular drop-offs. This type should be allocated in conjunction with other Frontage types. Landscaping within the Forecourt may overhang the Sidewalk.					T4 T5 T6
e. Stoop: a Frontage wherein the Facade is aligned close to the Frontage Line with the first Story elevated from the Sidewalk sufficiently to secure privacy for the windows. The entrance is usually an exterior stair and landing. This type is recommended for ground-floor Residential use.					T4 T5 T6
f. Shopfront: a Frontage wherein the Facade is aligned close to the Frontage Line with the building entrance at Sidewalk grade. This type is conventional for Retail use. It has a substantial glazing on the Sidewalk level and an awning that should overlap the Sidewalk to within 2 feet of the Curb. Syn: Retail Frontage.					T4 T5 T6
g. Gallery: a Frontage wherein the Facade is aligned close to the Frontage line with an attached cantilevered shed or a lightweight colonnade overlapping the Sidewalk. This type is conventional for Retail use. The Gallery shall be no less than 10 feet wide and should overlap the Sidewalk to within 2 feet of the Curb.					T4 T5 T6
h. Arcade: a colonnade supporting habitable space that overlaps the Sidewalk, while the Facade at Sidewalk level remains at or behind the Frontage Line. This type is conventional for Retail use. The Arcade shall be no less than 12 feet wide and should overlap the Sidewalk to within 2 feet of the Curb. See Table 8.					T5 T6

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TABLE 8: Building Configuration. This table shows the Configurations for different building heights for each Traseed Zone. "N" indicates maximum overall height as shown on Table 14A. Building height shall be measured in number of stories, excluding Attics and raised basements. Height limits also do not apply to masts, bellies, clock towers, chimney flues, water tanks, elevator bulkheads and similar structures. Stories may not exceed 14 feet in height from finished floor to finished ceiling, except for first floor Commercial Use, which must be a minimum of 11 ft with no maximum. Height shall be measured from the average Entering Sidewalk grade to the uppermost eave of a main pitched roof (not of a dormer), or to the uppermost roof deck (not the top of a parapet wall).

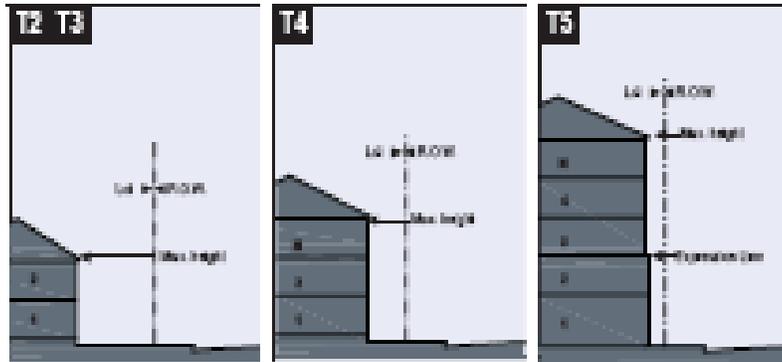
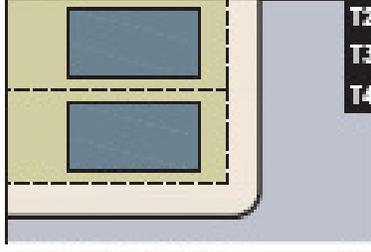
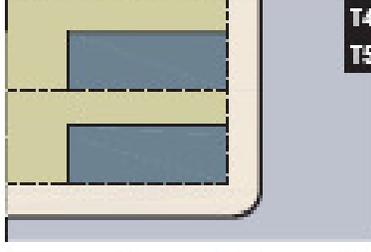
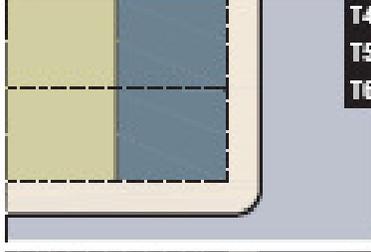
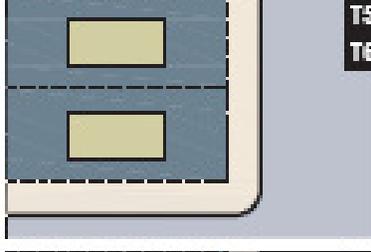


TABLE 9: Building Placement. This table approximates the location of the building relative to the boundaries of each individual Lot. Each of these very general types is intrinsically more or less urban, depending on the extent that it completes the Frontage.

<p>a. Edgeward: Specific Types - single family House, cottage, villa, estate house, urban villa. A building that occupies the center of its Lot with setbacks on all sides. This is the least urban of types as the front yard sets it back from the Frontage, while the side yards weaken the spatial definition of the public Thoroughfare space. The front yard is intended to be visually continuous with the yards of adjacent buildings. The rear yard can be secured for privacy by fences and a well-placed Backbuilding and/or Outbuilding.</p>	
<p>b. Sidedyard: Specific Types - Charleston single house, double house, zero-lot-line house, town. A building that occupies one side of the Lot with the Setback to the other side. A shallow Frontage Setback defines a more urban condition. If the adjacent building is similar with a blank side wall, the yard can be quite private. This type permits systematic climatic orientation in response to the sun or the breeze. If a Sidedyard House abuts a neighboring Sidedyard House, the type is known as a town or double House. Energy costs, and sometimes noise, are reduced by sharing a party wall in this Placement.</p>	
<p>c. Rearyard: Specific Types - Townhouse, Rowhouse, Live-Work unit, loft building, Apartment House, Mixed Use Block, Row Building, perimeter Block. A building that occupies the full Frontage, leaving the rear of the Lot as the sole yard. This is a very urban type as the continuous Facade steadily defines the public Thoroughfare. The rear Elevations may be articulated for functional purposes. In its Residential form, this type is the Rowhouse. For its Commercial form, the rear yard can accommodate substantial parking.</p>	
<p>d. Courtyard: Specific Types - patio House. A building that occupies the boundaries of its Lot while internally defining one or more private patios. This is the most urban of types, as it is able to shield the private realm from all sides while strongly defining the public Thoroughfare. Because of its ability to accommodate incompatible activities, making them from all sides, it is recommended for workshops, Lodging and schools. The high security provided by the continuous enclosure is useful for crime-prone areas.</p>	
<p>e. Specialized: A building that is not subject to categorization. Buildings dedicated to manufacturing and transportation are often distorted by the trajectories of machinery. Civic buildings, which may express the aspirations of institutions, may be included.</p>	

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TABLE 13: Civic Space. The intended types of Civic Space are diagrammed and described in this Table. The diagrams are only illustrative; specific designs would be prepared in accordance to the verbal descriptions on this table.

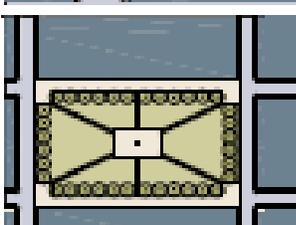
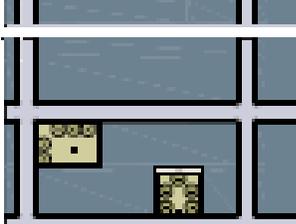
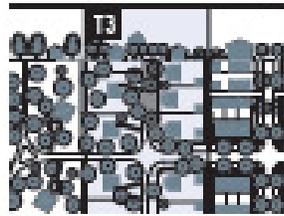
<p>a. Park: A natural preserve available for unstructured recreation. A park may be independent of surrounding building Frontages. Its landscape shall consist of Paths and trails, meadows, wetlands, woodland and open fields, all naturally disposed. Parks may be lined, following the trajectories of natural corridors. The minimum size shall be 8 acres. Larger parks may be approved by Minor Deviation as Special Districts in all zones.</p>	 <p>T1 T2 T3</p>
<p>b. Green: An Open Space, available for unstructured recreation. A Green may be spatially defined by landscaping rather than building Frontages. Its landscape shall consist of trees and trees, naturally disposed. The minimum size shall be 1/2 acre and the maximum shall be 8 acres.</p>	 <p>T3 T4 T5</p>
<p>c. Square: An Open Space available for unstructured recreation and Civic purposes. A Square is spatially defined by building Frontages. Its landscape shall consist of paths, trees and trees, formally disposed. Squares shall be located at the intersection of important Thoroughfares. The minimum size shall be 1/2 acre and the maximum shall be 5 acres.</p>	 <p>T4 T5 T6</p>
<p>d. Plaza: An Open Space available for Civic purposes and Commercial activities. A Plaza shall be spatially defined by building Frontages. Its landscape shall consist primarily of pavement. Trees are optional. Plaza should be located at the intersection of important streets. The minimum size shall be 1/2 acre and the maximum shall be 2 acres.</p>	 <p>T5 T6</p>
<p>e. Playground: An Open Space designed and equipped for the recreation of children. A playground should be fenced and may include an open shelter. Playgrounds shall be interspersed within Residential areas and may be placed within a block. Playgrounds may be included within parks and greens. There shall be no minimum or maximum size.</p>	 <p>T1 T2 T3 T4 T5 T6</p>

TABLE 15: Form-Based Code Graphics. The following plate is a graphic form-based code for buildings.



(see Table 1)

BUILDING USE (see Table 10, Table 12)	
Residential	restricted use
Lodging	restricted use
Office	restricted use
Retail	restricted use

BUILDING CONFIGURATION (see Table 6)	
Principal Building	2 stories min. & max.
Outbuilding	2 stories max.

LOT COVERAGE	
Lot / Facade Width	75 ft. min. / 100 max.
Lot Coverage	80% max.

BUILDING PLACEMENT (see Table 5)	
Edgeward	permitted
Setback	not permitted
Rearyard	not permitted
Overyard	not permitted

SETBACKS - PRINCIPAL BUILDING	
Front Setback (F)	24 ft. min.
Front Setback (S)	12 ft. min.
Side Setback	12 ft. min.
Rear Setback	12 ft. min.
Percentage Minimum	80% min. of setback

SETBACKS - OUTBUILDING	
Front Setback	20 ft. min. - 60% of setback
Side Setback	3 ft. or 0 ft.
Rear Setback	3 ft. min.*

PRIVATE FRONTAGE (see Table 7)	
Common Lawn	permitted
Post-&Rail Fence	permitted
Tennis or L. C.	not permitted
Enclosed	not permitted
Shoop	not permitted
Storage/Loading	not permitted
Gallery	not permitted
Acade	not permitted

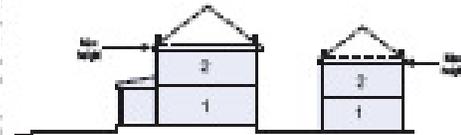
PARKING PROVISIONS	
See Table 10 & Table 11	

* or 15 ft. from center line of alley
Graphics are illustrative only. Refer to notes for setback and height information.

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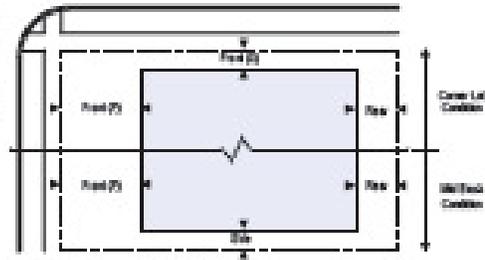
BUILDING CONFIGURATION

1. Building height shall be measured in number of stories, excluding Attics and related basements.
2. Stories may not exceed 14 feet in height from finished floor to finished ceiling, except for a first floor Commercial function which must be a minimum of 11 ft with no maximum.
3. Height shall be measured to the eave or roof deck as specified on Table 6.



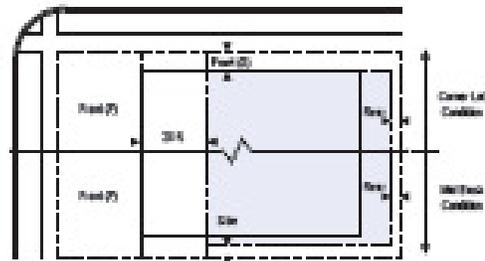
SETBACKS - PRINCIPAL BLDG.

1. The Facades and Elevations of Principal Buildings shall be distanced from the Lot lines as shown.
2. Lots shall be built along the Principal Frontage to the minimum width specified and located to the maximum width specified in the table.



SETBACKS - OUTBUILDING

1. The Elevation of the Outbuilding shall be distanced from the Lot lines as shown.



PARKING PLACEMENT

1. Uncovered parking spaces may be provided within the 2nd and 3rd Layer as shown in the diagram (see Table 17(a)).
2. Covered parking shall be provided within the 2nd Layer as shown in the diagram (see Table 17(a)).
3. Trash containers shall be stored within the 3rd Layer.

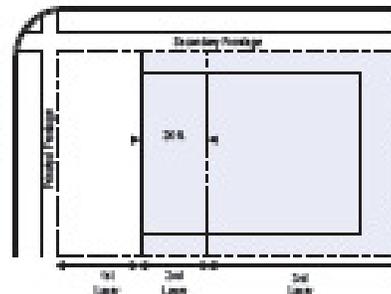
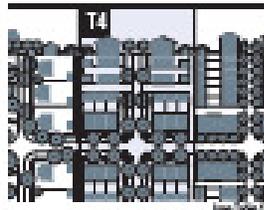


TABLE 15B. FORM-BASED CODE GRAPHICS - T4

TABLE 15: Form-Based Code Graphics. The following plate is a graphic form-based code for buildings.



BUILDING USE (see Table 1) & Table 15)

Residential	limited use
Lodging	limited use
Office	limited use
Retail	limited use

BUILDING CONFIGURATION (see Table 1)

Principal Building**	2 stories max. 2 min.
Outbuilding	2 stories max.

LOT OCCUPATION

Lot Frontage Width	10 ft min / 90 ft max
Lot Coverage	70% max

BUILDING PLACEMENT (see Table 1)

Edgeyard	permitted
Sideyard	permitted
Rearyard	permitted
Courtyard	not permitted

SETBACKS - PRINCIPAL BUILDING

Front Setback (F)	0 ft. min. 10 ft. max.
Front Setback (B)	0 ft. min. 10 ft. max.
Side Setback	0 ft. min.
Rear Setback	3 ft. min.**
Footprint Setback	100% min. of setback

SETBACKS - OUTBUILDING

Front Setback	20 ft. min. - 10 ft. setback
Side Setback	0 ft. min. or 3 ft.
Rear Setback	3 ft. min.**

PRIVATE FRONTAGES (see Table 1)

Common Lawn	not permitted
Porch & Fence	permitted
Terrace or L. D.	permitted
Enclosed	permitted
Sloped	permitted
Shaded & Awning	permitted
Galley	permitted
Acade	not permitted

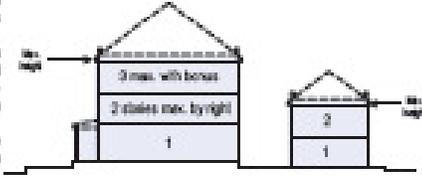
PARKING PROVISIONS

See Table 10 & Table 11

* or 15 ft. from center line of alley
** see configuration diagram for terrace floor
Graphics are illustrative only. Refer to metrics for setbacks and height information.

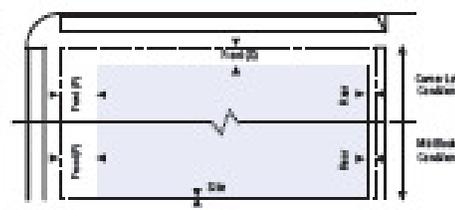
BUILDING CONFIGURATION

1. Building height shall be measured in number of stories, excluding Allos and related basements.
2. Stories may not exceed 14 feet in height from finished floor to finished ceiling, except for a full floor Commercial function which must be a minimum of 11 ft with no maximum.
3. Height shall be measured to the eave or roof deck as specified on Table 15.



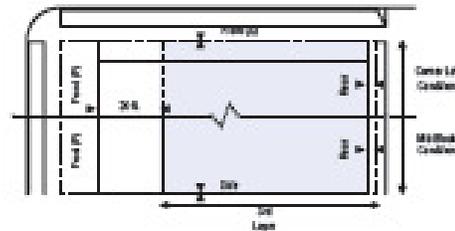
SETBACKS - PRINCIPAL BLDG.

1. The Facades and Elevations of Principal Buildings shall be distanced from the Lot lines as shown.
2. Lots shall be built along the Principal Frontage to the minimum width specified and located to the maximum width specified in the table.



SETBACKS - OUTBUILDING

1. The Elevations of the Outbuilding shall be distanced from the Lot lines as shown.



PARKING PLACEMENT

1. Uncovered parking spaces may be provided within the 3rd Layer as shown in the diagram (see Table 17a).
2. Covered parking shall be provided within the 3rd Layer as shown in the diagram (see Table 17a).
3. Trash containers shall be stored within the 3rd Layer.

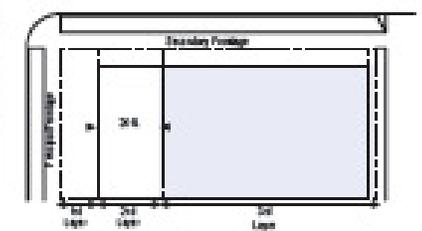
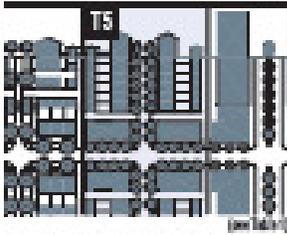


TABLE 15: Form-Based Code Graphics. The following plate is a graphic form-based code for buildings.



BUILDING USE (see Table 15 & Table 12)

Residential	open use
Childcare	open use
Office	open use
Retail	open use

BUILDING CONFIGURATION (see Table 6)

Principal Building**	4 stories max. 32 min.
Outbuilding	2 stories max.

LOT OCCUPATION

Lot Width	10 ft min.
Lot Coverage	80% max.

BUILDING PLACEMENT (see Table 6)

Edgeward	not permitted
Sideward	permitted
Rearward	permitted
Courtyard	permitted

SETBACKS - PRINCIPAL BUILDING

Front Setback (F)	0 ft. min. 12 ft. max.
Front Setback (B)	0 ft. min. 12 ft. max.
Side Setback	0 ft. min. 3 ft. max.
Rear Setback	0 ft. min.*
Frontage Setback	100% min. or setback

SETBACKS - OUTBUILDING

Front Setback	4 ft. min. less rear yard
Side Setback	0 ft. min.
Rear Setback	0 ft. max.

PERMITTED FRONTAGES (see Table 7)

Common Lawn	not permitted
Floods & Fence	not permitted
Terrace or L.O.	permitted
Forecourt	permitted
Stoop	permitted
Shops/entrance Awning	permitted
Gallery	permitted
Acadch	permitted

Note to accessory table 10

PARKING REQUIREMENTS
See Table 10 & Table 11

* or 10 ft. from center line of alley
** see configuration diagram for bonus floor
Graphics are illustrative only. Refer to notes for setbacks and height information.

BUILDING CONFIGURATION

- Building height shall be measured in number of stories, excluding attics and raised basements.
- Stories may not exceed 10 feet in height from finished floor to finished ceiling, except for a first floor Commercial function which must be a minimum of 11 ft with no maximum.
- Height shall be measured to the eave or roof deck as specified on Table 6.
- Expression Lines shall be as shown on Table 6.

SETBACKS - PRINCIPAL BLDG.

- The Facades and Elevations of Principal Buildings shall be distanced from the Lot lines as shown.
- Lots shall be built along the Principal Frontage to the minimum width specified and facades to the maximum width specified in the table.

SETBACKS - OUTBUILDING

- The Elevations of the Outbuilding shall be distanced from the Lot lines as shown.

PARKING PLACEMENT

- Uncovered parking spaces may be provided within the 1st Layer as shown in the diagram (see Table 17G).
- Covered parking shall be provided within the 2nd Layer as shown in the diagram (see Table 17G).
- Trash containers shall be stored within the 3rd Layer.

SmartCode/Mapa 4.0

Section 4.9 SPECIAL DISTRICTS

The Commission shall designate areas as Special Districts that, by their intrinsic size, function, or configuration, cannot conform to the requirements of any Transect Zone or combination of zones. **Conditions of development for new Special Districts shall be determined by amendment to these regulations.**

Table 4.6 Allowed Uses in Special Districts				
USES	IP	M	N C	TG
Accessory Building & Use		P	P	S
Adult Oriented Establishment		SP		
Agriculture				
Commercial Farm			SP	
Community Garden			SP	S
Truck Garden				P
Animals				
Animal Day Care		S		
Animal Training Facility		S		
Grooming		S	SP	
Keeping of Animals				
Kennel		S		
Stable				
Veterinary Hospital			SP	
Business & Personal Service			SP	
Cemetery				
Civic Club, Lodge or Association (non-profit)		S	SP	
Community Residence				
Mentally Ill Adults – Group Home				
Mentally Retarded Persons – Group Home				
Sober Houses & Drug Treatment Facility				
Day Care				
Adult Day Care			SP	
Child Day Care				
Day Care Center		SP	SP	
Nursery School		SP	SP	
Family Day Care Home				
Group Day Care Home				
Food Service				
Catering Facility		S		
Outdoor Café	SP	S		
Restaurant		S		
Take-out Food Service		S		
Funeral Home				
Golf Course & Country Club				
Health Care Facility				
Hospital				
Nursing Home				
Medical Office - < 20,000sf				
Medical Office - ≥ 20,000sf				
Rehabilitation Facility – Out-Patient				
Heliport				
Home Occupation				
Library & Museum		SP	SP	SP
Lodging				
Bed & Breakfast			SP	
Hotel / Motel			SP	
Inn			SP	

Table 4.6 Allowed Uses in Special Districts				
USES	IP	M	N C	TG
Manufacturing				
Accessory Use		S		
Primary Use		S		
Motor Vehicle Uses				
Gas Station, Service & Repair, Rental		SP		
New Car Sales		SP		
Vehicle Storage				
Accessory Use		SP		
Commercial		SP	SP	
Natural Resource Removal			SP	SP
Office Building			SP	
Open Space Development				
Place of Public Assembly				P
Place of Worship	SP	SP	SP	
Preservation of Historic Structure	SP	SP	SP	SP
Public Use & Public Utility				SP
Public Parking Lot & Public Garage				
Residential				
Single-Family Accessory Dwelling Unit				
Multi-Family Dwellings				
Adaptive Re-use to Multi-Family			SP	
Managed Residential Care			SP	
New Construction			SP	
Low Density				
Single Family				
Two Family				
Three Family				
Refuse Disposal				
Resource Recovery		SP		
Transfer Station		SP		
Volume Reduction Facility		SP		
Research, Development & Medical Laboratory		S		
Retail				
≥ 1,500 sf gross leasable space		S		
< 1,500 sf to > 20,000 sf gross leasable space		SP	S	P
> 20,000 sf to 250,000 sf gross leasable space				
Sale of Alcohol				
Sale of Fire Arms		SP		
Schools				
Business School > 50 students at peak		S	S	
Business School < 50 students at peak				
College & University (non-profit)				
Dormitories			SP	
Elementary & Secondary School				SP
Storage				
Warehouse & wholesale w/ indoor storage				
Outdoor Storage				
Accessory Use		SP		
Primary Use				
Student Housing				
Telecommunications Facility	SP	SP	SP	SP
Wind Energy Conservation System	SP	SP	SP	

4.9.1 Industrial Park

4.9.1.1 Purpose

[Get language from Dale]

Table 4.3 Lot and Building Requirements for Industrial Park								
Zone	Min. Lot Area	Max. Height	Max % Lot Coverage	Max. % Impervious Surface	Lot Width	Front Yard ^a	Min. Side Yard	Min Rear Yard
IP								

4.9.2 Manufacturing Zone

4.9.2.1 Purpose

The purpose of the Manufacturing Zone is to provide for a broad range of industrial and commercial uses in an open setting that will not have environmentally objectionable influences on adjoining residential and business zones.

Table 4.4 Lot and Building Requirements for Manufacturing District								
Zone	Min. Lot Area	Max. Height	Max % Lot Coverage	Max. % Impervious Surface	Lot Width	Front Yard ^a	Min. Side Yard	Min Rear Yard
M	20,000 sf.	40'	40%	60%	100 ft.	50 ft.	10 ft.	10 ft..

4.9.3 Newhall Center

4.9.3.1 Purpose

The purpose of the Newhall Center Zone is to improve the existing character of the area by:

- a. Making the neighborhood complete by allowing for a mix of uses for living, playing and learning;
- b. Providing for alternatives to the automobile by improving safe access within and through the neighborhood for drivers, bicyclists and pedestrians;
- c. Developing in harmony with natural systems by employing sustainable, green technologies and land-use practices;
- d. Raising the value of existing properties by combining remediation and re-development efforts;
- e. Meeting the housing needs of the neighborhood by including new housing to replace homes lost due to structural damage, as well as providing additional housing for families and elderly residents;
- f. Coordinating the environmental remedy and re-development of infrastructure;
- g. Honoring the spirit of the neighborhood by creating a sustainable village atmosphere;
- h. Locating parks, neighborhood amenities, aesthetic streetscapes, native habitat areas and community gardens that will enhance the quality of life for the area residents.

Table 4.5 Lot and Building Requirements for Newhall Center District								
Zone	Min. Lot Area	Max. Height	Max % Lot Coverage	Max. % Impervious Surface	Lot Width	Front Yard ^a	Min. Side Yard	Min Rear Yard
NC	10,000sf.	35 ft.	25%	50%	80 ft	25 ft.	12 ft.	25 ft.

4.9.4 Town Green District

4.9.4.1 Purpose (616)

The Town Green District is a multi-use zone designed to allow for centrally located public and civic purposes and amenities that are accessible and beneficial to all residents of the community.

The Zone allows for the following public and civic amenities:

- a. Open space land for a Town Center Park/Green to be used for passive recreation and community events;
- b. Multi-faceted athletic facilities for active recreation;
- c. Undisturbed areas of natural and scenic beauty;
- d. Bird and wildlife sanctuary areas;
- e. A Town public educational facility; and
- f. An area for arts, historic and visitor displays and instruction.

4.9.4.2 Special Standards

At least 80% of the Zone will be maintained as open space, park or recreation or wildlife and bird sanctuary use.

Table 4.5 Lot and Building Requirements for Town Green District					
Zone	Max Height	Max % Lot Coverage	Front Yard ^a	Min Side Yard	Min Rear Yard
TG	40'	20%	6 ft .min. / 18 ft. max.	50 ft.	50 ft..
^a Does not apply to public school facilities					

4.9.4.3 Uses Permitted Subject to Site Plan Approval (617)

The following uses are permitted uses subject to site plan approval:

- a. Community events;
- b. Active recreational uses;
- c. Passive recreational uses;
- d. Walking and biking trails and paths;
- e. Historical structures, monuments, flag poles and public art;
- f. Museums;
- g. Wildlife and bird sanctuary; and
- h. Customary accessory uses.

4.9.4.4 Special Permit Uses

- a. Town Park
- b. Town Green
- c. Outdoor Cafe
- d. Public schools of the Town of Hamden are allowed subject to Special Permit approval and Site Plan review provided the following conditions are also met:
 - i. The building footprint and the parking area of the facility, taken together, will not exceed 20% of the Zone;
 - ii. The facility is served by public water and public sanitary sewers;
 - iii. The facility will have a front yard minimum setback of 100 feet from the street;
 - iv. The building will not exceed 40 feet in height; and
 - v. The facility shall have a vehicular access, traffic and parking pattern including provision for student pick-up and drop-off by bus and parent so designed as to represent an effective access, traffic and parking pattern that properly addresses the needs of public safety.

4.9.4.5 Zoning Permit Uses

- a. Concerts and public festivals and events including firework displays and farmers market; and
- b. Arts, historic or visitor displays or instruction.
- c. Community Garden

ARTICLE V OVERLAY ZONES

Section 5.0 Purpose

The purpose of an overlay zone is to impose additional requirements beyond those of the underlying zone in cases where additional safeguards are necessary.

Section 5.1 Aquifer Protection Zone (APZ)

(See Separate Regulations)

Section 5.2 Coastal Area Management (CAM) (850)

5.2.1 Purpose

The purpose of Coastal Site Plan Review is to assure that development within the Coastal Area is consistent with the goals and policies of Chapter 444, Section 22a-92 of the Connecticut General Statutes and with the goals and policies of the Town of Hamden Planning and Zoning Commission.

5.2.2 Location

The Coastal Area shall be defined as the area of Hamden that lies within the Coastal Area boundaries described in Section 22a-94 (a), (b), (c) and (d) of the Connecticut General Statutes and as shown on a map titled "Coastal Boundary" 1980, as it may be amended from time to time, prepared by Coastal Area Management Program, Connecticut Department of Environmental Protection which is on file in the Planning and Zoning Office and in the office of the Hamden Town Clerk.

5.2.3 Permitted Uses

In the Coastal Area, any use that is allowed in the underlying zone shall be permitted, subject to compliance with the requirements of all pertinent sections of these regulations.

5.2.4 Authority

A Coastal Area Site Plan shall be approved by the Commission as outlined in Section II (b) of the Coastal Area Management Act prior to the commencement of any activity.

5.2.5 Exceptions

A Coastal Site Plan shall be required for any activity or project as defined in Section II (b) of the Coastal Management Act, which is proposed to be located either fully or partially within the Coastal boundary, with the following exceptions:

- a. Minor additions to or modifications of existing buildings or detached accessory buildings such as garages and utility sheds. A minor addition is an addition that does not exceed 10% of the first floor area or one-thousand square feet whichever is less, and which does not require more than a 10% addition to the number of off-street parking spaces in order to comply with the parking requirements;
- b. Construction of new or modifications of existing on-premise fences, walls, pedestrian walks and terraces, underground utility connections, essential electric, gas, telephone, water and sewer service lines, signs and such other minor structures that will not substantially alter the natural character of coastal resources or restrict access along tidal rivers;
- c. Construction of an individual, conforming, single-family residential structure, except in or within one hundred feet of tidal wetlands;
- d. Activities conducted for the specific purpose of conserving or preserving soil, vegetation, water, fish, shellfish, wildlife and other coastal land and water resources;
- e. Gardening, grazing and the harvesting of crops.

5.2.6 Application

An application for approval of a Coastal Site Plan shall be filed with the Commission and shall comply with all provisions of the applicable zone, with **Section ??? [Site Plan Review Section]**, with all other pertinent requirements of these zoning regulations, and with all provisions of Sections 11 and 12 of the Coastal Management Act.

5.2.7 Impact Analysis

The Commission or its designated agent may, in appropriate situations, require the applicant to provide an impact analysis to demonstrate that any potential adverse impacts by the proposed activity is consistent with the goals and policies set forth in these regulations and in Section 22a-92 of the Connecticut Statutes.

5.2.8 Public Hearing

The Commission may, at its discretion, hold a hearing on a Coastal Site Plan. The time limits of Section 8-7d (b) of the Connecticut General Statutes shall be adhered to in acting on a Coastal Site Plan.

5.2.9 Commission Action and Referral

The Commission shall approve, approve with conditions, modify, or deny the application. It shall set forth the reasons for its decision and shall notify the applicant of its decision by certified mail within fifteen days after such decision is rendered. In approving any activity proposed in a Coastal Site Plan, the Commission shall make a written finding that the proposed activity with any conditions or modifications imposed by the Commission:

- a. Is consistent with all applicable goals and policies in Section 22a-92 of the General Statutes, as amended; and

- b. Incorporates as conditions or modifications all reasonable measures which would mitigate the adverse impacts of the proposed activity on both Coastal resources and future water dependent development activities.

Whenever an application for a variance is submitted to the Zoning Board of Appeals for a use, structure or activity which lies either wholly or partially within the Coastal Area boundary, the Zoning Board of Appeals shall refer review of the Coastal Site Plan to the appropriate section of the Planning and Zoning Commission so as to assure compliance with **Section 10.5 [Site Plan Review Section]** of these regulations and with Section 22a-92 of the Connecticut General Statutes.

Section 5.3 Flood Plain Zones and Special Flood Hazard Areas (630)

5.3.1 Applicability

These regulations shall apply to all Special Flood Hazard Areas within the jurisdiction of the Town of Hamden. The Special Flood Hazard Areas identified by the Federal Emergency Management Agency in its Flood Insurance Study dated **June 15, 1979** with accompanying Flood Insurance Rate Maps and Floodway Maps and other supporting data, and any revision thereto are adopted by reference and declared to be a part of these regulations.

The Town Planner is hereby appointed to administer and implement the provisions of this regulation.

5.3.2 Permitted Uses

Agriculture, nurseries, truck farms, tree farms, recreation facilities without buildings, siltation ponds, open space, and similar uses are permitted as of right. Other uses involving structural improvements as allowed in the underlying zone shall require a Special Permit.

5.3.3 Provisions for Flood Hazard Reduction

5.3.3.1 General Standards:

When any new development or substantial improvement is located wholly or partially in a designated flood plain zone as shown on the zoning map of Hamden, or wholly or partially within a Flood Hazard Area, Zones A, A-1 through 30, as shown on the Community Flood Insurance Rate Map, all new construction and/or substantial improvements shall be constructed:

- a. With materials resistant to flood damage, and;
- b. Using methods and practices that minimize flood damage;
- c. Such that electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- d. Such that new construction and substantial improvements be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

- e. Such that the flood carrying capacity of any portion of a watercourse which is altered or re-located is maintained;
- f. Accessory structures shall be subject to all general and specific standards contained in **Section 5.2.4.**
- g. Such that all storage of petroleum liquids or hazardous materials are to be aboveground and above base flood elevation. Storage tanks should be situated on a curbed impervious surface capable of containing at least 110% of the volume of the tank(s). A roof should be provided to prevent precipitation accumulation.
- h. Such that storm water runoff management in flood plain areas promote renovation of runoff prior to discharge, and aquifer recharge. Stormwater drainage should be pretreated to remove particulate and dissolved pollutants associated with road and parking lot runoff prior to discharge. Infiltration of clean or pretreated runoff should be maximized except in areas subject to an unusually high risk of hazardous material spillage. Open vegetated basins, ponds, artificial/man-made wetlands, and buffer strips are the preferred methods of treating and infiltrating stormwater runoff.

5.3.3.2 Specific Standards:

- a. Residential Construction - New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated at least two feet above the base flood elevation.
- b. Manufactured Homes - Manufactured homes shall be placed on a permanent foundation, at least two feet of elevation above base flood level, which itself is securely anchored and to which the structure is securely anchored so that it will resist flotation, lateral movement, and hydrostatic and hydrodynamic pressures. Anchoring may include, but not be limited to, the use of over-the-top or frame ties.
- c. Recreation Vehicles - Recreation vehicles placed on sites within Zone A and Zone A1-30 shall be on site for fewer than 180 consecutive days and be fully ready for highway use. A recreation vehicle is ready for highway use if it is on wheels, or jacking system, is attached to site only by quick disconnect type utilities and security devices, and has no permanently attached additions.
- d. Non-Residential Construction - New construction or substantial improvement of any commercial, industrial, or non-residential structure located in Zone A1-30, AE and AH shall have the lowest floor, including basement, elevated at least two feet above the level of the base flood elevation.

5.3.3.3 Utilities

- a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
- b. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from the system into floodwaters.
- c. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them.

5.3.3.4 Floodways

Floodways are located within Special Flood Hazard Areas as identified in the Hamden Flood Insurance Study prepared by the Federal Emergency Management Agency and delineated on Flood Boundary-Floodway Maps and Flood Insurance Rate Map.

Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris and potential projectiles and have erosion potential, no encroachments, including fill, new construction, substantial improvements and other developments shall be permitted unless certification (with supporting technical data) by a registered professional engineer is provided demonstrating that encroachments shall result in no increase in flood levels during occurrence of the base flood discharge. Fences located in the floodway must be aligned with the flow and be of an open design.

In any regulated floodway, no development or encroachment shall be permitted which would increase flood level or sediment loads during base flood discharge.

5.3.3.5 Standards for Stream without Base Flood Elevations, Floodways and/or Flood Mapping

Base flood elevation data shall be provided by the applicant with any application for activity in an A Zone after which the Town Planner shall review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source including data developed pursuant to **Section 5.2.4**, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the Town of Hamden's Flood Insurance Rate Map meet the specific standards of these Regulations.

In A Zones where base flood elevations have been determined, but before a floodway is designated, no new construction, substantial improvement, or other development (including fill) shall be permitted which will increase base flood elevations more than 1 foot at any point along the watercourse when all anticipated development is considered cumulatively with the proposed development.

The Town Planner may request flood way data of an applicant for watercourses without FEMA-published floodways. When such data is provided by an applicant or when ever such data is available from any other source (in response to the Town's request or not) the Town of Hamden shall adopt a regulatory floodway based on the principle that the floodway must be able to convey the waters of the base flood without increasing the water surface elevation more than 1 foot at any point along the watercourse.

5.3.3.6 Additional Requirements

All requirements of this section are in addition to the requirements applicable to the zone in which the proposed development is to be located.

5.3.4 Flood Plain Development Permit

A Development Permit shall be required in conformance with the provisions of **Section 6.2**, after Commission approval and prior to issuance of Zoning Permit. When no Commission approval is required, a Development Permit may be issued prior to the issuance of the Zoning Permit. The authority for a Development Permit is the Town Planner.

5.3.5 Application

Such application shall be accompanied by two sets of plans drawn to scale showing, at a minimum, the property lines and location of the parcel; existing and proposed contours; existing or proposed structures, fill, storage of materials, drainage facilities and the location of the foregoing. The following information shall also be submitted to the Town Planner:

- a. Elevation in relation to mean sea level of the proposed lowest floor (including basement) of all structures;
- b. The elevation and area flooded from the runoff of a 100-year design storm utilizing the "Rational" method or other method approved by the Town Engineer and assuming residential development upstream.
- c. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development;
- d. Any proposed alteration must be accompanied by a report from the Conservation Commission assuring that the flood carrying capacity of the watercourse is maintained, and
- e. F.E.M.A., the D.E.P., adjacent communities and the Regional Planning Agency must be notified of any alteration.
- f. A statement as to whether or not the proposed alterations to an existing structure meet the criteria of the substantial improvement definition;
- g. A statement as to whether there will be dry vehicular access to residential structures during the 100-year storm event;
- h. Certification by a professional engineer that the standards of **Section 6.2.4** are met; and
- i. When the application for a Development Permit is a part of another application required by these Regulations, the above information may be incorporated in the other application drawings.

5.3.6 Application Stages

In the administration of **Section 5.2**, the Town Planner shall:

- a. Review all permit applications to determine whether proposed building sites will be reasonably safe from flooding.
- b. Review all development permits to assure that requirements of **Section 5.2** have been satisfied.
- c. Advise permittee that additional federal or state permits may be required, and if specific federal or state permit requirements are known, require that copies of such permits be provided and maintained on file with the Development Permit. Such additional permit requirements may include, but not be limited to: Stream Channel Encroachment Line Permit, Coastal Area Management Permit, Water Diversion Permit, Dam Safety Permit, Corps of Engineers 401 and 404 Permits.
- d. Notify adjacent communities and the D.E.P., Inland Water Resources Management Division prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.

- e. Maintain all records pertaining to the provisions of **Section 5.2**.

5.3.7 Construction Stage

Upon completion of the applicable portion of construction, the applicant shall provide the Zoning Enforcement Officer with verification of the as-built lowest floor elevation, defined as the top of the lowest floor (including the basement), or in the case of flood proofed buildings, the elevation to which the flood proofing is effective, prior to his submission of as-builts for complete construction required for a Certificate of Zoning Compliance.

Compliance. The permit holder immediately and prior to further progressive work being permitted to proceed shall correct deficiencies in the lowest floor elevations. Failure to submit an acceptable survey or failure to make corrections required hereby shall be cause for issuance of a stop-work order.

5.3.8 Disclaimer of Liability

The degree of flood protection required by these regulations is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. These regulations do not imply that land outside the special flood hazard areas or uses permitted within such areas will be free from flooding or flood damages. These regulations shall not create liability on the part of the Town of Hamden or any officer or employee thereof for any flood damages that result from reliance on these regulations or any administrative decision lawfully made there under.

Section 5.4 Open Space Development (620)

5.4.1 Purpose

It is the purpose of this provision to encourage flexibility and innovation in the design of residential development that cannot be achieved through the application of traditional zoning and subdivision regulations. The objectives of this section include:

- a. Maximum reasonable conservation of land and creation of useable open space and recreation areas;
- b. Variety in type and cost of residential development, thus increasing the choice of housing types available to town residents;
- c. Preservation of trees and outstanding natural features and prevention of soil erosion; and
- d. A shorter network of streets and utilities and more efficient use of energy than would be possible through strict application of standard zoning.

5.4.2 Applicability

An Open Space Development (OSD) may be permitted subject to Special Permit, Site Plan and/or Subdivision approvals and the following conditions:

- a. A minimum of 10 acres shall be required to enable a site to qualify for an OSD.
- b. All permitted dwelling units shall be single-family attached and/or single-family detached units, located on either individual lots or a common area, or a combination thereof.
- c. The amount of common area and/or open space to be created shall be a minimum of 30% of the total development site. Said common areas and/or open space shall have a suitable number of pedestrian accessways and shall have shape, dimensions, character and location to accomplish the purpose and intent of this section.
- d. The Commission shall make a finding that the application of standard zoning to the subject site will not be consistent with the objectives set forth in this section. Specifically, the Commission shall find that the overall layout of the development as permitted under this section allows for superior utilization of passive and/or active open space areas, superior protection of natural resource areas, and more functional house sites than possible under a standard subdivision layout.

5.4.3 Determination of Density and Zoning Modifications

In addition to items specifically required in an application for a Special permit, including a Site Plan, the applicant shall submit the following:

- a. A conventional subdivision plan conforming to all applicable requirements of the Zoning Regulations and Subdivision Regulations. The Commission shall use said conventional plan as a basis for determining the maximum number of dwelling units to be permitted in the OSD. In no case shall the total number of dwelling units to be approved exceed the number permitted by the existing zoning of the site.
- b. If the OSD proposes dwellings on individual lots, requirements of the zone in which located for lot area, lot widths, setbacks and yards may be reduced by a percentage not to exceed the total percentage of common area and/or open space to be created as part of the total development site or 60%, whichever is smaller. In the R-4 Zone no reduction of lot sizes or standards will be permitted.
- c. If the OSD proposes a group of dwellings on a single lot or common area, each dwelling or other structure shall be setback from all lot lines a distance not less than the minimum front yard as required by the applicable zone. In addition, unless attached, the minimum distance between dwellings on the same lot shall be 20 feet.
- d. A statement specifically setting forth the nature of the requested modifications, changes or supplementations of existing zoning provisions, the location of the open space, building lots, streets, site easements and recreational facilities, and any other additional information and requirements as determined necessary by the Commission.

Nothing contained in this section shall relieve the owner of a proposed development from receiving final subdivision approval in accordance with Town's Subdivision Regulations if the OSD proposes dwellings on individual lots.

The Planning Section may give consideration to the final subdivision plan simultaneously with the Special Permit and may conduct a public hearing upon said subdivision plan concurrently with the conduct of a public hearing on the Special Permit and may approve, approve with modifications, or disapprove said plan. In this case the Special Permit Application shall be accompanied by such other data as is required by the Subdivision Regulations.

5.4.4 Common Areas and Open Space

The Commission shall establish such conditions on the ownership, use, and maintenance of common areas, including open space, as it deems necessary to assure the preservation of such areas for their intended purpose. A homeowners' association comprised of the residents of the development shall maintain common areas and/or open space reserved for their use or by any maintenance mechanism acceptable to the Town Attorney and Commission assuring the ownership use and maintenance of the "open space" for the intended purpose.

An OSD shall require and be conditional upon organization and creation of one of the following entities for purposes of assuring maintenance of all common open space:

- a. A homeowners' association approved as to form by the Town Attorney and by the Commission as to substance; or
- b. Any other arrangement so approved by the Town Attorney as to form and the Commission as to substance as satisfying the intent of this section.

Any homeowners' association so approved shall meet the following standards:

- a. The homeowners' association shall be incorporated as a not-for-profit corporation under the laws of the State of Connecticut.
- b. Each dwelling unit owner shall automatically become a member of said homeowners' association, and this requirement shall be placed in the deed to each unit and shall run with the land or dwelling, shall have a right and easement of enjoyment in and to the common area, and shall be subject to a charge for a proportionate share of the expenses for the organization's activities, including the maintenance and operation of the common land and facilities. Each property shall be subject to a lien in the event of non-payment by the owner thereof of this proportionate share of the expenses for the association's activities as aforesaid. Dedication of all common areas to the common use of all the owners of property in the development shall be recorded directly on the subdivision plan or site plan or by reference on the plan to a declaration of covenants, conditions, and restrictions in a separately recorded document, in such fashion and by such instrument as shall reserve the title to the homeowners' free of any cloud of implied public dedication, and such deed restriction or covenant shall specifically prohibit any development for other than open space on the specified open land and/or conservation area; and
- c. Permit the development owner to convey title to the common areas to the homeowners at an approved time.

Prior to recording an approved OSD in the office of the Town Clerk, the owner shall file with the Commission a performance bond to insure the proper installation of all improvements shown on the subdivision plan or site plan and a maintenance of all common areas and open space until the homeowners' association or other acceptable organization is established. The Commission shall approve the amount and period of said bond. The Town Attorney shall approve the form, sufficiency, manner of execution, and surety of the bond. Each approved OSD shall be recorded in the office of the Town Clerk in accordance with the procedures set forth in the General Statutes for the recording of subdivision plans.

The Charter or Certificate of Incorporation of such organization shall contain the following provisions and notice of said provisions shall be specifically given in any brochure or prospectus issued by the owner, namely:

- a. That such organization shall not be dissolved and shall not be relieved of the obligation to maintain any common open space or other common areas, except by transfer to an organization conceived and established to maintain such common open space and other common areas herein above referred to.
- b. That, in the event the organization established to maintain common open space or other common areas, or any successor organization, shall at any time fail to maintain the common open space and other common areas in reasonable order and condition in accordance with approved plan, the Commission may serve written notice upon such organization and the residents of the development, setting forth the manner in which the organization has failed to maintain the common open space and other common areas in reasonable order and condition in accordance with the plan, and said notice shall include a demand the such deficiencies of maintenance be cured within 30 days thereof, and shall state the date and place of a hearing thereon to be held within 45 days of the notice.

At such hearing, the Commission may modify the terms of the original notice as to the deficiencies and may give an extension of time within which they shall be cured. If the deficiencies set forth in the original notice or in the modifications thereof are not cured within said 30 days or any extension thereof, the Commission, in order to preserve the taxable values of the properties within the OSD, and to prevent the common open space and other common elements from becoming a public nuisance, may institute proceedings to have the Town or its designee enter upon said common space and other common areas and maintain the same for a period of one year. Said entry and maintenance shall not vest in the public any rights to use the common open space or other common areas. Before the expiration of said year, the Commission shall, upon its own initiative or upon the request of the organization responsible for the maintenance of the common open space and other common areas, call a public hearing upon notice to such organization or to the residents of the development, at which hearing such organization or the residents of the development shall show cause why such maintenance by the Town or its designee shall not, at the election of the Town, continue for a succeeding year.

If the Commission determines that such organization is ready and able to maintain said common open space and other common areas in reasonable condition, the Town or its designee shall cease to maintain said open space and other common areas at the end of said year. If the Commission shall determine such organization is not ready and able to maintain such common open space and other common areas in a reasonable condition, the Commission may, at its discretion, continue to have the Town or its designee maintain said common open space and other common areas during the next succeeding year and subject to a similar hearing and determination in each year thereafter.

- c. That the cost of such maintenance by the Town or its designee shall be assessed ratably against the property owners within the OSD. In the event of the failure or refusal of the owners of such property to pay any such charges when due, the unpaid amount thereof shall become a lien against such property, and, together with interest thereon from due date thereof, shall be included in the annual tax levy of the Town upon such property for each fiscal year, and the amount so levied shall be collected in the same manner as other Town taxes.



ARTICLE VI BASIC STANDARDS

Section 6 Purpose

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

The Zoning Enforcement Officer is authorized to make surveys and take measurements to determine compliance. No Application for a Certificate of Zoning Compliance shall be approved by the ZEO and no Certificate of Zoning Compliance shall be issued until it has been determined that the proposed use of the land, buildings, and structures will be established and conducted in accordance with these standards and with the standards stated in other relevant Town, State and Federal codes, ordinances or regulations. The standards specified in these regulations shall be of continuing application.

Section 6.1 General Requirements

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

6.1.1 Hours of Outdoor Construction

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

6.1.2 Change in Use (329)

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

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

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

Section 6.2 Environmental Conditions

6.2.1 Preservation of Special Features

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

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

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

6.2.2 Alternative Preservation Plans

A to remove, alter, or in any way change these features, he/she shall submit documentation acceptable to the Commission demonstrating that the proposed plans to preserve special features are not unreasonable.

6.2.3 Air Pollution

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

6.2.4 Danger

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

6.2.5 Noise

(See Ordinance 100.02 enforced by the Hamden Police Department)

6.2.6 Vibration

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

6.2.7 Refuse and Pollution

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

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

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

- a. Loam, topsoil, sand, gravel, clay or stone may be excavated or removed from any lot, and land may be re-graded or filled subject to Special Permit and Site Plan approval and the conditions specified in **Section 6.2.8**.
- b. Demolition debris consisting of brick, block and concrete may be screened, sifted, washed, crushed or processed in conjunction with the demolition of existing on site structures in any zone subject to Special Permit and Site Plan approval and the following qualifying standards and the conditions:
 - i. Site is one acre or more in size;
 - ii. Site is located on and has access to a major thoroughfare as designated on the Town Road classification map;
 - iii. Structures to be crushed are at least 5,000 square feet in dimension; and
 - iv. Crushing activity is limited to no more than four months.
- c. Commercial excavation, clay and gravel mining operations are prohibited.

6.2.8.1 General Requirements

- a. Natural resource removal, re-grading and filling in excess of 2,000 cubic yards, exclusive of that earthwork falling within the area delineated by the footprint of an approved structure, shall only be allowed when part of site development that is essential to an application requiring Site Plan and/or Special Permit approval.

- b. Natural resource removal, re-grading and filling in excess of 2,000 cubic yards, exclusive of that earthwork falling within the area delineated by the footprint of an approved structure, is subject to Special Permit and Site Plan approval.
- c. Natural resource removal, re-grading and filling in excess of 50 cubic yards, exclusive of that earthwork falling within the area delineated by the footprint of an approved structure, but less than 2,000 cubic yards is subject to Site Plan approval.
- d. Natural resource removal, re-grading and filling in excess of 50 cubic yards but less than 2,000 cubic yards, exclusive of that earthwork falling within the area delineated by the footprint of an approved structure, shall only be allowed when part of site development that is essential to an application requiring a Zoning Permit, Site Plan and/or Special Permit approval.

6.2.8.2 Exceptions

- a. Excavation, removal, re-grading or filling in conjunction with an approved Subdivision grading plan provided that no more than 10,000 cubic yards of material are deposited or removed.
- b. Incidental excavation, removal, re-grading or filling in connection with maintenance or landscaping, provided that no more than 50 cubic yards of material is deposited or removed per calendar year.
- c. Agricultural excavation, re-grading or filling operations provided that no more than 250 cubic yards of material are deposited or removed per calendar year.

6.2.8.3 Application Requirements

Any application involving more than 50 cubic yards of excavation, re-grading or filling, shall contain the following information:

- a. Existing contours in the area to be excavated re-graded or filled and proposed contours after completion of excavation, re-grading or filling. Contours shall be prepared from an actual field survey, based on benchmarks noted and described on the map;
- b. Proposed vehicular access to a street;
- c. An estimate of the number of cubic yards of material to be filled, excavated, graded, or removed;
- d. An estimate of the time necessary to complete the operation;
- e. An estimate of the number and types of trucks and other machinery to be used on the site;
- f. The location(s) and type(s) of buildings, including temporary buildings, to be erected;

- g. Hours of operation and number of calendar days anticipated to complete filling, excavating, grading, re-grading or removal; and
- h. Details of any proposed blasting and storing of explosives.
- i. To reasonably review an application, the Commission may require the submission of additional information regarding soil conditions, locations and depth of rockledge, ground water conditions and other such information. The Commission may request such information for both pre- and post-development conditions.

7.2.8.4 Standards

Natural resource removal, re-grading and filling activity shall not exceed two years. Projects involving more than 2,000 cubic yards of excavation, removal, re-grading or fill will require permit renewal for such activity every two years.

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

- a. Resulting slopes shall not increase the concentration or flow of water or sediment to adjoining properties;
- b. No screening, sifting, washing, crushing or other processing shall be conducted on the premises unless located in a Manufacturing Zone or unless approved as part of a Special Permit and Site Plan application in accordance with Paragraph 6.2.1.A.2.
- c. There shall be no excavation within 20 feet of any street line or 20 feet of any other lot line, except to an elevation equal to or above the grade of an adjoining lot or street at the lot line or street line. The requirement prohibiting excavation within 20 feet of a lot line shall not apply in the event that:
 - a. The adjoining property owners file a joint application that is approved by the Commission;
 - b. The adjoining property owner documents that he/she has no objections to the proposed activity;
 - c. The Town Engineer determines that the proposed activity will not adversely affect the adjoining property.
- d. Proper drainage shall be provided to prevent the collection and stagnation of water.
- e. No sharp declivities, pits, depression or soil erosion problems shall be created, and no resulting slopes or banks shall exceed 1 foot of vertical rise to 2 feet of horizontal distance.
- f. Any soil stored on-site for more than 30 days shall be stabilized and seeded. All stockpiled soil shall be protected by approved sedimentation and erosion controls.

- g. Topsoil shall be spread uniformly over the excavated or filled area and over exposed rock surfaces resulting from excavation or fill, to a minimum depth of four inches in accordance with the approved contour plan. No excavated rock will be stockpiled on the premises, except that to be used on-site for erosion control or landscaping.
- h. When the excavation, re-grading, removal or filling operations have been completed, the excavated, re-graded, or filled area and other vegetated areas destroyed by the excavation, re-grading, or filling process shall be seeded with a perennial rye grass or similar planting.
- i. Truck egress site(s) shall be equipped with anti-tracking pads. Access to and from the excavation site shall be located so as to minimize conflict with existing traffic patterns.
- j. The premises shall be excavated, re-graded or filled in conformity with the plan as approved.
- k. All materials used as fill shall be noncombustible. Broken blocks, bricks, concrete, rocks and similar debris are allowable as fill when mixed with enough gravel or filler to create fill that is void of air pockets.

6.2.8.5 Procedures

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

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

6.2.9 Sediment and Erosion Control Regulations (660)

6.2.9.1 Purpose

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

6.2.9.2 Exemptions

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

6.2.9.3 Application

- A. A soil erosion and sediment control plan shall contain proper provisions to adequately control accelerated erosion and sedimentation and reduce danger from stormwater runoff on the proposed site based on the best available technology. Such principles, methods and practices necessary for certification are found in the *Connecticut Guidelines for Soil Erosion and Sediment Control (2002), as amended*. Alternative principles, methods and practices may be used with prior approval of the Commission. Said plan may be submitted as part of a Special Permit or Site Plan application as set forth in **Sections 10.4.3 and 10.5** of these regulations, as part of a Natural Resources proposal as set forth in **Section 6.2**, or as a separate plan under this section. Said plans shall be submitted in six copies and shall contain, but not be limited to:
 - a. A narrative describing the development, a schedule for grading and construction activities including start and completion dates, sequence of grading and construction activities, sequence for installation and/or application of soil erosion and sediment control measures, and the sequence for final stabilization of the project site.
 - b. The design criteria, construction details, installation and/or application procedures, and operations and maintenance program for proposed soil erosion and sediment control measures and storm water management facilities.
- B. A site plan complying with **Section 10.5.3** and containing the following additional information:
 - a. The proposed area alterations including cleared, excavated, filled or graded areas;
 - b. The location of and design details for all proposed soil erosion and sediment control measures and storm water management facilities;
 - c. The sequence of grading and construction activities;
 - d. The sequence for installation and/or application of soil erosion and sediment control measures; and
 - e. The sequence for final stabilization of the development site.
- C. Any other information deemed necessary and appropriate by the applicant or requested by the Commission or its designated agent.

6.2.9.4 Standards

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

6.2.9.5 Procedures

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

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

6.2.9.6 Conditions

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

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

6.2.9.7 Inspections

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

Section 6.2.10 Grading

6.2.10.1 Grading Standards (318)

- a. Slopes of paved surfaces must not be less than 1.5% in grade.

- b. Slopes of earth surfaces must not be less than 2.5% in grade in the general vicinity of buildings, to ensure drainage away from the buildings.
- c. Unpaved driveway grades may not exceed 10%. Paved driveway grades may not exceed 12%. Driveways require a blend, or vertical transition curve, not to exceed 6%. Lots recorded on the land records prior to the adoption of this section of the Zoning Regulations may exceed the above percentages with the approval of the Town Engineer.

6.2.10.3 Stormwater Management

6.2.10.3.1 Zero net increase in peak run-off

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

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

The applicant shall furnish projections of the increase of storm water runoff created by the proposed development from the 2-year, 10-year and 100 year frequency, 24-hour duration Type III Distribution Storms, as computed with Technical Release #55, Urban Hydrology, Engineering Division, Soils Conservation Service, USDA, January 1975, as amended or by use of other methods conforming to sound engineering practice. Rational method shall not be used in computing drainage flows in drainage basin areas in excess of one thousand (1,000) acres.

6.2.10.3.2 General Control of Run-off

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

Section 6.3 Lot, Block and Building Configuration

6.3.1 Front Yards / Build-To Lines (314.1)

The purpose of this section is to create a uniform location for buildings in developed areas by requiring a build-to line. This section shall apply to all developed lots in Residential Zones R3, R4 and R5 where a minimum of 50% of the block frontage has been developed.

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

6.3.4 Rear Lots (311)

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

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

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

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

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

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

- a. The lot was of legal size on the date it was created as a lot; and
- b. All yard, coverage and other zoning requirements can be met, however; in those instances where the lot area or shape prevent conformance with one or more yard requirements, the requirement for that yard shall be the same as the most restrictive zone to which the lot area most nearly conforms; and
- c. The owner of the lot presents satisfactory evidence of compliance with this section;
- d. Existing buildings and appurtenances that do not conform to the provisions of these Regulations may continue in the same use and form until a substantial modification occurs or is requested, at which time the Planning and Zoning Commission shall determine the provisions of this Section that shall apply;
- e. The modification of existing buildings is permitted by Site Plan Approval if such changes result in increased compliance with the specifications of these regulations;
- f. Existing parking requirements that exceed those for these Regulations may be reduced as provided for by the Regulations;
- g. Where buildings exist on adjacent lots, the Planning and Zoning Commission may require that a proposed building match one or the other of the adjacent setbacks and heights rather than the provisions of these regulations, subject to Site Plan approval;
- h. The restoration or rehabilitation of an existing building shall not require the provision of:
 - i. Parking in addition to that existing, or;
 - ii. On-site stormwater retention/detention in addition to that existing.

6.3.8 Yard Projections

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

6.3.10 Height Limitations (315)

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

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

- 6.3.10.1A spire, tower or belfry on a religious institution, school, public library, or public museum provided that:
 - a. The height of the spire, tower or belfry shall not exceed 50 feet; and
 - b. The total area covered by such features shall not exceed 10% of the roof area.
- 6.3. 10.2 Cupolas or chimneys provided that:
 - a. The height of the cupola or chimney shall not be more than 20% higher than the total building height allowed; and,
 - b. The total area of such features which exceed the total building height limitation shall not exceed 5% of the roof area.
- 6.3. 10.3 Flagpoles of up to 75 feet in height;
- 6.3. 10.4 Water tanks where the Commission has granted a Special Permit for an increase in height;
- 6.3. 10.5 Roof-top equipment for non-residential buildings (such as HVAC equipment, ventilators, skylights, bulkheads, or similar features) provided that:
 - a. Adequate appropriate screening shall be provided; and
 - b. Such equipment which exceeds the total building height limitation shall not have a horizontal area greater than 5% of the roof area of the building on which it is located.
- 6.3. 10.6 **See Section 9.30.3** regarding height limits of amateur radio antennas.
- 6.3. 10.6 Gas stations, Drive-in Teller and similar canopies that are accessory structures shall provide a minimum clearance of 14 feet and may not exceed 18 feet in height.

6.3.11 Land in Two Municipalities

6.3.12 Calculation of Lot Area (310.1)

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

Example:

Total Land Area		80,000 sq. ft.
Minus Wetlands	-	10,000 sq. ft.
Minus Slopes exceeding 20% grade	-	10,000 sq. ft.
Area of lot for minimum lot size	=	60,000 sq. ft.

6.3.13 Lot Splits and Lot Line Revisions

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

Section 6.4 Site Amenities

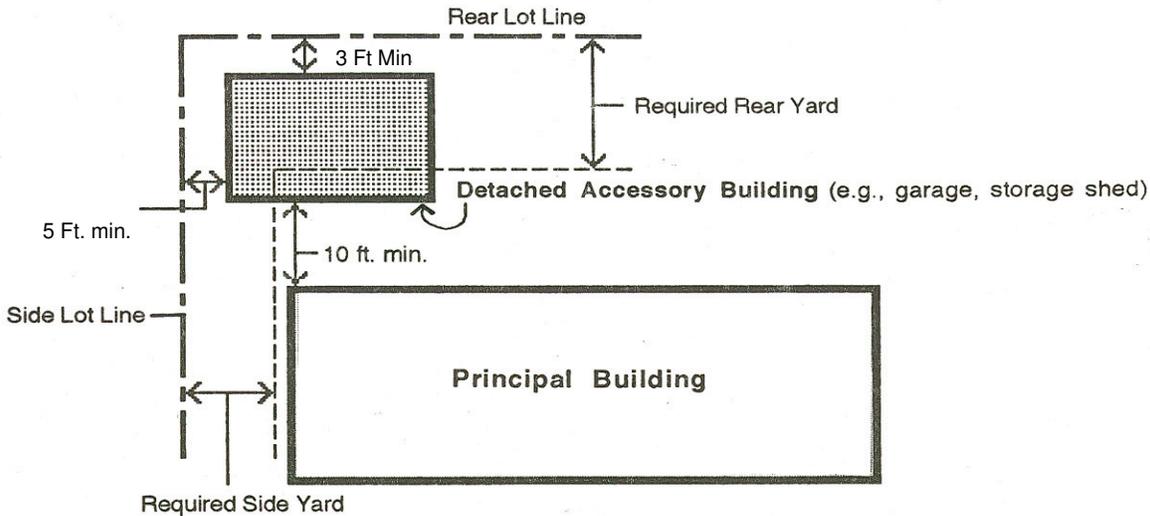
6.4.1 Accessory Buildings (314.4)

- 6.4.1.1 Detached accessory buildings:

Detached Accessory Building shall not include structured parking garages

- a. If an accessory building is not used for human habitation, it may be located in the rear yard not less than 5 feet from any side lot line or 3 feet from any rear lot line provided that said structure shall have a pitched roof with a minimum pitch of 4/12 and shall not exceed 15 in height.

b. No



swimming pool, tennis court, or other recreational structure including related improved areas shall be permitted in any required side or front yard of any residential zone. Figure 6.1 Location(s) of Accessory Buildings on Lot.

6.4.2 Landscape Standards

Purpose

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

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

Table 6.8 Street & Park List

Location	Variety	Mature size	Preferred for:	Possible negatives	Best cultivars
Street & Park	English Oak (Quercus robur)	40-60 ft	easy to transplant, tolerant	acorns, mildew problems	Fastigiata (upright) forms for Street planting

Table 6.8 Street & Park List

Location	Variety	Mature size	Preferred for:	Possible negatives	Best cultivars
Street & Park	Japanese Flowering Cherry (Prunus serrulata)	20-35 ft	spring flowers, less wire interference	spreading habit, life expectancy	Kwansan
Street & Park	Paperbark Maple (Acer griseum)	20-30 ft	Bark, fall color, tolerance of soil conditions	Availability	
Street & Park	Eastern Redbud (Cercis canadensis)	20-30 ft	flowers, highly tolerant	leaf spot, seed pods	Forest Pansy, Oklahoma
Street & Park	Kousa Dogwood (Cornus Kousa)	20-30 ft	flowers later, more disease/insect resistant		C. kousa, Rutgers hybrids
Street & Park	Flowering crabapple (Malus)	15-25 ft	spring flowers of white, red, pink depending on type	disease-rusts,scab	various
Street & Park	Sargent Cherry (Prunus sargentii)	20-30 ft	spring flowers, longer lasting vs other prunus		Columnaris
Street & Park	Sawtooth Oak (Quercus acutissima)	35-45 ft	better transplanter vs many Quercus, longevity	availability, acorns	
Street & Park	Shingle Oak (Quercus imbricaria)	50-60 ft	highly tolerant, longevity	acorns, size	
Street & Park	Japanese Maple (Acer Palmatum)	20-25 ft	Red foliage, fall color, less wire interference		Bloodgood
Street & Park	Dogwood (Cornus florida)	25-30 ft	flowers (white/pink) in spring	dogwood borer, anthracnose	Cherokee Chief/Princess, Cloud Nine
Street & Park	Flowering Pear (Pyrus calleryana)	30-35 ft	spring flowers, pyramidal growth habit	life expectancy, breakage	Chanticleer, Aristocrat
Street	Honey Locust (Gleditsia triacanthus var. inermis)	30-70 ft	fall color, open habit	bean pod fruit	Shademaster
Street	Ginkgo (Ginkgo biloba)	50-80 ft	fall color	wet soil, plant only male trees	
Street	London Planetree (Platanus x acerifolia)	70-100 ft	highly tolerant, interesting bark	anthracnose disease susceptible	Bloodgood
Street	Linden (Tilia cordata)	40-70 ft	highly tolerant, pyramidal habit		Greenspire

Table 6.8 Street & Park List

Location	Variety	Mature size	Preferred for:	Possible negatives	Best cultivars
Street	Japanese Zelkova (Zelkova serrata)	50-80 ft	resemblance to elm, highly tolerant		Green Vase, Village Green
Street	Red maple (Acer rubrum)	40-60 ft	fall color, columnar and spreading cultivars available		October Glory, Red Sunset
Street	Katsuratree (Cercidiphyllum japonicum)	40-60 ft	fall color	trunk splitting (young trees)	
Street	Trident Maple (Acer buergerianum)	25-35 ft	fall color, bark, drought tolerant, less wire interference	Availability	
Street	Hedge Maple (Acer campestre)	25-35 ft	tolerant to stress, less wire interference	Availability	Queen Elizabeth
Street	American Hornbeam (Carpinus caroliniana)	20-30 ft	fall color, less wire interference		
Street	Turkish Filbert (Corylus columnata)	40-50 ft	pyramidal habit, drought tolerant	Availability, nuts	
Street	Green Ash (Fraxinus pennsylvanica)	50-60 ft	tolerant to stress, fall color	borer and scale	Patmore, Summit
Street	Pin Oak (Quercus palustris)	60-70 ft	easy to transplant, pyramidal habit, fall color	acorns, size	
Street	Chinese Elm (Ulmus parvifolia)	40-50 ft	bark, resistant to Dutch Elm disease, highly tolerant	Availability	Allee
Street	Crimson King Norway Maple (Acer Platanoides)	40 ft	Red foliage, slower growing		
Street	Sycamore Maple (Acer pseudoplatanus)	60 ft	salt/soil tolerance		
Park	Japanese Stewartia (Stewartia pseudocamellia)	20-40 ft	summer flowers, interesting bark, fall color	heat tolerance??	
Park	Sugar Maple	60-75 ft	fall color, columnar and	stress tolerance	Green Mountain,

Table 6.8 Street & Park List

Location	Variety	Mature size	Preferred for:	Possible negatives	Best cultivars
	(Acer saccharum)		spreading cultivars available		Monumentale-columnar
Park	Amur Corktree (Phellodendron amurense)	30-45 ft	Bark, interesting structure	stress/soil tolerance, fruit	
Park	Downy Serviceberry (Amelanchier arborea)	15-25 ft	white flowers in spring, edible fruit	fruit	A.laevis, A. x grandiflora
Park	River birch (Betula nigra)	40-50 ft	interesting bark, not susceptible to bronze birch borer	leaf spot, leaf drop	Heritage
Park	Fringetree (Chionanthus retusus)	15-25 ft	flowers, highly tolerant	fruit (female plants)	
Park	Dove tree (Davidia involucrata)	20-30 ft	"dove-like" flowers	hardiness, availability	
Park	European Beech (Fagus sylvatica)	50-60 ft	good for large area planting, interesting bark		purple, copper varieties
Park	Franklinia	10-20 ft	summer flowers, fall color	soil tolerance	
Park	Sourwood (Oxydendrum arboreum)	25-30 ft	summer flowers, fall color	may be difficult to transplant	

Section 6.4.3 Landscaping, Screening and Buffer Areas (760)

6.4.3.1 General Requirements

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

- a. Landscaping materials, trees, and other plants required by these regulations shall be installed according to accepted horticultural practices and all plants shall be maintained in a healthy growing condition. Any landscaping materials, trees, and/or plants that are in a condition which does not fulfill the intent of these regulations shall be replaced in kind by the property owner during the next planting season.

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

6.4.3.3 Front Landscaped Area

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

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

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

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

6.4.3.4 Buffer Area

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

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

The minimum width of buffer areas shall be as follows:

Special Permit Users in any Residential Zone	10 feet
T4, T5, Town Green District	10 feet
Manufacturing, Industrial Park	50 feet

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

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

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

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

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

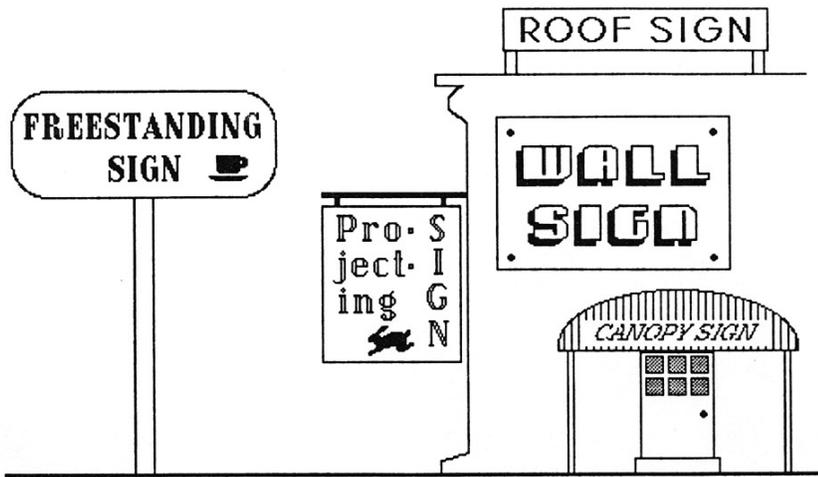
Section 6.4.4 Sign Regulations (750)

6.4.4.1 Purpose

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

6.4.4.2 Examples of Signs

Figure 6.3 Examples of Signs



6.4.4.3 Procedures
6.4.4.4 Permits

No sign, except as provided in **Section 6.6.4.E** shall be constructed, erected, altered or otherwise changed unless

approved by the Town Planner [**Need Variance?**]. Political signs and traffic control and direction signs are exempted from these provisions.

6.4.4.5 Applications

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

6.4.4.6 General Requirements (753)

6.4.4.3.1 Illumination

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

6.4.4.3.2 Maintenance

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

6.4.4.3.2 Wall Sign Standards

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

6.4.4.3.3 Blade Signs

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

6.4.4.3.4 Free-Standing Sign Standards

- a. Only one freestanding business sign shall be permitted on a lot except as provided in **Section 6.6.8**. A freestanding business sign shall be limited to identifying the names and addresses of the business or businesses occupying the lot, except as provided herein.
- b. A freestanding sign shall be located entirely within the property lines of the lot and shall be screened from the view of adjoining residential zones on the street frontage on the same side of the street.
- c. No sign structure shall conflict with the corner visibility requirements in **Section 3.2** of these regulations.
- d. No freestanding sign shall exceed a height of 20 feet as measured from the ground to the top of the sign.
- e. The bottom edge of all free-standing signs shall be at least 10 feet above ground level, except as provided in **Section 6.6.5.6** or in such cases where it can be established that no obstruction to street or access-egress traffic visibility will result.
- f. The smallest dimension of a freestanding sign shall be no less than 4 feet.
- g. No freestanding sign shall exceed a total surface area of 32 square feet, except as provided in **Section 6.6.8**.

6.4.4.3.5 Temporary Signs

- a. Signs temporarily attached to a window or door, announcing sales or special features are permitted, provided that they do not exceed 10% of the area of said window or door, and provided that they are in place for not more than 30 days.
- b. Special advertising devices, including but not limited to plaques, banner, pennants and streamers, are permitted for a period of not more than 30 days after the opening of a new business, providing that they do not constitute a public nuisance.
- c. Non-profit organizations and municipal agencies may employ temporary signs not exceeding 32 square feet in total signage area, advertising special activities in any zone for a period not

to exceed 14 days. No zoning permit is required. The signs must be removed immediately after the event.

- d. [ADD A-Frame signs with height and size limit and restriction that it can't obstruct sidewalk.]
- e. Sponsor Signs and Banners at public ball fields.

6.4.4.3.6 Measurement of Area

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

6.4.4.3.7 Sign Prohibitions (754)

The following signs shall be prohibited in any zone:

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

6.4.4.3.8 Signs Permitted in Residential Zones

In all Residential Zones, signs are permitted as follows:

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ALL CROSS-REFERENCES ARE SUBJECT TO CONFIRMATION AND CHANGE

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

6.4.4.3.9 Signs Permitted in Transect Zones

(See Section 4.11)

6.4.4.3.10 Signs Permitted in Special Districts

In Special Districts (Industrial Park, Manufacturing, Newhall Center, and the Town Green Districts), signs are permitted as follows:

Those signs permitted in **Section 6.6.6** for the uses specified and subject to the same limitations.

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

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

6.4.4.3.11 Shopping Center Signs

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

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

- a. Those signs permitted in **Sections 6.6.6 and 6.6.7** for the uses specified and subject to the same limitations.
- b. A freestanding sign for the purpose of identifying the shopping center complex, located at the main entrance and not to exceed 100 square feet in area or a height of 20 feet.
- c. If a shopping center has more than one main entrance, a second freestanding sign of 50 square feet shall be permitted.
- d. If a free-standing building separate from the shopping center complex exists on the site, such building or buildings shall be permitted one free-standing identification sign, each face of which shall not exceed a maximum of 24 square feet and a maximum of 15 feet in height.
- e. Each tenant or owner of a business within a shopping center is entitled to no more than two exterior store identification signs, except that one additional wall identification sign shall be permitted at a secondary business entrance facing a parking lot. Said identification sign shall not exceed two square feet in area and shall be exempt from the total allowable sign area.
- f. Department stores having a retail sales area of not less than 25,000 sq. ft. may have two identification signs on any two of the exterior walls in addition to those permitted in 'e' above.
- g. Department stores having exterior entrances not facing the enclosed mall may have identification signs at each entrance to said department store.
- h. All signs facing the interior of an enclosed mall shall not be subject to the provisions of these regulations.
- i. The advertising or information content of all signs shall be limited to letters designating the proper name of the center complex mall, free-standing building, or individual retail store in the manner described below. Such description shall be by general descriptive terms and shall not include any specifications of the merchandise offered for sale within or the services rendered therein. It shall contain no advertising device, slogans, symbols or marks other than the proper name of the facility being identified, except as the device, slogan, symbol or mark constitutes a portion of the proper name.

6.4.4.3.12 Billboard Prohibition

Billboards are prohibited.

6.4.4 Sidewalk Standards

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

6.4.5 Fences and Walls (314.5)

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

6.4.6 Outdoor Lighting

6.4.7.1 Purpose

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

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

6.4.7.2 Illumination Standards

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

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

6.4.7.3 Fixture Standards

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

- a. Full cut-off type fixtures; or

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- b. Fully shielded/recessed fixtures where the lens is recessed or flush with the bottom surface.

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

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

6.4.7.4 Glare & Heat

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

6.4.7.5 Prohibited Lighting

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

6.4.7.6 Hours of Operation

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

6.4.7.7 Footcandle Standards for Exterior Lighting

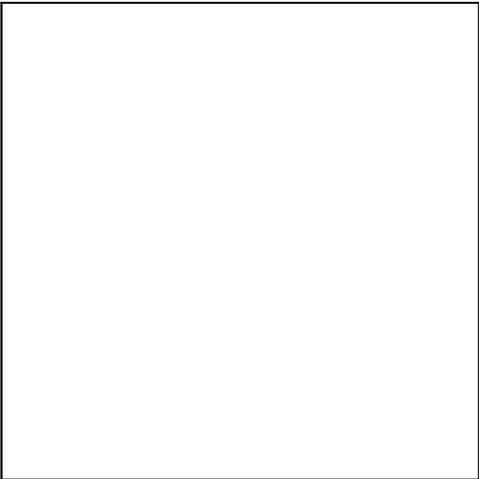
On-site lighting is limited to a range between .5 and 1.5 footcandles unless specifically listed below or otherwise approved by the Commission.

Table 6.1 Footcandle Standards	
Maximum Exterior Footcandles	
Accessory Building & Use	0.2
Adult Oriented Establishment	2.4 - .6
Agriculture	
Commercial Farm	0.2
Community Garden	0.1
Truck Garden	0
Animals	
Animal Day Care	0.2
Animal Training Facility	0.2
Grooming	0.2
Keeping of Animals	0.1
Kennel	0.2
Stable	0.2
Veterinary Hospital	0.2
Business & Personal Service	0.8-0.2
Cemetery	0.1
Civic Club, Lodge or Association (non-profit)	0.8-0.2
Community Residence	
Mentally Ill Adults – Group Home	2.4 - .6
Mentally Retarded Persons – Group Home	2.4 - .6
Sober Houses & Drug Treatment Facility	2.4 - .6
Conference Center Development	2.4 - .6
Day Care	
Adult Day Care	2.4 - .6
Child Day Care	0.8-0.2
Day Care Center	0.8-0.2
Nursery School	0.8-0.2
Family Day Care Home	0.2
Group Day Care Home	2.4 - .6
Food Service	
Catering Facility	0.8-0.2
Outdoor Café	0.1
Restaurant	0.8-0.2
Take-out Food Service	2.4 - .6
Funeral Home	2.4 - .6
Golf Course & Country Club	2.4 - .6

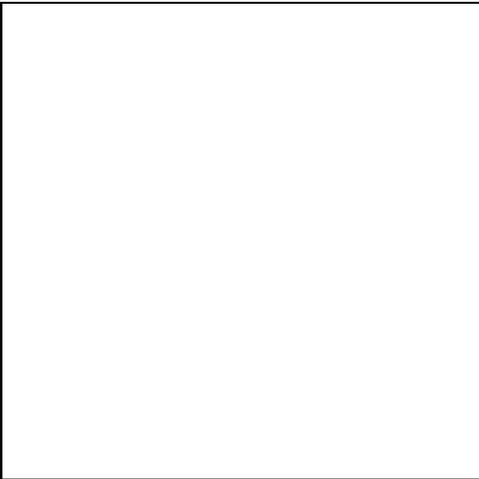
Table 6.1 Footcandle Standards	
Maximum Exterior Footcandles	
Health Care Facility	
Hospital	5.0
Nursing Home	5.0
Medical Office - < 20,000sf	0.8-0.2
Medical Office - ≥ 20,000sf	0.8-0.2
Rehabilitation Facility – Out-Patient	2.4 - .6
Heliport	3.6-0.9
Home Occupation	0.2
Library & Museum	0.8-0.2
Lodging	
Bed & Breakfast	0.2
Hotel / Motel	2.4 - .6
Inn	0.8-0.2
Rooming & Boarding House	0.2
Manufacturing	
Accessory Use	0.8-0.2
Primary Use	0.8-0.2
Motor Vehicle Uses	
Gas Station, Service & Repair, Rental	2.4 - .6
New Car Sales	20.0
Vehicle Storage	20.0
Accessory Use	1.0
Commercial	20.0
Natural Resource Removal	2.4 - .6
Office Building	2.4 - .6
Open Space Development	0.2
Place of Public Assembly	0.8-0.2
Place of Worship	0.8-0.2
Public Use & Public Utility	0.2
Public Parking Lot & Public Garage	1.5 – 0.5
Residential	
Single-Family Accessory Dwelling Unit	0.2
Multi-Family Dwellings	
Adaptive Re-use to Multi-Family	2.4 - .6
Managed Residential Care	2.4 - .6
New Construction	2.4 - .6
Low Density	
Single Family	0.2
Two Family	0.2

Table 6.1 Footcandle Standards	
Maximum Exterior Footcandles	
Three Family	0.2
Refuse Disposal	
Resource Recovery	2.4 - .6
Solid Waste Disposal	2.4 - .6
Transfer Station	2.4 - .6
Volume Reduction Facility	2.4 - .6
Research, Development & Medical Laboratory	0.8-0.2
Retail	
≥ 1,500 sf gross leasable space	0.8-0.2
< 1,500 sf to ≥ 20,000 sf gross leasable space	0.8-0.2
> 20,000 sf to 250,000 sf gross leasable space	2.4 - .6
Sale of Alcohol	0.8-0.2
Sale of Fire Arms	2.4 - .6
Schools	
Business School > 50 students at peak	2.4 - .6
Business School ≤ 50 students at peak	2.4 - .6
College & University (non-profit)	2.4 - .6
Dormitories	2.4 - .6
Elementary & Secondary School	2.4 - .6
Storage	
Warehouse & wholesale w/ indoor storage	0.8-0.2
Outdoor Storage	---
Accessory Use	3.0
Primary Use	8.0
Student Housing	0.2
Telecommunications Facility	0.1
Wind Energy Conservation System	0.1

Figure 6.3 Luminaire Types



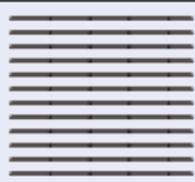
Full Cut-off Luminaires Required



**Non-Full Cut-off Luminaire
NOT ALLOWED**

Table 6.2 Public Lighting Standards

TABLE 5: Public Lighting. The table shows five general fixture types, commonly available. A set of streetlights corresponding to these types should be approved by the utility company and specified by manufacturer and model and listed on this page.

	T1	T2	T3	T4	T5	T6	SD	Specific Lighting
	•						•	
	•	•	•					
		•	•	•				
			•	•	•			
					•	•		

Note: On-site lighting is limited to a maximum of .5 to 1.5 footcandles unless otherwise approved by the Planning and Zoning Commission.

SmartCode Version 10

6.4.7.1 Dumpster & Solid Waste Disposal Location and Design

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

Section 6.5 Infrastructure

6.5.1 Utilities

6.5.1.1 General Requirements

No development plan shall be approved unless:

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

6.5.1.2 Sanitary Sewers

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

6.5.1.3 Individual Services

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

6.5.1.4 Storm Drainage

Design of the storm water management system shall:

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

6.5.1.5 Water Supply

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

Section 6.6 Traffic, Parking & Loading Requirements

6.6.1 Off-Street Parking and Loading Regulations (740)

6.6.1.1 Applicability

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

6.6.1.2 Location of Parking and Loading Facilities

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

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

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

6.6.1.2 Required Parking and Loading Spaces

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

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

Table 6.3 Required Parking Spaces for Residential Zones & Special Districts

Use of Building or Property	Required Parking Spaces
Automobile or Truck Sales or Rental	1 space for each 5 cars offered for sale.
Place of Worship, Theaters, Public Assembly Halls	1 space for every 3 legal occupants
Convalescent Homes, Rest Homes, Nursing Homes	1 space for each 2 employees, plus 1 space for each 4 beds.
Day Care Center/Nursery School	1 space per every two employees and 1 space per eight licensed client capacity. Sufficient drop off and pick up stacking space must be provided.
Funeral Homes	1 space for each 3 legal occupants as defined by the Fire Marshall plus 3 spaces for special vehicles.
Gas Station/Convenience Store Combinations without Service Bays	6 spaces per 1,000 square feet of convenience store square footage with a minimum of six spaces.
Gas Stations without Service Bays	2 spaces per each shift employee.
Gas Stations, Service Stations and Repair Garages	4 spaces for each service or repair bay.
Group Homes, Community Residences	2 spaces plus 1 space for each two residents.
Home Occupations	1 space in addition to the requirements for the dwelling unit
Hospitals and Cardiovascular Prevention and Rehabilitation Facilities	1 space for each 2 employees and staff members, plus 1 space for each 4 beds.
Managed Residential Community	1 space for each 2 employees, plus 1 space for every 2 two-bedroom units and 1 space for every 3 single or efficiency unit.
Manufacturing and Industrial	1 space for each 2 employees during the largest daily work shift or 1 space for each 500 space square feet of gross floor area, whichever is greater. Office area computed separately.
Medical Office in Residence	4 spaces in addition to the requirements for the dwelling unit
Medical Offices and Clinics	5 spaces per 1,000 square feet of gross area
Places of Lodging	1 space for each room offered for rent. The regulation applies to the ratio of parking spaces required for the number of hotel/motel bedrooms. Additional parking spaces may be required under the zoning regulations for other uses associated with hotels and motels.
Multi-Family Dwelling, efficiency or 1-bedroom	1.5 spaces per dwelling unit plus guest parking @ 1 space per 4 units
Multi-Family Dwelling, 2-bedroom	2 spaces per dwelling unit plus guest parking @ 1 space per 4 units.
Multi-Family Dwelling, elderly	1 space per dwelling unit plus guest parking @ 1 space per 4 units
Office Building (except medical)	3 spaces per 1,000 square feet of gross leasable area
Office in Residence	2 spaces in addition to the requirements for the dwelling unit
On-Campus Athletic Arenas	<p>Indoor Athletic Arenas, with a seating capacity of 3,000 to 7,000 owned and operated by a College or University and located on a campus of said institution, shall provide 1 off-street parking space for every 5 seats.</p> <p>The Commission may, at its discretion, allow for up to one-third of the parking spaces required under this regulation to be unpaved, environmentally sensitive parking spaces. Said spaces shall be</p>

Table 6.3 Required Parking Spaces for Residential Zones & Special Districts	
Use of Building or Property	Required Parking Spaces
	designed and constructed to specifications acceptable to the Commission.
Other Uses	As determined by Commission. Where 2 or more uses are on the same premises, the minimum number of parking spaces shall be the total of the minimum number of parking spaces for each use as required in these specifications. This requirement may be modified by the Commission where it is demonstrated that parking demand for the various uses occur at differing times of the day.
Places of Amusement and Recreation	1 space for each 3 legal occupants facilities.
Residential Single Family, Two-Family, Three Family	2 spaces per dwelling unit
Restaurants	16 spaces per 1,000 square feet of patron floor area
Rooming and Boarding Houses	1 ½ spaces for each room offered for rent
Scientific Research and Laboratory Facilities	1 space per 500 square feet leasable area of building.
Shopping Centers, Financial Institutions, Retail Stores, Personal Service Shops and similar business buildings	4 spaces per 1,000 square feet of gross leasable area
Student Housing	1 space per student
Take-Out Restaurants	4 spaces per 1,000 square feet of gross leasable area
Truck Terminals, Wholesale Establishments and Warehouses	1 space for each 200 square feet of office area within the building plus 3 spaces for each loading bay or 15 running feet of loading platform.
Vocational, Trade, Business Schools and Colleges	1 space for each 2 employees, plus 1 space for each 2 non-resident students, plus 1 space for each 4 resident students.

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

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

6.6.1.3 Required Truck Loading Spaces

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

6.6.1.4 Parking and Loading Area Specifications

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

6.6.1.4.1 General Design

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

6.6.1.5 Surfacing and Drainage

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

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

6.6.1.6 Curb Cuts, Ingress and Egress

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

Parking Aisles

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

Table 6.6 Parking Aisle Width		
Design Arrangement	One-Way Aisle Width	Two-Way Aisle Width
90° parking	24 feet	24 feet
60° parking	18 feet	24 feet
45° parking	13 feet	24 feet
30° parking	11 feet	24 feet
Parallel parking	24 feet	24 feet

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

Figure 6.4 Typical Arrangement for 90° Parking

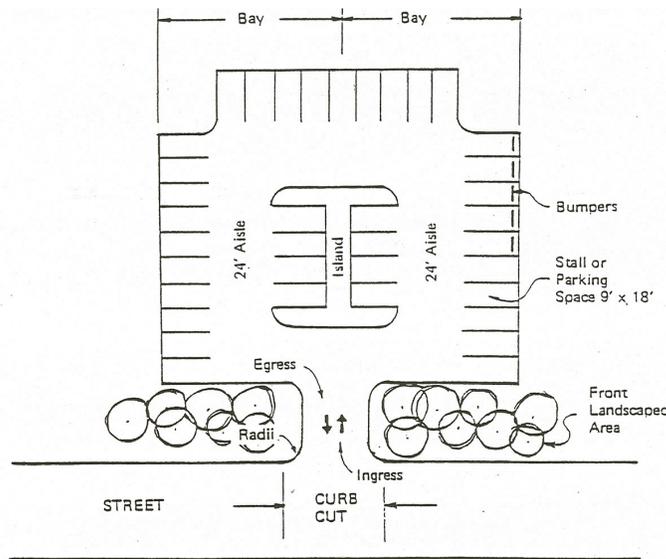
6.6.1.7

A. All

at

and

at



B.

dwelling, all parking spaces shall have bumper guards or curbs to prevent damage to trees, shrubs, landscaping and lighting and to prevent interference with pedestrian use of sidewalks.

C. All parking spaces, except for one and two-family dwellings, shall be marked by painted lines, curbs or other means.

Parking Spaces

parallel parking spaces shall measure least 9 feet by 22 feet all other parking spaces shall measure least 9 feet by 18 feet exclusive of driveways and aisles, except as provided below and shall have access to a street or alley by way of a driveway.

Except for one or two-family

6.6.1.8 Small Car Spaces

Where a parking lot contains more than 30 car spaces, the applicant may provide up to 40% of the total required parking in small car spaces, subject to approval by the Commission. A small car space shall not be less than 8½ feet in width and 16 feet in length. The small car spaces shall be laid out in a group and space for additional landscaping on the site. The applicant is encouraged to use the difference in area between each small car space and standard parking space for additional landscaping on the site.

6.6.1.9 Sidewalks

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

6.6.1.10 Handicapped Parking

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

6.6.1.11 Attended Parking for Events

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

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

6.6.1.12 Drive-through Window Service and Queue Space

6.6.1.12.1 General Requirements

- A. Drive-through window services shall be designed and located to minimize conflict between pedestrian traffic and vehicular traffic.
- B. Standards: Drive-through window services shall comply with the following standards:
 - a. Drive-through windows shall be located in the rear of the building. The Commission may waive this requirement when the configuration of the lot or building warrants a different location, or in instances where abutting residential property would be better buffered.
 - b. All Drive-through lanes shall be 9 feet wide.
 - c. All Drive-through lanes shall be designed to allow vehicle queuing on site and shall be physically separated from entrances and exits so as not to obstruct vehicular access/egress.

- d. If the site allows, the Commission may require that a landscaped area be placed between the Drive-through lane(s) and the general access lane(s) and parking area.
- e. The Drive-through shall be clearly defined by pavement markings and directional signage.

6.6.1.13 Queue Space Standards

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

Table 6.4 - Required Queue Spaces	
Use	Required Queue Spaces*
Automatic Teller Machine (ATM), Drive-up type	4 per machine
Bank Drive-up window	8 for each window in a separate lane for each window
Pharmacy Drive-up window	4 for each window
Take-out food service	8 for each window
Other	As determined by the Commission

*Unless modified by the State Traffic Commission

6.6.1.6 Landscaped Parking Area

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

- a. Where 30 or more parking spaces are require there shall be at least 10 square feet of interior landscaping for each parking space within the paved portion of the parking area and at least 1- tree for every 5 parking spaces or fraction thereof.
- b. Each separate landscaped area shall contain a minimum of 120 square feet, shall have a minimum dimension of at least 9 feet, shall be planted with grass or shrubs, and shall include at least one tree of not less than 2- inch caliper. Required landscape area may be amassed.
- c. Parking spaces within or below a structure or otherwise covered, shall not be counted when computing required landscaped areas or number of trees pursuant to this section.
- d. A landscaped area shall be provided along the perimeter of any parking area except that portion of the parking area that is functionally integrated with an adjoining parking area on an abutting lot. The landscaped area shall have a minimum dimension of 5 feet, shall be planted with grass or shrubs and shall include at least one tree of not less than 2-inch caliper for every

300 feet along the perimeter of the parking area. In cases where the parking area adjoins a public sidewalk, the required landscaped area shall be extended to the edge, of the sidewalk.

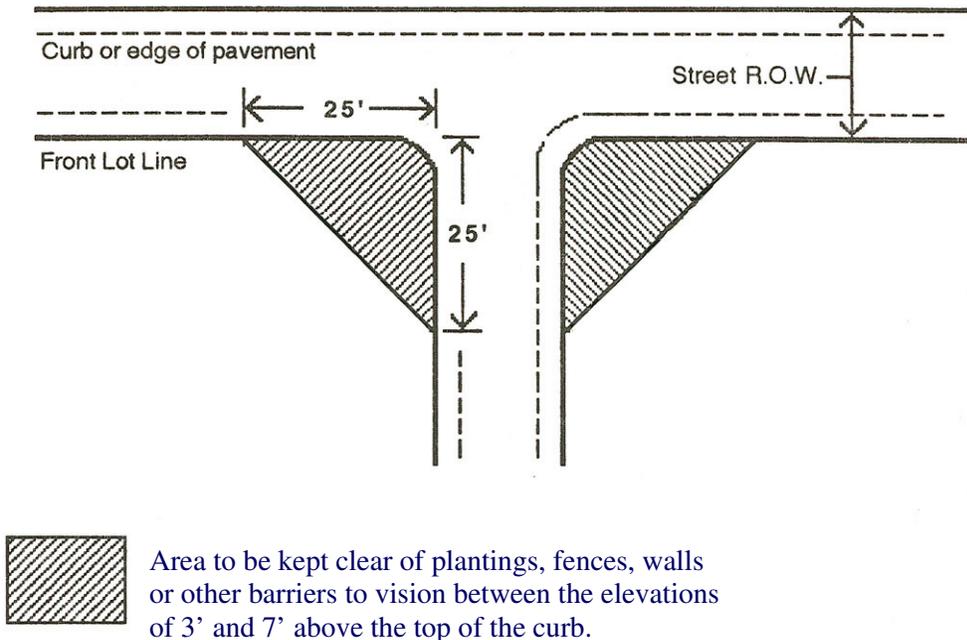
- e. Trees used in parking lots shall be those deemed appropriate for street tree use as listed in the Regulations.

6.6.2 Visibility at Intersections

6.6.3.1 Corner Lots and Visibility (314.3)

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

Figure 6.2 Visibility at Street Intersections



ARTICLE VII SPECIAL PROVISIONS

Section 7 Purpose

Section 7.1 Site Plan & Special Permit Uses (700)

Each of the following uses is permitted in each zone to the extent indicated for that use and zone in **Table 4.2 Permitted Uses Residential Zones** and **Table 4.2 Permitted Uses M- Zones**, subject to all provisions of the applicable zone, except as specifically provided for in this section.

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

Table 7.1 Allowed Uses by Zone

USES	R1	R2	R3	R4	R5	T1	T2	T3	T4	T5	IP	M	N C	TG
Accessory Building	P	P	P	P	P		P	P	P	P		P	P	S
Accessory Use	S	S	S	S	S		S	S	S	S	S	S	S	S
Adult Oriented Establishment												SP		
Agriculture														
Commercial Farm	S	S	S				S						SP	
Community Garden	S	S	S	S	S		S	S	S	S			SP	S
Truck Garden	P	P	P	P	P		P							P
Animals														
Animal Day Care												S		
Animal Training Facility												S		
Grooming								S	S	S		S	SP	
Keeping of Animals	P	P	P	P	P		S							
Kennel	SP	SP					SP					S		
Stable	SP	SP					SP	S	S					
Veterinary Hospital	SP	SP	SP	SP	SP		S	S	S				SP	
Business & Personal Service									P	P		P	SP	
Cemetery	SP	SP	SP	SP	SP		SP	S	S	S				
Civic Club, Lodge or Association (non-profit)	SP	SP	SP	SP	SP			SP	S	S		S	SP	
Community Residence														
Mentally Ill Adults – Group Home														
Mentally Retarded Persons – Group Home														
Sober Houses & Drug Treatment Facility														
Conference Center Development									SP*	SP			SP	
Day Care														
Adult Day Care	SP	SP	SP	SP	SP		SP	SP	SP	SP			SP	
Child Day Care														
Day Care Center	SP	SP	SP	SP	SP			SP	SP	S		SP	SP	
Nursery School	SP	SP	SP	SP	SP			SP	SP	S		SP	SP	
Family Day Care Home	P	P	P	P	P			P	P	P				
Group Day Care Home	SP	SP	SP	SP	SP		SP	SP	SP	SP				
Food Service														
Catering Facility									S	S		S		
Outdoor Café									S	S	SP	S		
Restaurant									S	S		S		
Take-out Food Service									S	S		S		
Funeral Home									SP	SP				
Golf Course & Country Club														
Health Care Facility														
Hospital									SP					
Nursing Home				SP	SP					SP				
Medical Office - < 20,000sf									S	S				
Medical Office - ≥ 20,000sf									SP	SP				
Rehabilitation Facility – Out-Patient	SP	SP	SP	SP	SP				SP	SP				
Heliport										SP				
Home Occupation	S	S	S	S	S		S	S	S	S				
Library & Museum	SP	SP	SP	SP	SP		SP	SP	SP	SP		SP	SP	SP
Lodging														
Bed & Breakfast	SP	SP	SP	SP	SP		SP	SP	SP				SP	
Hotel / Motel*									SP	SP			SP	
Inn									SP	SP			SP	
Roomers & Boarders	P	P	P	P	P		P	P	P					
Rooming & Boarding House	SP	SP	SP	SP	SP				SP	S				
Manufacturing														
Accessory Use									S	S		S		
Primary Use												S		

Table 7.1 Allowed Uses by Zone

USES	R1	R2	R3	R4	R5	T1	T2	T3	T4	T5	IP	M	N C	TG
Motor Vehicle Uses														
Gas Station, Service & Repair, Rental									SP	SP		SP		
New Car Sales										SP		SP		
Vehicle Storage														
Accessory Use		P	P	P	P							SP		
Natural Resource Removal	SP			SP	SP									
Office Building														
< 1,500 sf gross leasable space		SP	SP	SP	SP			SP	SP	SP			SP	SP
>1,500 sf to < 20,000 sf gross leasable space		SP	SP	SP	SP			SP	SP	SP			SP	SP
< 20,000 sf gross leasable space		SP	SP	SP	SP			SP	SP	SP			SP	SP
Open Space Development	SP	SP	SP	SP				SP	SP					
Place of Public Assembly	SP	SP	SP	SP	SP		SP	SP	SP	SP				P
Place of Worship	SP	SP	SP	SP	SP		SP	SP						
Preservation of Historic Structure	SP	SP												
Public Use & Public Utility	SP				SP									
Public Parking Lot & Public Garage									SP	SP				
Residential														
Single-Family Accessory Dwelling Unit	P	P	P	P	P		S	S	S	S				
Accessory Dwelling Unit, Other	SP	SP	SP	SP	SP		SP	SP	SP	SP			SP	
Multi-Family Dwellings														
Adaptive Re-use to Multi-Family		SP	SP	SP	SP			SP	SP	SP			SP	
Managed Residential Care		SP	SP	SP	SP				SP	SP			SP	
New Construction				SP	SP				SP	SP			SP	
Low Density														
Single Family	P	P	P	P	P		P	P	P	P				
Two Family					P				P					
Three Family					P				P					
Refuse Disposal														
Resource Recovery												SP		
Transfer Station												SP		
Volume Reduction Facility												SP		
Research, Development & Medical Laboratory									SP			S		
Retail														
< 1,500 sf gross leasable space								SP	SP	P		S	SP	
>1,500 sf to < 20,000 sf gross leasable space								SP	SP	S		SP	S	
< 20,000 sf to 250,000 sf gross leasable space									SP	SP				
Sale of Alcohol								SP	SP	S				
Sale of Fire Arms												SP		
Schools														
Business School > 50 students at peak									SP	SP		S	S	
Business School < 50 students at peak									S	S				
College & University (non-profit)	SP	SP	SP	SP	SP			SP	SP	SP				
Dormitories		SP	SP	SP	SP			SP	SP	SP			SP	
Elementary & Secondary School	SP	SP	SP	SP	SP			SP	SP	SP				SP
Storage														
Warehouse & wholesale w/ indoor storage									SP					
Outdoor Storage														
Accessory Use												SP		
Primary Use												SP		
Student Housing	P	P	P	P	P		P	P	P	P				
Telecommunications Facility	S	S	S	S	S	S	S	S	S	S	SP	SP	SP	SP
Wind Energy Conservation System	SP	SP	SP	SP	SP		SP							

IP – Industrial Park; M – Manufacturing; NC – Newhall Center; TG – Town Center Green
 *Use shall not be allowed in T3 or T4 Zones along Whitney Avenue between Waite Street and Glendower.

Section 7.2 Accessory Dwelling Units in Single-Family Homes (701) (706)

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

- A. Each lot shall have a minimum frontage of 60 feet.
- B. 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.
- C. 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.
- D. One of the occupants of the dwelling shall be the owner of record.
- E. No Accessory Apartment shall be located in a garage or basement unless one wall opens to grade.
- F. An Accessory Apartment shall be self-contained, with separate entrance, cooking, sanitary and sleeping facilities for the exclusive use of the occupant.
- G. No exterior change shall be made to the existing front of the principal dwelling except for dormers or windows.
- H. Expansion of a principal dwelling shall be permitted to accommodate an Accessory Apartment via dormer(s) or an addition beyond the existing foundation.
- I. No accessory building shall be used or created for the purpose of accommodating an Accessory Apartment.
- J. The principal dwelling and Accessory Apartment shall conform to all requirements of the applicable building, health, fire, sanitary and zoning codes.

7.2.1 Accessory Dwelling Units, Other

A dwelling unit, when accessory to a non-residential use, is permitted subject to Special Permit and Site Plan approval and 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. A dwelling unit that is accessory to a non-residential use, located in an R-4 Zone is permitted subject to all conditions of **Section 7.3.1** and shall contain no more than 3 dwelling units.
- c. Retail, service and office uses 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. An accessory dwelling unit 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:

Table 7.2 Required Floor Area Accessory Dwelling Units	
Unit	Minimum Floor Area (square feet)
1 room	350
2 rooms (1 bedroom)	425
3 rooms (1 bedroom)	500

Section 7.3 Adult Oriented Establishments (738)

7.3.1 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 7.5.3** 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 are indicated in **Section 7.5.3**. 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.

7.3.2 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 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, which 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.

7.3.3 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, 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, video tapes, 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 American 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.

7.3.4 Relevant Definitions (738-C)

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 this ordinance shall have the meaning commonly attributed to them.

In addition to the terms in **Article 2**, the following definitions pertain specifically to **Section 7.5**:

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 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, audio tapes, video tapes, 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," 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, video tapes, video discs and motion picture films or tapes, pictures, slides, audio tapes, video tapes, 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 less 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 or devices 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, wrestling studios, 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 of 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, buttock 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 are 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 which reports or describes current events and which, from time to time, publish or show 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 Newsrack
- h. Adult Novelty
- i. Adult Personal Service
- j. Adult Retail Establishment
- k. Adult Video Arcade
- l. And businesses a/k/a:
- m. Encounter Studio
- n. Exotic Dance Studio
- o. Juice Bar
- p. Modeling Studio
- q. Rap Studio
- r. Sensitivity Studio
- s. 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 7.5.3 and further defined in the Hamden Town Ordinance, 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 10.4 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, 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 or similar place of worship, or cemetery.
- d. Pursuant to Section 10.4, 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:
- e. All exterior signs shall comply with Section 6.6 and no exterior sign shall contain any photographic or artistic representation of specified anatomical areas as defined in the Hamden Town Ordinance.

- f. 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.
- g. No adult-oriented use shall be established in any building of which any part is used for residential purposes.
- h. No residential use shall be established in any building of which any part is used as an adult-oriented establishment.
- i. Stairways, sloping or rising paths and building entrances and exists shall be well illuminated. Spotlight-type fixtures attached to the building shall be avoided.
- j. 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 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 which offer massage to the scalp, face, the 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 which are equipped and arranged to provide instruction, services or activities which improve or affect a person's physical condition by physical exercise or by massage. Physical exercise programs include aerobics, martial arts, boxing, 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 7.5) 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 which contains an adult-oriented establishment to furnish and maintain the registration with the Zoning Enforcement Officer including 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 said 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 adult-oriented establishment special permits 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 10.4 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 the 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, in its sole discretion, may require a new application and a demonstration of compliance with all conditions necessary for 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 approval 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 who is found to have violated this regulation (Section 7.5) shall be fined a definite sum not to exceed \$100.00 for each violation.

Each violation of this regulation (Section 7.5) 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 7.4 Agriculture

7.4.1 Commercial Farm (708)

Commercial farms, including truck gardens, 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:
- f. The building or produce stand is accessory to the primary use of the property.
- g. The produce stand does not exceed a gross floor area of 500 square feet.
- h. The building or produce stand meets the yard requirements of the applicable zone for a principal building.

7.4.2 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 6.26*.

7.4.3 Farmer's Market

See Section 10.10 Temporary Permits

Section 7.5 Animals

7.5.1 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 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.
- e. Overnight boarding is prohibited.

7.5.2 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 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.
- e. Overnight boarding is prohibited.

7.5.3 Grooming

- 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.

7.5.4 Keeping of Animals (713)

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.

7.5.5 Kennels & Stables (714)

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.

7.5.6 Veterinary Hospitals (734)

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. In any Zone, a veterinary hospital shall not include a crematorium or any outside enclosure for animals.

Section 7.6 Cemeteries (703)

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 7.7 Civic Clubs, Lodges or Associations (Non-Profit) (705)

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 7.8 Community Residences (709)

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

- a. Each lot shall have a minimum area of 20,000 square feet or as required by the applicable zone, whichever is greater.
- b. Buildings shall occupy not more than 15% of the area of the lot.
- c. The group home shall have an approved license from the State of Connecticut prior to issuance of a **Certificate of Zoning Compliance**.
- d. If residents are not permitted to own or operate a motor vehicle, the Commission may reduce or waive the parking requirements in **Section XXX**.

7.9.1 Sober Houses & Drug Treatment Facilities

Section 7.10 Conference Center Development (735)

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 7.11 Day Care (722)

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

7.5.7 Child Day Care

7.11.3.1 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 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. The day center shall have an approved license from the State of Connecticut prior to 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 staff 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.

7.11.3.3 Family Day Care Home (707)

- a. No play apparatus shall be located in any required front or side yard. Either a fence or foliage screen shall screen play apparatus. Said screen 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.

7.5.8 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 7.12 Food Service

7.12.3 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. Restaurants with an outdoor café shall be served by sanitary sewers and public water supply;
- g. 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;
- h. There shall be no live or recorded music played or projected outside the restaurant building without the prior issuance of a Zoning Permit.

Section 7.13 Health Care Facilities (711)

7.13.1 Hospitals, Nursing Homes 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 are 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 of at least 50 feet each.
- c. Buildings shall occupy not more than 20% of the area of the lot or as required by the applicable zone whichever is more restrictive.
- d. Any emergency entrance shall have direct access to a public street having a minimum pavement width of 50 feet.
- e. Sanitary sewers shall serve the lot. Depending on the size of the facility, the Commission may require public water services.

7.12 Heliports (747)

7.12.4 Purpose

- a. Heliports are accessory to the primary land use, 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 or 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, during the hours of 11:00 p.m. and 6:00 a.m.

7.15 Home Occupation (710)

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

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. Other than artists, craftsmen or bakers, the home occupation shall not include any manufacturing, processing or assembling.
- f. No materials or products related to the home occupation shall be stored outside of any building.
- g. No parking area shall be permitted in any required front or side yard.
- h. The home occupation shall 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. Depending on the nature of the home occupation, sanitary sewers may be required.
- j. Home occupations such as offices, that involve no changes to the exterior of the house and site, have no signage, no non-family member employees, involve only infrequent visits to the home by clients, do not exceed the approved capacity of private wells or private subsurface sewage disposal systems, do not discharge toxic or hazardous waste material into a private, subsurface sewage disposal system, and do not utilize toxic materials, require only a zoning permit and do not require additional parking.

Section 7.17 Lodging

7.17.1 Bed & Breakfast

Bed & Breakfasts are allowed subject to the following conditions:

- a. Establishment shall be owner occupied;
- b. Up to 5 bedrooms may be offered for lodging;
- c. No parking shall be allowed in the required front or side yards.

7.17.2 Hotel/Motel/Inn

Inn

An inn shall be a hotel with a maximum of 90 lodging rooms which provides more traditional hospitality in a building which is residential in character and architecturally compatible with the surrounding area. Unlike motels, inns shall provide for a common public lobby or entry rather than direct entry to individual lodging rooms. Inns shall be a maximum of three stories or 35 feet in height and shall have pitched roofing and building finishes typically found in residential buildings within the town.

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

- a. The maximum number of lodging rooms within an inn shall be 90, and 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. Hotels, motels and inns shall be residential in character and shall have pitched roofing and building finishes typically found in residential buildings within the town.
- c. The following minimum lot requirements shall apply:

Minimum lot or land area (gross)	5.0 acres
Minimum lot size	1.5 acres
Minimum continuous frontage	200 feet
Minimum land area (gross) per lodging room	2,750 square feet
Minimum building setbacks	Per underlying zone
Maximum building height	3 stories or 38 feet whichever is less
Maximum building coverage	15% of gross land area
Maximum impervious coverage	30% of gross land area

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

7.17.4 Rooming & Boarding House (728)

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 7.18 Manufacturing

7.18.1 Accessory Use

The manufacturing, assembling, converting, altering, finishing, cleaning or other similar processing of products, when accessory to a retail 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.

7.18.2 Primary Use

The manufacturing, assembling, converting, altering, finishing, cleaning or other similar processing of products is permitted subject to the following conditions:

- a. Sanitary sewers and a public water supply shall serve the lot.

Section 7.19 Motor Vehicles (717)

7.19.1 Sales, Rental, Service & Repair and Gas Station

Motor vehicle (including automobiles, trucks, recreation vehicles, trailers, boats and mobile homes) 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. Each lot shall have a front yard of at least 35 feet.
- c. 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.
- d. Curb cuts shall be least 25 feet from any other curb cut or street intersection.
- e. 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.
- f. The outdoor display, exhibition, and storage of motor vehicles is permitted as an accessory use subject to the provisions in Section 7.29 Outdoor Storage.
- g. Freestanding signs for gas stations shall comply with Section 6.6, 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.
- h. Sanitary sewers and a public water supply shall serve the lot.

7.18.3 Vehicle Storage, Accessory Use (732)

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 10,000 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 five 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 the residential premises for a period not exceeding 24 hours during unloading or loading.
- h. Any travel trailer, camper, boat, recreation vehicle, pick-up truck or van parked or stored in any zone, shall not be used for living, sleeping or housekeeping purposes. No truck larger than a pick-up truck shall be parked on any residential property.

Section 7.20 Multi-Family Dwellings (718)

Multi-family dwellings are permitted in the Residence R-3, R-4 and R-5, T4 and T5 Zones. All multi-family developments, as provided for in **Sections 7.22, 7.24 and 7.25** of the Hamden Zoning Regulations shall conform to the following requirements.

7.20.1 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.
- b. Multi-family dwellings shall be located on and have vehicular access only to the following streets:

<u>R-3, T4 & T5 Zones</u>	<u>R-4, T4 & T5 Zones</u>	<u>R-5, T4 & T5 Zones</u>
Whitney Avenue	Whitney Avenue	Whitney Avenue
	Dixwell Avenue	Dixwell Avenue
	Old Dixwell Avenue	Old Dixwell Avenue
	Arch Street	Arch Street
		Evergreen Avenue
		State Street
		School Street
		Mix Avenue

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

Table 7.3 Minimum Lot Requirements for Multi-Family Dwellings in Residential Zones			
Lot Requirements	Zone		
	R-3	R-4	R-5
Lot Size (Minimum)	80,000 sq. ft.	40,000 sq. ft.	20,000 sq. ft.
Continuous Frontage on streets listed in 7.24 (Minimum)	200 ft.	160 ft.	120 ft.
Lot Area Per Dwelling Unit (Minimum.)	8,500 sq. ft.	6,500 sq. ft.	6,500 sq. ft.
Useable Open Space Per Dwelling Unit (Minimum)	1,000 sq. ft.	1,000 sq. ft.	750 sq. ft.

- 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 size 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 applicable, 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:
 - l. 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.
 - m. Parking lots shall not have prominent frontage along the public street, except for entrances and driveways to such parking lots.
 - n. 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.
 - o. Garage door entrances shall not face the public street unless otherwise approved by the commission.
 - p. Where internal or private streets, driveways, accessways or other methods of internal access are utilized, the garages shall be placed and oriented in a manner so they do not visually dominate the private streets, driveways, or accessways that are designed to be the primary pedestrian entrance to dwelling units.
 - q. All multi-family developments shall contain a comprehensive walkway system to provide 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.
 - r. 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 50' or more in length shall have varied surface material that will avoid the creation of a monotonous appearance.
 - s. 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 size of 500 square feet, or 5 square feet per unit, whichever is greater.
 - t. All efficiency and one-bedroom units shall have a minimum floor area of 600 square feet.
 - u. 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.

7.20.2 Adaptive Re-Use to Multi-Family Dwellings (702)

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 of at least 5,000 square feet and its environs will be suitable for multi-family conversion and will not adversely impact the existing neighborhood character;
- b. The gross floor area (GFA) of the existing building shall be a minimum of 5,000 square feet;

- c. 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:
 - 600 for one-bedroom units
 - 900 for two-bedroom units
 - 1,200 for three-bedroom units
- 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 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 that contains five units or more shall include affordable housing units, as provided by Section 7.23.
- 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.

8.20.3 Affordable Housing in Multi-Family Dwellings

8.20.3.1 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 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 Section 8-30g (a) (7) of the Connecticut General statutes, as amended.

8.20.3.2 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 lesser 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 7.4 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.

8.20.3.3 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 lesser 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 the following percentages:

Table 7.5 Adjustment to Affordable Rental 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 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 the subject municipality 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 lesser of the 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.

8.20.3.4 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.

8.20.3.5 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 **7.23.1 and 7.23.2** above.
- e. A description of the projected sequence in which affordable units shall be built and offered for occupancy. Such descriptions 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. The description of the project sequence shall demonstrate conformance with the Design Requirements for Multi-Family Dwellings, as provided for in **7.23.3.B**.

8.20.4 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 from 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, 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 7.6 Minimum Lot Requirements Managed Residential Community		
Lot Requirements	Residential Zones	T4 & T5 Zones
Lot Size (min)	40,000 sq. ft.	See T4 & T5 req.
Lot Area Per Dwelling Unit (min)	2,000 sq. ft.	See T4 & T5 req.
Useable Open Space Per Dwelling Unit (min)	750 sq. ft.	See T4 & T5 req.

- 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 adjoining residential zones.
- j. The site area accessible to residents shall have no slope greater than 5%, which is within the Americans with Disabilities Act requirements, i.e. everything accessible to the residents should be within ADA requirements.
- k. Van drop off area and parking space located at main entry for convenience of residents.
- l. Loading spaces should be provided in accordance with the requirements of **Section 6.3**, for uses not primarily concerned with the loading of goods; access to

loading spaces should be designed not to interfere with normal traffic, and 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.

Section 7.24 Outdoor Storage (725)

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 7.21** 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 7.25 Places of Worship (704)

Churches, synagogues, mosques, parish houses, rectories, parsonages, convents and similar uses are permitted subject to Special Permit and Site Plan and 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. Not more than 15% of the area of the lot shall be occupied by buildings,
- C. No off-street parking shall be located in any required front or side yard.
- D. Front door shall be oriented toward the street where possible.

Section 7.26 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; [\[ADD to Applications Forms\]](#)

Section 7.27 Public Uses & Public Utilities (726)

Public uses such as Town, State or Federal buildings and facilities (other than public housing and solid waste facilities) and 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 7.28 Resource Recovery &/or Volume Reduction Facility, or Transfer Station (731-B)

7.28.1 Preamble

Resource Recovery and/or Volume Reduction Facilities, or Transfer Stations are permitted in the Manufacturing Zone subject to Special Permit and Site Plan approvals.

It is the intent of this Section to provide that resource recovery and/or volume reduction facilities, 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 to the statutes and regulations that are enforced by the Commissioner of Environmental Protection where appropriate.

7.28.2 General Standards

- A. Prior to submission of an application to the State Department of Environmental Protection, the applicant shall have received approval of 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 10.4** Special Permit Standards and Procedures, and **Section 10.5** Site Plan Standards and Procedures, 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 for the site by the Department of Environmental Protection; nor any material prohibited under these regulations.
- D. The site proposed for a resource recovery and/or volume reduction facility, 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 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.

8.28.3 Specific Standards

8.28.3.1 Lot Area

Each Resource Recovery Facility and/or Volume Reduction Facility, 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.

8.28.3.2 Setback

- 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.

8.28.3.3 Lot Coverage

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

8.28.3.4 Maximum Height

No building or structure shall exceed 40 feet in height.

8.28.3.5 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 resource 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.

8.28.3.6 Access to Site Area

Resource recovery and/or volume reduction facilities, 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.

7.28.4 Operating Conditions and Procedures

- a. An operator certified by the Commissioner of D.E.P. 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 Commission of D.E.P. 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 Commissioner of D.E.P. 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 Department of Environmental Protection.
- h. Equipment shall be provided to control fires and arrangements made with the local fire protection agency 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 and/or volume reduction plant or transfer station is rendered inoperable, an alternative method approved by the Commissioner of D.E.P. shall be available for processing or transfer and disposal of solid waste.

7.28.5 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 following closure.

7.28.6 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 7.29 Retail

Retail stores with up to 1,500 sq. ft. are allowed in T-3, T-4, T-5, Manufacturing and the Newhall Center zones per Table ____.

Retail stores over 1,500 sq. ft. and less than 20,000 sq. ft. are allowed in T-3, T-4, T-5, Manufacturing and the Newhall Center zones per Table ____.

Retail stores over 20,000 sq. ft. and less than 250,000 sq. ft. in T-4 & T-5 zones per Special Permit.

Retail stores are permitted subject Table ____ 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 lot shall be served by sanitary sewers and public water supply.
- c. The gross floor area of any individual retail store shall be limited to a maximum of 250,000 square feet.

7.29.1 Design Standards for stores over 20,000 square feet

- a. The Commission may require aesthetic design features on any façade.
- b. All stores must be accessible to pedestrians and bicyclists. Where practicable, stores that border two (2) or more public streets shall have a minimum of one entry from each street.
- c. Stores must provide outdoor seating for a minimum of four (4) people at each public entrance.

- d. Landscaped sidewalks that link store, parking, transit stops and crosswalks must be included on site plan.
- e. Stores must have clearly defined entrances.
- f. Exposed concrete masonry units (CMU) may not constitute more than 33% of finish material on front or side facades.
- g. Stores selling firearms shall have a security system installed and approved by the Town Building Official and the Police Chief.

Section 7.30 Schools

7.30.1 Business Schools

Business schools containing 50 students or fewer at peak hours are permitted in T-4 and T-5 Zones subject to Site Plan approvals.

Business schools containing more than 50 students at peak hours are permitted in T-4 and T-5 Zones subject to Special Permit and Site Plan approvals.

8.30.2 Colleges & Universities (Non-Profit)

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 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 are at least 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.

8.30.3 Elementary & Secondary Schools (721)

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 following 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.

8.31 Student Housing (770)

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 liability 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:

8.31.1 Owner-Occupied Buildings

A. Up to 2 students as renters or boarders in any single dwelling unit that is an owner occupied dwelling unit and that will continue to be owner occupied are allowed subject to the following requirements:

- 1. No structural exterior changes to existing buildings unless required for compliance with building, housing or fire code;
- 2. No parking in any required front;
- 3. Initial and thereafter renewal registration and certification of owner occupancy; Renewal registration and certification must be received by August 1st of each year;
- 4. Zoning Permit must be obtained;
- 5. Zoning Permit will automatically renew each year upon submittal 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 shall meet the following requirements:

- 1. Health Official approval for current housing code compliance;
- 2. Home inspection by a licensed home inspector shall be completed certifying that baseline requirements have been met prior to the issuance of a zoning permit;

3. No structural exterior changes to existing buildings unless required for compliance with building, housing or fire code;
4. Demonstrated provision for parking at one space per student, with at least two spaces per dwelling unit having unimpeded access;
5. No parking in any required front yard;
6. Maximum of 4 students per dwelling unit provided compliance with housing code for minimum square footage;
7. Submission of floor plans and thereafter any proposed modifications thereto;
8. Initial and thereafter renewal registration and certification of owner occupancy. Renewal registration must be received by August 1st of each year;
9. Zoning Permit must be obtained;
10. Zoning Permit will automatically renew each year upon submittal of registration provided that the ZEO has not made a finding of non-compliance with the provisions of this section.

8.31.2 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:

1. Home inspection by a licensed home inspector shall be completed certifying that baseline requirements have been met prior to the issuance of a zoning permit;
2. Health Official approval for current housing code compliance;
3. No exterior changes to existing buildings unless required for compliance with building, housing or fire code;
4. Demonstrated provision for off street parking at one space per student , with at least two spaces per dwelling unit having unimpeded access;
5. No parking in any required front yard, or side yard that is unpaved as of November 14, 2006;
6. Parking will be prohibited within 10 feet of the rear yard line;
7. Landlord shall be responsible for providing trash receptacles and recyclable bins and posting instructions regarding Town of Hamden pick up schedules;
8. Submission of floor plans and thereafter any proposed modifications thereto;
9. Initial and thereafter renewal registration of student rental housing providing 24-hour contact person in Connecticut to resolve complaints. Renewal registration must be received by August 1st of each year;
10. Compliance with following density: Maximum of 4 students per dwelling unit provided compliance with housing code for minimum square footage;
11. Zoning Permit must be obtained;
12. Zoning Permit will automatically renew each year upon submittal of registration provided that the ZEO has not made a finding of non-compliance with the provisions of this section.

8.31.3 Student Housing in Multiple-Dwelling-Unit Buildings

Existing multiple-dwelling-unit buildings as of 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 7.40.1 or**

7.40.2 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 student shall comply with the following conditions:
- C. Current building, housing, and fire code compliance as of the date of the conversion;
- D. Initial and thereafter renewal registration of student rental housing providing 24-hour contact person in Connecticut to resolve complaints. Renewal registration must be received by August 1st of each year;
- E. Side and rear yards shall be adequately screened from adjoining properties by a suitable landscape buffer of at least 10 feet;
- F. Off street parking must be provided in amounts sufficient to meet student demand i.e. one space per student;
- G. Submission of floor plans and thereafter any proposed modifications thereto;
- H. Special permit, site plan and zoning permit;
- I. Zoning permit will automatically renew each year upon submittal of registration provided that the ZEO has not made a finding of non-compliance with provisions of this section.

8.31.4 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 **Section 7.22, 7.24, 7.25** in addition to the provisions of **Section 7.40**. 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. Renewal registration must be received by August 1st of each year;
- E. Special Permit for and site plan approval for building; Zoning Permit for building;
- F. Zoning permit will automatically renew each year upon submittal of registration provided that the ZEO has not made a finding of non-compliance with the provisions of this section.

8.32 Telecommunications Facility (737)

8.32.1 Purpose

These regulations are intended to establish guidelines and standards for the siting of antenna facilities in Town in order to protect the public safety and general welfare and,

through design, siting, and screening, to minimize any adverse visual and operational effects.

8.32.2 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 in a residential zone provided:
 - C. The dish antenna measures 1 meter (3.28 feet) or less in diameter; and
 - D. A building-mounted installation complies with yard setback and total building height standards for a principal structure.
- E. Commercial Satellite Dish Antenna - A ground-mounted or roof-mounted satellite dish antenna in a Non-Residential Zone provided the dish antenna measures 2 meters (6.56 feet) or less in diameter.

8.32.3 Zoning Permit Required

- A. Amateur Radio Antenna - An amateur radio antenna owned and operated by an amateur radio operator licensed by the FCC provided:
 - B. A ground-mounted installation is located in the rear yard;
 - C. A building-mounted installation is affixed to the rear of the residential structure;
 - D. 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
 - E. A suitable safety fence may be required to be erected to preclude unauthorized access.
- F. 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.
- G. Existing Tower Repair - Repair of existing towers and antennas, provided there are no changes in design, height or appearance.

8.32.4 Permitted by Site Plan Approval

- A. Commercial Satellite Dish Antenna - A ground-mounted or roof-mounted satellite dish antenna in a Retail or Business zone that does not comply with **Section 7.30.2.C**.
- B. Other Antennas on Existing Structures - Any other antenna which is not attached to a tower, provided:
 - C. The antenna complies with all applicable FCC and FAA regulations;
 - D. The antenna complies with all applicable building codes;
 - E. The antenna does not extend more than 10 feet above the highest point of the structure; and

- F. The antenna is screened or designed and installed to be architecturally compatible with the structure in question.

8.32.5 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.

8.32.6 Requirements for Special Permit Applications

- A. Each application shall include:
 - 1. Documentation that a licensed carrier or an authorized emergency services organization is either an applicant or a co-applicant on the application;
 - 2. Documentation that the proposed facility will not cause any interference with any emergency or public safety radio system;
 - 3. 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:
 - 1. 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 ;
 - 2. 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;
 - 3. Documentation regarding noise emission from equipment and identify appropriate steps to provide soundproofing so that any noise above ambient levels is inaudible at the property line; and
 - 4. A written maintenance plan for the site, including, but not limited to, all facilities, including landscaping at the site.
- C. Visual Standards
 - 1. Towers and antenna and appurtenances shall be painted a neutral color or other such finish as determined by the Commission so as to minimize visual obtrusiveness.
 - 2. 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.
 - 3. 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.

4. Towers shall not be artificially lighted, unless required by the FAA or other applicable authority and specifically authorized by the Commission.
5. Equipment/Tower Standards
6. 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.
7. 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.
8. Landscaping, including buffering, may be required by the Commission around the antenna, tower, and equipment depending on the nature of the installation.
9. 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.
10. Tower heights shall not exceed 200 feet.

7.33.7 Bonding

Upon approval of a Special Permit for any new tower, 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.

8.33 Transfer Station

(See Sections 7.28 Resource Recovery &/or Volume Reduction Facility, & Section 7.31 Solid Waste and Bulky Waste Disposal Area)

8.34 Wind Energy Conservation Systems (733)

Wind energy conservation systems such as windmills are permitted accessory uses subject to Special Permit and Site Plan and 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 setback from all lot lines a distance at least equal to the height of the windmill or similar structure.

ARTICLE IX APPLICATION STANDARDS AND PROCEDURES

9 Authority

The Commission, on its motion or on petition, may amend these Regulations or the Zoning Map, after public notice and hearing, in accordance with the General Statutes of the State of Connecticut.

9.1 Purpose

9.2 General Application Standards and Procedures

Applications shall be made by the property owner of record, by an individual having substantial interest in the property, or by a duly authorized agent or attorney.

The Commission may refer any application to the Quinnipiac Valley 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.

A public hearing is required for amendments to the Zoning Map and Regulations, as well as for approval of Special Permits.

Whenever the Commission schedules a public hearing, the applicant shall place a sign or signs on the affected property giving notice of the proposed public hearing. Where the property is a corner lot, a sign shall be placed on both frontages of the property. The sign is to be placed at or near street line or traveled way and shall be clearly visible to the general public. Such sign, to be provided by the Planning Department, shall be installed by the applicant no less than 10 days before the hearing. Sign(s) are subject to a security deposit in an amount set by the Legislative Council.

An affidavit shall be presented at the public hearing by the applicant or his agent certifying that this sign was installed and maintained in accordance with the provisions of this section.

In addition to the sign notice required in **10.2.C**, for any application requiring a public hearing, the Commission shall give notice by mail of any such hearing 10 days prior to the date of the hearing to the applicant filing the application and to the property owners (of record on the date of filing the application) whose property, according to Town Land Records, is located within, abutting, and directly across the street from all boundaries of the proposed zoning map change.

All applications shall include the following:

1. Fifteen copies of the completed application form signed by the applicant and the owner of the property;
2. A fee in the amount prescribed by ordinance; and
3. When a public hearing is required, a list of all property owners required to be notified in **Section 10.2.D**, together with stamped envelopes appropriately addressed.

Exemptions: The provisions of **Sections 10.2 C, 10.2 D, 10.2.E 2, and 10.2.E 3** shall not apply to applications initiated by the Commission.

The Commission may refer any application to amend the zoning regulations to any Town department or other 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.

9.3 Major Amendments, Minor Amendments and Variances

There shall be three types of deviation from the requirements of these Regulations: Major Amendment, Minor Amendment and Variance. The Planning staff shall determine whether a deviation requires a Minor Amendment, Major Amendment or a Variance.

- A. Major amendments to approved Site Plans attendant to Special Permits may be approved with a public hearing before the Commission. Major amendments are those that may result in additional impact to the appearance and/or intensity of use of a site.

The request for a Major Amendment to a Special Permit and/or Site Plan shall not subject the entire application to public hearing, only that portion necessary to rule on the specific issue requiring the relief. The request for a Major Amendment to a Site Plan shall not subject the application to Commission review, only that portion necessary to rule on the specific issue requiring the relief.

- B. Minor amendments to approved Site Plans attendant to Special Permits may be approved without a public hearing by the Town Planner or the Commission, if such changes are the result of site conditions, or a change in circumstances, and provided such change shall have no additional impact.

The request for a Minor Amendment shall not subject the entire application to public hearing. The Town Planner or the Commission shall have the authority to approve or disapprove administratively a request for a Minor Amendment pursuant to regulations established by the Planning and Zoning Commission. The Town Planner shall report all administratively approved Minor Amendments to the Commission at its next regularly scheduled meeting.

- C. A Variance is a ruling that would permit a practice that is not consistent with a specific provision of these Regulations but is justified by the provisions of Section 1.3 Intent. Variances shall be granted by the Zoning Board of Appeals only in accordance with the State of Connecticut [_____ Statutes, _____, as amended.]

9.4 Zoning Amendment Standards and Procedures (812)

The following requirements shall pertain to applications for Zoning Map and Zoning Regulation amendments. ~~XXXXX~~

9.5 Zoning Map, Neighborhood Plans and Regulation Plan Amendments

9.5.1 STANDARDS FOR NEW TRANSECT ZONES or MODIFICATION TO EXISTING TRANSECT ZONES

- a. Neighborhood Plans adopted by the Commission in the Plan of Conservation and Development shall guide further development.
- b. Neighborhood Plans shall consist of one or more maps showing:
 - i. The boundaries of the modified Transect Zone(s);
 - ii. Special Districts, if any;
- c. Creation of or modification to Transect Zones shall be based upon existing conditions and the intended evolution of the area.
- d. The Commission or the owner of a parcel, or contiguous parcels, consisting of 10 acres or more may apply for a map amendment to modify or assign new Transect Zones, or Special Districts with appropriate transitions to abutting parcels.
- e. The Commission or the owner of a parcel, or contiguous parcels, consisting of 5 acres applying for a map amendment to modify or assign a new Transect Zone or Special Districts shall develop Neighborhood Plan(s) with appropriate transitions to abutting parcels. Neighborhood Plans shall be adopted as part of the Plan of Conservation and Development concurrently with new and/or modified Transect Zones. Neighborhood Plans shall be designated as one or more of the following types:

9.5.2 Traditional Neighborhood Development (TND)

- a. A TND should be assigned to areas that are predominantly residential with one or more mixed-use corridors or centers. A TND shall be mapped as at least one complete Neighborhood Plan, which may be oriented around one or more existing or planned common destination(s).
- b. The edges of a TND should blend into adjacent neighborhoods and/or a downtown without buffers.

9.5.3 Regional Center Development (RCD)

- a. An RCD should be assigned to downtown areas that include significant office and retail uses as well as government and other civic institutions of regional importance. An RCD shall be mapped as at least one complete Neighborhood Plan, which may be oriented around an important mixed-use corridor or center.
- b. The edges of an RCD should blend into adjacent neighborhoods without buffers.

9.5.4 Transit-Oriented Development (TOD)

- a. Any TND or RCD on an existing or projected rail or bus network may be designated, in whole or in part, as a TOD.

9.5.6 The application shall include:

- a. A meets and bounds description of the land to be included in the amendment;
- b. A statement as to the reasons for the proposed amendment; and
- c. Fifteen copies of a map showing north arrow, name of the petitioner and all existing lots, dimensions, property lines, streets, and existing and proposed zoning for the area included in and within 500 feet of the subject property. The map shall be accurately drawn to a maximum scale of 50 feet or a minimum of 200 feet to the inch. The map may show other information considered pertinent by the applicant.

9.6 Amendments to Regulations

Applications for amendments to the regulations shall include the following:

- a. A narrative statement giving the specific provisions to be amended and the proposed language thereof; and
- b. A statement as to the reasons for the proposed amendment.

9.6.1 Review Criteria

In acting upon the zone change, the Commission shall consider, as appropriate, the various factors favorable and unfavorable to such a change, including but not limited to:

- a. The goals, objectives, and recommendations of the Plan of Conservation and Development;
- b. The purposes of zoning and of these regulations;
- c. Changes that have taken place in the rate and pattern of development and land use within the Town and adjoining communities;
- d. The supply of land available in the present and proposed zone;
- e. The physical suitability of the land for the proposed zone;
- f. The impact on the capacity of the present and proposed utilities, streets, drainage systems, and other improvements;
- g. The general character and zoning of the neighborhood
- h. Impacts on the surrounding area;
- i. Traffic congestion impacts;

- j. The environmental impacts; and
- k. The health and general welfare of the community.

9.7 Special Permit Standards and Procedures (820)

9.7.1 Authority and Purpose

9.7.2 Applications

Applications for a Special Permit shall include the following:

Site Development Plan application as required in **Section 10.5**;

A narrative statement describing the proposed use;

Any data, plans or drawings, voluntarily submitted by the applicant or his agent in support of his application and not required by these regulations, shall be made part of the official record and may be made additional requirements and conditions of the permit; and

1. Building Location
2. Building Use
3. Parking Location Standards
4. Bonus Floor Request
5. Landscape Standards
6. Signage Standards
7. Special Requirements
 - a. Hazard Mitigation Standards
 - b. Natural Drainage Standards and Sedimentation and Erosion Control Standards
8. Architectural Standards
9. Lighting Standards
10. General Performance Standards
11. Visitability Standards

Any revisions to maps, and any additional information such as a traffic report which is not submitted at the time of the initial application, must be submitted to the Planning Office at least 10 calendar days prior to the public hearing on the proposed application.

9.7.3 Conformance to Requirements

Unless otherwise specified, a Special Permit use shall conform to all requirements of the zone in which it is located as well as with other applicable provisions of these regulations.

Where two or more Special Permit uses apply to the same premises, the minimum requirements shall be the minimum requirements for each use as specified in these regulations, or in cases of two or more Special Permit uses in the same building, whichever requirements are more restrictive.

9.7.4 Special Permit Threshold Decision

In deciding whether or not to grant a Special Permit, the Commission shall give consideration to, but not be limited by, the following:

1. The health, safety and welfare of the public in general, and the immediate neighborhood, in particular;
2. Compliance with the Plan of Development;
3. The location and size of the proposed use;
4. The nature and intensity of the proposed use and any operations involved in the use;
5. The safety and intensity of traffic circulation on the site and in adjacent streets;
6. The scale of the proposed site structure;
7. The harmony and appropriateness of the use and site design in relation to the general area and to adjacent properties;
8. Compliance with the zoning regulations and the site plan objectives set forth in **Section 10.5.4**. Any permit granted under this Section shall be subject to any and all conditions and safeguards imposed pursuant to **Section 10.4.4**.

9.7.5 Conditions and Safeguards

The Commission may, if it finds that a Special Permit is appropriate under **Section 10.4.3**, include reasonable conditions and safeguards related to the factors set forth in **Section 10.4.3**. Any such conditions or safeguards attached to the granting of a Special Permit shall remain with the property as long as the Special Permit use is still in operation, and shall continue in force regardless of any change in ownership of the property.

9.7.6 Suspension

Any authorized Special Permit shall be subject to suspension through a Cease and Desist Order if any condition or safeguard imposed by the Commission upon buildings, structures, land or uses for said permit is not strictly adhered to by the applicant, user and/or owner.

9.7.7 Amendments or Modifications

Applications for Special Permit amendments which are necessitated by site conditions or by a change in circumstances, or which are deemed to be in the public interest, shall be made in the same manner as the original application.

9.7.8 Time Period and Expiration

In approving a Special Permit, the Commission may set time limits on the permit and/or require periodic renewal of the permit without a public hearing. In the event an appeal is taken from the Commission's approval of a Special Permit, then the time period shall commence on the date of final disposition of such litigation. Expired Special Permits shall be considered not valid.

9.7.9 Continuance

Notwithstanding any other provision of these regulations, when an amendment is adopted in these zoning regulations or boundaries of zones, a Special Permit which has been approved according to the regulation in effect at the time of filing, shall not be required to conform to such amendment provided:

- a. Construction of any of the proposed improvements, including but not limited to roads, sewer lines, landscaping, recreational facilities, etc. shall have commenced within 12 months from the effective date of the Special Permit and site plan approvals; and
- b. Construction of the improvements are diligently pursued and prosecuted to substantial completion within the original time constraints set forth at the time of approval or within 3 years following the effective date of such amendment in the zoning regulations or boundaries of zones.

9.8 Site Plan Standards and Procedures (840)

9.8.1 Authority and Purpose

For all uses in any Manufacturing, or **XXXX** and those uses specifically requiring Site Plan approval, Site Plan review and approval by the Zoning Section of the Commission shall be required before any Zoning Permit is issued. All uses requiring a Special Permit shall require Site Plan review and approval by the Commission.

All multi-family, industrial, commercial or other non-residential uses established by the Zoning Board of Appeals shall require Site Plan review and approval by the Commission. Minor amendments to approved Site Plans may be approved by the Town Planner, subject to compliance with all of the appropriate zoning standards.

9.8.2 Site Plan Procedure

9.8.2.1 Application

Each application for Site Plan approval shall be submitted on a form prescribed by the Commission, accompanied by nine sets of a Site Plan, as well as the applicable fee.

9.8.2.2 Conditions of Approval

Any conditions of approval shall be so noted by stamping on the Site Plan accordingly and noting the specific conditions on the plan. Copies of the stamped and marked plan shall be sent to the Building Official, Tax Assessor, and the Health Director.

9.8.2.3 Performance Bond

The Commission, may, if it deems necessary, require a bond consisting of a corporate surety or other financial guarantee, 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. Said bond shall be submitted at a time to be determined by the Commission.

9.8.2.4 Expiration

The approval of any Site Plan for which construction has not commenced or which is not otherwise put into effect within the time period set by the Commission shall be considered invalid, unless an extension of time is applied for by the applicant prior to the actual expiration date and granted by the Commission.

9.8.2.5 Amendments

Application for amendments to an approved Site Plan shall be made in the same manner as the original application.

9.8.2.6 Certificate of Zoning Compliance Bonding

No Certificate of Zoning Compliance shall be issued until the applicant submits an as-built plan meeting the requirements of **Section 11.3.2**. When the site work cannot be completed because of weather or other pertinent reason, a conditional Certificate of Zoning Compliance may be issued for a period not to exceed 180 days, providing satisfactory surety has been posted with the Town of Hamden in an amount sufficient to complete the site work. Upon written request of the applicant and satisfactory completion of the site work, the Commission shall order the release of the surety.

9.8.2.7 Continuance

All conditions and improvements shown on an approved Site Plan shall remain with the property, as long as the use indicated on the approved Site Plan is still in operation. The conditions and improvements shall continue in force, regardless of any change in ownership of the property.

9.8.3 Site Plan Information

[ADD: S&E control info from Subdivision Regulations]

9.8.3.1 General

All maps shall include an accurate class A-2 survey of the property and improvements prepared by a land surveyor registered in the State of Connecticut.

All plans shall be prepared, signed and sealed by a Connecticut registered engineer, architect, or landscape architect whichever is appropriate.

All plans shall be prepared at a scale of one-inch equals not less than 20 feet or, not more than 50 feet.

9.8.3.2 Site Plan Contents

Site Plans shall include the following:

1. Title Block with date, name of developer, property owner, north arrow, numeric and graphic scale of plans, seals and signatures of all appropriate design professionals;
2. A key map at the scale of 1" to 1000' showing the subject property and adjacent properties within 500 feet;
3. Boundary survey of site including distances with angles or bearings;
4. Zoning classification of property;
5. Area of lot;
6. Name of adjacent owners and zoning classification of their property;
7. Existing and proposed contours or spot grades at no more than 2 foot intervals;
8. Locations of existing and proposed buildings, signs, fences, and walls with dimensions, area, elevations and number of stories and distances between all buildings and property lines;
9. Location of all existing and proposed uses and facilities not requiring a building such as swimming pools, tennis courts, tanks, an transformers;
10. Size, arrangement, uses, and dimensions of all open spaces on the site;
11. Location and design of all existing and proposed sanitary sewer, storm drainage, water supply facilities, and other underground and above ground utilities;
12. Existing and proposed sidewalks, curbs and curb cuts, and adjacent streets;
13. Soil erosion and sedimentation control measures as required by Section 6.5 Sediment and Erosion and Control Regulations;
14. Drainage design for roof area, parking lot and driveways;
15. Stormwater Detention Plans as required by Town of Portland Regulations for Public Improvements;
16. Locations and descriptions of all existing and proposed easements and rights-of-way;

17. Location of all existing wooded areas, watercourses, wetlands, rock outcrops, and other significant physical features, and, where appropriate, the mean high water line, the wetlands boundary, the flood hazard area, the coastal area boundary, the aquifer boundary and the West Rock Ridge Conservation area;
18. Location of existing stone walls;
19. Proposed landscaping to include the following:
20. Location, general layout, type and size of buffer or landscape area, plant material, fencing, screening devices, decorative paving, or other materials proposed;
21. Location of existing trees with a trunk caliper of more than 6 inches except intensely wooded areas where the foliage line shall be indicated;
22. There shall also be a statement to the effect that such landscaping does not include any species listed on the Connecticut Invasive Plant List;
23. Layout of all off-street parking areas showing details of aisles, driveways, each parking space, all loading and unloading areas, pavement markings, location of directional signs;
24. Existing and proposed locations, height and size of all outdoor lighting and [sign](#) locations. Lighting plan shall include the following:
25. Location and the type of illuminating devices, fixtures, lamps, supports, reflectors, and other devices; any decorative lighting should be indicated;
26. Description of the illuminating devices, fixtures, lamps, supports, reflectors, and other devices and the description may include, but is not limited to, catalog cut sheets by manufactures and drawings (including sections where required);
27. Photometric data, such as that furnished by manufacturers or similar showing the angle of cut off or lights emissions;
28. Wattage or power of the lights, and method of shielding from any adjoining residential area.
29. Fire lanes and traffic control signs as required by Police and Fire authorities;
30. Outside storage areas with proposed screening;
31. Location of outside recycling and refuse storage area and proposed screening;
32. Provisions for water supply;
33. Proposed open space areas and any proposed site improvements to such areas;
34. Information on endangered species or species of special concern as listed on the Natural Diversity Data Base maintained by the Connecticut Department of Environmental Protection; and
35. A table or chart indicating the proposed number or amount and types of uses, lot area, lot width, yards, building height, coverage, floor area, parking spaces, landscaping, open spaces and other elements as they relate to the requirements of the Zoning Regulations.

9.8.3.3 Architectural Plans

For all Special Permit uses, the applicant shall submit preliminary architectural drawings showing elevations of all proposed buildings and structures, indicating window treatment, rooftop mechanical equipment, building materials and schematic building floor plans indicating square footage by use. For uses requiring only Site Plan approval, such architectural plans shall be submitted for informational purposes, but shall contain all of the information required above.

9.8.3.4 Staging Plan Map

In cases where the applicant wishes to develop in stages, an overall site and staging plan indicating ultimate development for the entire property shall be submitted at the same scale as the Site Plan.

9.8.3.5 Other Information

The applicant shall submit any other information deemed by the Commission to be necessary to determine conformity with the intent of these regulations.

9.8.4 Exceptions

The Town Planner, with the consent of the Commission Chairman, may make exceptions to the site plan information required in this **Section 10.5.3** if the construction or alteration or change of use does not affect existing circulation, drainage, relationship of buildings to each other, landscaping, buffering, lighting or other considerations of Site Plan review.

9.8.5 Revisions and Additional Information

Any revisions to maps, and any additional information such as a traffic report which is not submitted at the time of the initial application, must be submitted to the Planning Office at least 10 calendar days prior to the Commission meeting at which the Site Plan is to be considered.

9.8.6 Site Plan Objectives

In reviewing a Site Plan Application, the Zoning Section or the Commission shall take into consideration the health, safety and welfare of the public in general and the immediate neighborhood in particular, and may prescribe reasonable conditions and safeguards to insure the accomplishment of the following general objectives.

Town Plan. That the proposed site plan shall be in general conformance with the intent of the Town Plan, however, the Town Plan shall not take precedence over specific provisions of the Zoning Regulations.

Public Safety. That all buildings, structures, uses, equipment, or material are readily accessible for fire and police protection.

Traffic and Pedestrian Access. That all proposed traffic and pedestrian access ways do not create traffic hazards and are: adequate, but not excessive in number; adequate in width, grade, alignment,

and visibility; adequate in distance from street corners, places of public assembly and other access ways; and adequate in design for other similar safety considerations.

Circulation and Parking. That adequate off-street parking and loading spaces are provided to prevent on-street and off-street traffic congestion; that all parking spaces, maneuvering areas are suitably identified; that entrances and exits are suitably identified and designed to specific use radii; that the interior circulation system is adequately designed to provide safe and convenient access to all structures, uses, and/or parking spaces; that parking areas are provided with suitable bumper guards, guard rails, islands, crosswalks, speed bumps and similar safety devices when deemed necessary by the Commission to adequately protect life and property; and that provision is made for safe pedestrian movement within and adjacent to the property by the installation of sidewalks.

Landscaping and Screening. That the general landscaping of the site complies with the purpose and intent of Section 6.1 of these regulations; that existing trees are preserved to the maximum extent possible; and that parking, storage, refuse and service areas are suitably screened during all seasons from the view of adjacent residential areas and public rights-of-way.

Lighting. That lighting of the site shall be adequate at ground level for the protection and safety of the public in regard to pedestrian and vehicular circulation and that glare from the installation of outdoor lights and illuminated signs is properly shielded from the view of adjacent property and public rights-of-way.

Public Health. That all utility systems are suitably located, adequately designed, and properly installed to serve the proposed uses, and to protect the environment from adverse air, water, or land pollution.

Environmental Features. That the development of the site will preserve sensitive environmental land features such as steep slopes, wetlands, and large rock outcroppings and will attempt to preserve public scenic views or historically significant features.

Neighborhood Character. That the location and size of any proposed use, building or structure, as well as the nature and intensity of operations involved or conducted in connection therewith, will be in general harmony with the character of the surrounding neighborhood, and will not be hazardous or otherwise detrimental to the appropriate and orderly development or use of any adjacent land, building, or structure as expressed in Section 3.10 Performance Standards.

Drainage. The design of stormwater drainage systems shall be such as to minimize soil erosion and maximize absorption of pollutants by the soil. Runoff from impervious areas shall be attenuated to reduce peak flow volume and sediment loads to pre-development levels. Practices as outlined in the *2004 Stormwater Quality Manual* by the Connecticut Department of Environmental Protection, as may be amended from time to time, shall be followed.

Soil Erosion and Sediment Control: The design of soil erosion and sediment control plans shall be such as to reduce the danger from storm water run-off, minimize non-point sediment pollution from land being developed and conserve and protect the land, water, air and other environmental resources of the Town.

9.8.7 Referrals

The Commission may refer any Site Plan application to any Town department or other 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.

9.8.8 Conformance to Approved Plans

Site development shall proceed in accordance with plans approved by the Commission. Any changes proposed by an applicant to an approved Site Plan shall be submitted to the Planning and Zoning Office for review and approval by the staff or by the Commission, as required. Any changes made prior to such review and approval shall constitute a violation of these regulations. All site work shall be completed no later than five years from the date of approval of the original plan.

9.8.9 Conformance to Requirements

9.8.10 Special Permit Threshold Decision

9.8.11 Conditions and Safeguards

9.8.12 Suspension

9.8.13 Amendments or Modifications

9.8.14 Time Period and Expiration

9.8.15 Continuance

9.9 Major Amendment Criteria

9.10 Minor Amendment Criteria

9.11 Temporary Permits

Nothing in these Regulations shall prevent a church, school, civic association, social club, volunteer fire department, a municipal agency, or other non-profit organization from holding a fair, carnival, circus, horse show, athletic meet or similar event on its own premises for a period not exceeding seven days in any calendar year, the profits of which are for the sole benefit of such organization or for civic, religious or philanthropic purposes. Seasonal operations, such as a farmer's market, shall not be limited to 7 days. A zoning permit may be issued to any of the above group of organizations located within the Town of Hamden to hold an event as described and limited above upon other permissible premises than those of such organizations.

9.12 Commission Procedures

9.13 Zoning Board of Appeals (860)

9.13.1 Powers and Duties

The Zoning Board of Appeals shall have the following powers and duties:

9.13.2 Decide Appeals

To hear and decide appeals where it is alleged that there is an error in any order, requirement or decision made by the official charged with Zoning Enforcement. The person, firm, corporation or entity shall make such appeals within fifteen days of the decision of the Zoning Enforcement Officer to whom said decision has been directed.

9.13.3 Vary the Application of the regulations

To determine and vary the application of the Zoning Regulations in harmony with then- general purpose and intent and with due consideration for the Plan of Conservation and Development and for conserving the public health, safety, convenience, welfare and property values solely with respect to a parcel of land where owing to conditions especially affecting such parcel, but not affecting generally the zone in which it is situated, a literal enforcement of the regulations would result in exceptional difficulty or unusual hardship so that substantial justice will be done and the public safety and welfare secured. Financial hardship alone shall not be considered an exceptional difficulty or unnecessary hardship.

9.13.4 Use Variances

9.13.4.1 Purpose:

Pursuant to Section 8-6, Connecticut General State Statutes, and to be consistent with the purpose and intent of the Hamden Zoning Regulations, and to avoid spot zoning in contravention to the Hamden Comprehensive Plan of Development, and to avoid actions that in essence establish new or amend existing Zoning Regulations, the Zoning Board of Appeals shall consider the statutory substantive requirements for variance.

9.13.4.2 Criteria for Use Variances

Use variances shall be granted only upon finding all of the following:

1. That a literal enforcement of the Zoning Regulations would result in exceptional or unusual hardship;
2. Financial hardship alone shall not be considered an exceptional difficulty or unnecessary hardship;

3. That the hardship is not a self-inflicted hardship which is the result of a previous action by the applicant;
4. That the applicant has demonstrated that no reasonable use of the property can be made for any use permitted in the applicable zone;
5. That the applicant has demonstrated that he has pursued all other alternatives available to him under the regulations;
6. That the variance requested shall be the minimum variance necessary to allow a reasonable use of the land;
7. That the applicant has demonstrated that the granting of the requested variance will have no adverse effect on surrounding properties with regard to health, safety, welfare or property values; and
8. That the applicants request for a variance is consistent with the Comprehensive Plan of Development.
9. Uses shall not be permitted by variance in zones in which such uses are not otherwise allowed by Zoning Regulations.
10. All uses prohibited in the Zoning Regulations shall not be permitted by variance.

9.13.5 Approve Location of Use

To hear and decide upon all requests to locate gas stations and other motor vehicle uses as specified in the Connecticut General Statutes.

9.13.6 Flood Damage Prevention Variances

To hear and decide variances in accordance with Section 4.4 of the Hamden Flood Damage Prevention Ordinance adopted on 6/14/79. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

9.13.7 Procedures

9.13.7.1 Application

All applications and appeals to the Zoning Board of Appeals shall be filed in a form prescribed by the ZBA, and shall be accompanied by a fee as established by the Board. The applicant shall submit a list of all property owners required to be notified in Section 10.7.2.C, together with stamped envelopes appropriately addressed.

9.13.7.2 Public Hearing

The Zoning Board of Appeals shall hold a public hearing on all applications and appeals after due notice and within the time prescribed by the Connecticut General Statutes.

9.13.7.3 Written Notification

In addition to the hearing notice required by the Connecticut General Statutes, the Zoning Board of Appeals shall send written notification of a request for a variance to owners of all lots located within 100 feet of any lot or lots on which any variance is being requested. Said notice shall be sent at least 10 days prior to the date of the hearing and shall include the location and general description of the type of variance being requested.

9.13.7.4 Board Action and Referral

The Zoning Board of Appeals in compliance with the time limits set forth in the Connecticut General Statutes shall take action on all requests, applications or appeals. The Board may attach reasonable conditions to the granting of variances to ensure compliance with the intent of the Zoning Regulations.

9.14 Staff Procedures

9.15 Enforcement

9.14.1 Authority and Purpose (800)

The Zoning Enforcement Officer or other authorized official subject to appropriate supervision shall enforce these regulations. The Zoning Enforcement Officer is authorized to cause any building, structure, place, premise, or use to be inspected or examined, and to order in writing the remedying of any condition found to exist therein or thereon in violation of any provisions of these regulations.

9.14.2 Enforcement and Penalties [Discuss with Tim, Sue and Holly]

The owner or agent of a building or premises where a violation of any provision of such regulations has been committed or shall exist, or the lessee or tenant of any entire building or entire premises where such violation shall have been committed or shall exist, or the owner, agent, lessee or tenant of any part of the building or premises in which such violation has been committed or exists, Any person violating any of the provisions of these Regulations shall be subject to the fines, injunctive procedures, and any other penalties prescribed by CGS Chapter 124, as amended, including, when warranted, a separate violation for each day that a violation exists.

Any official having jurisdiction in addition to other remedies may institute an action or proceeding to prevent the unlawful erection, construction, alteration, conversion, maintenance, or use of a building, or to restrain, correct, or abate such violation, or to prevent the occupation of buildings, structures, or land, or to prevent any illegal act, conduct of business, or use in or about such premises.

9.16 Administrative Permits

9.15.1 Zoning Permit

No building or structure shall be erected, added to, or structurally altered and no use, or reuse, shall be established until approved by the Commission or Town Planner, as required, and until a Zoning Permit has been issued by the Zoning Enforcement Officer (ZEO) or other authorized official. All applications for such permits shall be in accordance with the requirements of these regulations.

Application. Every application for Zoning Permit shall be accompanied by such information and exhibits as are required herein or may be reasonably required by the ZEO in order that the proposal of the applicant may be adequately interpreted and judged as to its conformity with the provisions set forth in these regulations.

Plot Plan. The application shall be accompanied by three copies of a plot plan based on a survey prepared by a land surveyor and/or engineer registered in the State of Connecticut (whichever is applicable), drawn to scale showing the actual dimensions of the lot to be built upon, the size of the building to be erected, the location of the building upon the lot, the dimensions of all open spaces, the setback lines observed by buildings, the location of driveways and curb cuts, and such other information as may be necessary. The Town Planner may authorize the ZEO to waive any of the plot plan requirements in cases where it is not needed to determine conformity with these regulations.

9.15.2 Certificate of Zoning Compliance (803)

No land shall be occupied or used and no building hereafter erected or altered shall be occupied in whole or in part for any purpose until a Certificate of Zoning Compliance shall have been issued by the ZEO or other authorized official, stating that the premises or building complies with all the provisions of these regulations. Such a certificate is also required for any change, extension, or alteration in use that must be approved by the Town Planner or Commission as required prior to issuance of such certificate by the ZEO.

Applications for Certificate of Zoning Compliance shall be accompanied by a certified A-2 plot plan of the lot and buildings involved, showing the exact placement of the as-built structures on the lot. The ZEO may waive the requirement for a certified plot plan in cases where it is not needed to determine conformity with these regulations. No such Certificate of Zoning Compliance shall be issued by the ZEO until all zoning requirements and conditions have been met.

9.17 Zoning Amendments

ARTICLE XI APPENDIX

11 Purpose

11.1 Applications & Permit Forms

- 11.1.1 Flowchart and 7 Steps Checklist
- 11.1.2 Special Permit Application
- 11.1.3 Site Plan Application
- 11.1.4 Zoning Permit
- 11.1.5 Certificate of Zoning Compliance / Bond Release
- 11.1.6 Zone Change Application (Text &/or Map)
- 11.1.7 Variance Application
- 11.1.8 Student Housing Application & Permit Renewal

11.2 Notification Forms

- 11.2.1 Regional Water Authority
- 11.2.2 Department of Environmental Protection (Coastal Area Management)
- 11.2.3 Department of Public Health (Drinking Water Division)
- 11.2.4 Abutter Notification Form
- 11.2.5 Abutting Municipality Notification Form

11.3 Checklists

11.3.1 Student Housing

ZONING PERMIT
STUDENT HOUSING IN EXISTING CONSTRUCTION

CLOCK:	DATE:
Application submitted	_____
Zone	_____
Zoning Permit Issued	_____

SUBMISSION:

- Completed Zoning Permit application
- Completed Student Housing Permit application
- Site Plans (3 copies + 1 orig.) Plans must show parking plans to scale and landscaping at side & rear yards
- Floor plans (3 copies + 1 orig.)
- Fee paid
- Certification of owner occupancy if applicable
- Renewal registration submitted by August 1st
- Building Official approval
- QVHD approval
- Fire Marshal approval
- Name & telephone number of 24-hour contact person
- Names of all students living in dwelling unit

DECISION:

Approved	Approved	Denied
	w/ conditions	
_____	_____	_____
(date)	(date)	(date)

11.3.2 Zoning Permit & Certificate of Zoning Compliance

**ZONING PERMIT & CERTIFICATE OF ZONING
COMPLIANCE**

CLOCK:	DATE:
Application submitted	_____
Zone	_____
Zoning Permit Issued	_____

SUBMISSION:

- Completed application form
- Site Plans (3 copies + 1 orig.)
- Fee paid
- WPCA application submitted **or**
- QVHD approval (septic/well)
- Bond Estimate Form submitted
- Bond Amount Approved
- Bond Posted
- Engineering Comments
- Planner Comments
- RWA Comments
- 3 Paper Copies of As-Built A2/T2
- Digital Copy of As-Built A2/T2

DECISION:

Approved	Approved w/ conditions	Denied
_____	_____	_____
(date)	(date)	(date)

11.3.3 Site Plan & Special Permit

SITE PLAN & SPECIAL PERMIT

APPLICATIONS

Zone _____

CLOCK:

DATE:

Application submitted	_____
Public Hearing Open by	_____
Public Hearing Closed by	_____
Zoning Permit Issued	_____

SUBMISSION:

- IWC Approval received. (if required)
- Completed Site Plan application
- Site Plans to A2 specifications
(9 copies + 1 orig.)
- Architectural Drawings
(9 copies & 1 orig.)
- Narrative of proposed project
- Fee paid
- Abutter's envelops – addressed & stamped
- WPCA application submitted **or**
- QVHD approval (septic/well)
- Bond Estimate Form submitted
- Bond Amount Approved
- Bond Posted
- Engineering Comments
- Planner Comments
- RWA Comments
- 3 Paper Copies of As-Built A2/T2
- Digital Copy of As-Built A2/T2

DECISION:

Approved	Approved	Denied
	w/ conditions	
_____	_____	_____
(date)	(date)	(date)

11.3.4 Variance

ZONING VARIANCE APPLICATION

CLOCK:	DATE:
Application submitted	_____
Zone	_____
Variance Issued	_____
End of Appeal Period	_____
	(15 days after decision)

SUBMISSION:

- Completed application form
- Site Plans (10 copies + 1 orig.)
- Fee paid
- Planner Comments
- Narrative of hardship & variance requested
- Section #(s) of requested variance(s)
- Abutter's envelopes submitted
- Abutter's notices mailed
- Abutter's List from Tax Assessor's Office

DECISION:

Approved	Approved w/ conditions	Denied
_____	_____	_____
(date)	(date)	(date)

RECORDING OF DECISION:

- Decision sent to applicant
- Decision recorded on Land Records
in Town Clerk's Office _____
(date)

11.3.5 Zoning Amendment

11.4 Technical Requirements

11.4.1 Plan & Survey Requirements

11.4.1.1 A-2 T-2 Survey Requirements

11.4.1.2 Drainage Calculations Requirements

11.4.1.3 Sedimentation & Erosion Control Requirements

11.4.1.4 As-built Survey Requirements

11.4.1.4.1 A-2 T-2 required for Site Plan and Special Permit applications unless waived by Town Planner and Town Engineer

11.4.1.5 Digital submission Standards and Requirements

11.4.2 Bonding Requirements & Forms

11.5 Planned Unit Developments

No new Planned Unit Development shall be approved; however, those Planned Unit Developments approved prior to the effective date of these regulations (Section 920) shall be governed by the following regulations.

A600 Planned Unit Developments

A610 Purpose

The purpose of the planned unit development regulations is to encourage flexibility in the design and development of land in order to promote its most appropriate use; to facilitate the adequate and economical provision of streets and utilities; and to preserve the natural and scenic qualities of open areas.

A611 Objectives

To preserve and create useable open space for the residents of Hamden as well as create developments that are aesthetically attractive and economically feasible.

A612 Qualifying Standards

No tract of land will be considered for a planned unit development unless it contains the minimum acreage required for each separate zone.

No tract of land will be considered for a planned unit development unless it is within a residential zone.

No tract of land will be considered for a planned unit development unless it is so designed in its space allocation, orientation texture, materials, landscaping and other features as to produce an environment of stable and desirable character, complementing the design and values of the surrounding neighborhood, and showing such unusual merit as to reflect credit upon the developer and upon the Town of Hamden.

In the event that a zone change is requested to permit a Planned Unit Development, the Zoning Section of the Town Plan & Zoning Commission shall amend the zoning map to show Planned Unit Development if said zone change request is granted.

Granting of this Planned Unit Development zone change request does not constitute approval of the Planned Unit Development plans which are still subject to the other requirements of Article VI of these regulations.

A613 Permitted Uses

B. Any use permitted in any residential zone. Commercial uses are permitted in the R4, R5 and R6 zones only.

Commercial uses permitted within the planned unit development are those which are authorized in the B- Zone and intended for the use and convenience of the occupants of the development. All such uses shall:

Be located within the boundaries of the development,

Conform to all the regulations of the B-1 Zone.

Have a total floor area that does not exceed five per cent (5%) of the gross floor area of all dwellings within the development.

A614 Procedure

Pre-application Conference: Before submitting an application for a planned unit development, an applicant at his option may confer with the Planning Department to obtain information and guidance before entering into binding commitments or incurring substantial expense in the preparation of plans, surveys and other data.

A615 Outline Development Plans

C. An applicant shall make application for the approval of a planned unit development to the Commission. The applicant shall accompany his application with an outline development plan as specified in this section.

There shall be a filing fee of \$100.00 payable to the Treasurer of the Town of Hamden.

The Commission shall make the proper arrangements for a public hearing.

An outline development plan must include both maps and written statement, and must show enough of the area surrounding the proposed planned unit development to demonstrate the relationship of the planned unit development to adjoining uses, both existing and proposed.

The maps which are part of the outline development plan may be in general schematic form, and must contain the following information:

The existing topographic character of the land.

Existing and proposed land uses and the approximate location of buildings and other structures.

The character and approximate density of dwellings.

The approximate location of all thoroughfares.

Public uses, including parks, playgrounds and other open space.

The written statement to accompany the outline development plan must contain the following information:

An explanation of the character of the planned unit development and the manner in which it has been planned to take advantage of the planned unit development regulations.

A statement of proposed financing.

A statement of the present ownership of all the land included within the planned unit development.

A general indication of the expected schedule of development.

The applicant shall file three copies of his outline development plan and written statement.

A616 Approval of Outline Development Plan

D. Legal Procedure

A public hearing shall be held within 60 days from the time of application to the Town Planning and Zoning Commission Office.

All owners of property adjacent to the planned unit development shall be notified of said hearing by mail.

The hearing shall be legally advertised according to the procedure specified by State Law for a change in zoning regulations.

The results of the decision of the Town Planning and Zoning Commission shall be legally advertised within 7 days of said decision.

If the outline development plan is approved, the Zoning Section of the Town Plan & Zoning Commission shall amend the zoning map to show planned unit development. If the outline development plan is approved with modifications, the Zoning Section of the Town Plan & Zoning Commission shall not amend the Zoning Map until the applicant has filed with the Commission written consent to the plan as modified. No building permits may be issued on land within the planned unit development until final plans for the development have been approved by the Commission under the procedures provided in following sections.

Failure to act by the Commission within 60 days after the public hearing for Outline Development Plan approval shall mean approval by the Commission.

A617 Preliminary Development Plan

- E. An applicant seeking approval of a planned unit development shall submit a preliminary development plan, if an outline development plan has been approved, within six months following its approval.

If an outline development plan has been submitted and approved, the Commission may authorize the submission of preliminary development plans in stages. If a preliminary plan (development) covering at least 20% of the area of the outline development plan has not been submitted within six months following the approval of the outline development plan, the Commission shall withdraw its approval of the planned unit development. In its discretion and for good cause, the Commission may extend for three months the period of filing of the preliminary development plan.

The preliminary development plan must include all of the following information:

A map showing street systems, plot lines and plot designs.

Areas proposed to be conveyed, dedicated, or reserved for parks, streets, playgrounds, public buildings and similar public and semi-public uses.

A plot plan for each building site and open area, showing the approximate location of all buildings, structures, and improvements and indicating the open spaces around buildings and structures.

Elevation and perspective drawings of all proposed structures and improvements except for single-family residences and their accessory buildings. The drawings need not be the result of final architectural decisions and need not be in detail.

A development schedule indicating (1) the approximate date when construction of the project can be expected to begin; (2) the stages in which the project will be built and the approximate date when construction of each stage can be expected to begin; (3) the anticipated rate of development; (4) the approximate dates when the development of each of the stages in the development will be completed; and (5) the area and location of open space that will be provided at each stage.

Agreements, provisions or covenants that govern the use, maintenance and continued protection of the planned development and any of its open areas.

The following plans and diagrams, insofar as the Plan Commission finds that the planned unit development creates special problems of traffic, parking, landscaping or economic feasibility:

An off-street parking and loading plan.

A circulation diagram indicating the proposed movement of vehicles, goods, and pedestrians within the planned development and to and from existing thoroughfares. Any special engineering features and traffic regulation devices needed to facilitate or ensure the safety of this circulation pattern must be known.

A landscaping and tree planting plan,

An economic feasibility report or market analysis.

Map Standards for Preliminary Development Plans:

Drawn to a scale of 1" = 50'.

Survey Information: distances with angles and bearings by a registered surveyor or professional engineer

Contours at 5 foot intervals or less,

Proposed contour at 5 foot intervals or less,
Sanitary sewer and drainage or sewerage treatment systems designed by a registered professional engineer,
Adjacent streets, names and widths,
North point, scale and date.
Adjacent property owners and use of adjacent property,
Limit of easements, right of way and areas for open spaces dedication,
Lot lines, areas and numbers.
Street locations, names, widths, radii, curve lengths, grades.
Sidewalks,
Name of owner.
Location of watercourses, trees, wet area and rock outcroppings.
Title of Development,
Total area of development,
Total area of land left in open space,
Total number of dwelling units with breakdown of different types, where applicable.
Total area to be used for roads

In the cases of multi-family or commercial buildings, the Site Plan requirements of Section 250 of these regulations must be met.

A618 Approval of Preliminary Development Plans

F. If any outline plan has been submitted and approved, the applicant shall file the preliminary development plan with the Commission.

The Commission shall approve the preliminary development plan if it is in compliance with the approved outline development plan, and if it complies with all other standards for the review of the planned unit developments which were not considered when the outline development plan was approved.

Failure to act by the Commission within 60 days after the submission of a preliminary development plan shall mean approval by the Commission.

A619 Approval of Final Development Plan

G. Within six months following the approval of the preliminary plan, the applicant shall file with the Commission a final development plan containing in final form the information required in the preliminary plan. In its discretion and for good cause, the Commission may extend for three months the period for the filing of the final development plan.

The Commission shall give notice and provide an opportunity to be heard on the final development plan to:

Any person who appeared of record at the hearing on the outline development plan, if any.

Any person who has indicated to the Commission in writing his wishes to be notified.

The Commission shall act within 60 days after filing of the final development plan.

A planned unit development given final approval by the Commission must be filed in the office of the Town Clerk within 90 days after the final approval date or it will become invalid.

A620 Failure to Begin a Planned Unit Development

A620.1 If no construction has begun in the planned unit development within one year from the approval of the final development plan, the plan shall lapse and be no longer effective. In its discretion and for good causes, the Commission may extend for six months the period for the beginning of construction. If a final development plan lapses under the provisions of this section, the Planning Department shall remove the planned development from the zoning map and shall file a notice of revocation with the recorded final development plan. The zoning regulations applicable before the final development was approved shall then be in effect.

A621 Building Permits

A621.1 The Building Inspector shall issue building permits for buildings and structures in the area covered by the approved final development plan only if they are in conformance with the approved final development plan and with all other applicable ordinances and regulations. He shall issue a certificate of occupancy for any completed building or structure located in an area covered by the approved final development plan if the completed building or structure conforms to the requirements of the approved final development plan and all other applicable ordinances and regulations.

A622 Amendment to Final Development Plan

H. No changes may be made in the approved final plan during the construction of the planned unit development except upon application to the Commission under the procedures provided below:

Minor changes in the location, siting and height of buildings and structures may be authorized by the Town Planner, if required by engineering or other circumstances not foreseen at the time the final plan was approved. No change authorized by this section may increase the cube of any building or structure by more than 10%.

All other changes in use, any rearrangement of lots, blocks and building tracts, any changes in the provisions of open spaces, and all other changes in the approved final plan must be made by the Commission. No amendments may be made in the approved final plan unless then are shown to be required by changes in conditions that have occurred since the final plan was approved or by changes in the development policy of the Town of Hamden.

Increase the total number of dwelling units within the planned unit development;

Increase the total area of lot coverage within the planned unit development; and

Decrease the total area of open space within the planned unit development.

Any changes that are approved for the final plan must be recorded as amendments to the recorded copy of the final plan.

A623 Phasing of Construction and Guarantee of Performance

The construction and provision of all of the open spaces and public recreational facilities that are shown on the final development plan must proceed at the same rate as the construction of dwelling units. At least once every month following the start of construction the zoning enforcement officer shall review all of the building permits issued for the planned unit development and examine the construction that has taken place on the site. If he shall find that the rate of construction of dwelling units is greater than the rate at which open spaces and public and recreational facilities have been constructed and provided, he shall forward this information to the Commission which may revoke the planned unit development zone amendment.

A624 Progress Controls on Density and Open Space

The Commission may require adequate assurance in a form and manner which it approves, that the open space shown in the final development plan will be provided. The following methods of assurance are intended as illustrative and they may be used singly or in combination:

The Commission may accept a bond, corporate surety, or other acceptable financial guarantee, in a form which complies with the provisions of the Town of Hamden and in an amount sufficient to purchase the open space shown in the final development plan or alternative acreage, which is equivalent in size and character.

The land shown as open space may be put in escrow, the escrow agreement to provide that the land is to be held in escrow until the Commission has certified to the escrow agent that the planned unit development has been completed, at which time the open space is to be conveyed to the Town of Hamden. The escrow agreement may provide for the release of the open space by the escrow agent in stages, the Commission to certify the completion of each stage of the planned unit development to the escrow agent. The escrow agreement must provide that a portion of the open space is to be conveyed to the Town of Hamden if the planned unit development is not completed. In this event, the open space which is conveyed is to bear the same proportion to the open space provided on the final development plan as the dwelling units that have been built bear to the total number of dwelling units which are allowable by the final development plan.

A625 Phasing of Non-Residential Construction

If a planned unit development contains non-residential uses, these units may be constructed after 50% of the residential units are completed, and only if the Commission finds - and records its findings on the final development plan that the non-residential uses would be consistent with the comprehensive plan even though the residential areas of the planned unit development were not built or not completed.

A626 Changes after Completion of Construction

I. The Commission shall issue a certificate certifying the completion of the planned unit development, and the Clerk of the Commission shall note the issuance of the certificate on the recorded final development plan.

After the certificate of completion has been issued, the use of land and the construction, modification, or alteration of any buildings or structures within the planned unit development will be governed by the approved final development plan rather than by any other provisions of this zoning regulation.

After the certificate of completion has been issued, no changes may be made in the approved final plan except upon application to the Commission under the procedure provided below:

Any minor extensions, alterations, or modifications of existing buildings or structures that may be authorized by this section may not increase the cube of any building or structure by more than 10%.

Any uses not authorized by the approved final plan, but allowable in the planned unit development as a permitted use under the provisions of this Zoning Regulation or permitted as a Special Permit use in the zone in which the planned unit development is located, may be added to the final development plan under the procedures provided by the Zoning Regulations for the approval of Special Permit uses.

A building or structure that is totally or substantially destroyed may be reconstructed only in compliance with the final development plan unless an amendment to the final development plan is approved.

Changes in the use of open space may be authorized by an amendment to the final development plan.

All changes in the final development plan must be made by the Commission under the procedures authorized by these regulations for the amendment of the Zoning Map. No changes may be made in the final development plan unless they are required for the continued successful functioning of the planned unit development, or unless they are required by change in conditions that have occurred since the final plan was approved or by changes in the development policy of the Town of Hamden.

No changes in the final development plan which are approved under this section are to be considered as a waiver of any covenants limiting the use of land, buildings, structures, and improvements within the area of the planned unit development, and all rights to enforce these covenants against any changes permitted by this section are expressly reserved by the Town of Hamden.

A627 Zoning Requirements

J. Land Area Needed to Qualify for a Planned Unit Development

R-1 Zone	10 acres minimum
R-2 Zone	10 acres minimum
R-3 Zone	10 acres minimum
R-4 Zone	5 acres minimum
R-5 Zone	1 acre minimum
R-6 Zone	1 acre minimum

Lot Size

For planned unit developments the lot area required for each dwelling unit may be reduced to the area indicated in the following table:

R-1	53,000 sq. ft.
R-2	27,000 sq. ft.
R-3	27,000 sq. ft. without sewer or water
R-3	25,000 sq. ft. with sewers or water
R-3	15,000 sq. ft. with sewers and water

For the R-4, R-5 and R-6 Zones, there shall be no reduction in lot size.

Dwelling Unit Types

The following dwelling types are permitted in a planned unit development for each separate residential zone.

R-1	Single-family only
R-2	Single-family only
R-3	Single-family only, with no water or sewers
R-3	Single-family only, with water or sewers
R-3	Single-family, two-family garden-type multi-family (building not to exceed two stories), with water and sewers.
R-4	For planned unit developments of from five to fifteen acres; two and three family structures. All types of multi-family structures, which shall be served with sanitary sewers.

For planned unit developments of fifteen acres or more.

All residential types except that multi-family structures shall be served with sanitary sewers.

R-5	Multi-family structures only.
R-6	Multi-family structures only.

Lot Coverage

The following is the maximum percentage of lot coverage allowed in the R-1, R-2 and R-3 zones.

R-1	15% coverage
R-2	20% coverage
R-3	20% coverage

For the R-4 Zone, where a planned unit development consists of 5 to 15 acres, the lot coverage shall conform to the following table:

For 1 and 2 story structures	30%
For 3 story structures	25%
For 4 story structures	20%
For 5 story structures	15%

For 6 story structures 10%

In the R-4 Zone where a planned unit development consists of more than 15 acres the lot coverage shall not exceed 30%.

In the R-5 Zone, the lot coverage shall conform to the following table:

For 1 and 2 story structures	30%
For 3 story structures	25%
For 4 story structures	20%
For 5 story structures	15%
For 6 story structures	10%

In the R-6 Zone, the lot coverage should conform to the following table.1

For 1 and 2 story structures	30%
For 3 and 4 story structures	25%
For 5 story structures	20%
For 6 story structures	15%
For structures of 7 or more stories	10%

Density (land area per dwelling unit)

The minimum amount of land required for each dwelling unit in a planned unit development, for each zone shall be as follows:

R-1	53,000 sq. ft.	
R-2	27,000 sq. ft.	
R-3	27,000 sq. ft. without sewers or water	
R-3	25,000 sq. ft. with sewers or water	
R-3	15,000 sq. ft. with sewers and water	
R-4	1 and 2 story structures	10,000 sq. ft.
	3 story structures	8,000 sq. ft.
	4 story structures	6,000 sq. ft.
	5 story structures	5,000 sq. ft.
	6 story structures	4,000 sq. ft.
R-4	7,000 sq. ft. per dwelling unit	
R-5	1 and 2 story structures	6,000 sq. ft.
	3 story structures	5,000 sq. ft.
	4 story structures	4,000 sq. ft.
	5 story structures	3,000 sq. ft.
	6 story structures	2,000 sq. ft.
R-6	1 and 2 story structures	6,000 sq. ft.

3 story structures	5,000 sq. ft.
4 story structures	4,000 sq. ft.
5 story structures	3,000 sq. ft.
6 story structures	2,000 sq. ft.
Structures of 7 or more stories	1,500 sq. ft.

Lot Width

Within a Planned Unit Development for single-family dwellings in the R-1, R-2 and R-3 Zones only, the lot width requirements may be reduced up to 1/3. In all other residential zones in which a Planned Unit Development is located, lot width requirements shall be met.

Front Yards

Within a planned unit development front yard requirements for the zone in which the planned unit development is located shall be met, except that, multi-family structures shall maintain the front yard requirements plus half again the required depth of the front yard.

Side Yards

In a planned unit development, the Commission may permit a side yard of not less than 2/3 the width of the minimum required side yard provided that the distance between any two dwelling structures shall be equal to twice the width of minimum required side yard of the zone in which it is located.

Rear Yard

Within a planned unit development the rear yard requirements for the zone in which the planned unit development is located shall be met.

Minimum Floor Area per Dwelling Unit

Within a planned unit development the floor area per dwelling unit requirements for the zone in which the planned unit development is located shall be met.

Building Height

For each foot of building height over thirty-five feet the distance between such buildings and the side or rear property lines shall be increased 1 foot in addition to the side or rear yards required.

Spacing of Buildings

The spacing between main buildings shall be at least equivalent to the spacing which would be required between buildings similarly developed under the terms of this regulation on separate parcels, due consideration being given to building height and to the openness normally afforded by intervening streets and alleys.

A628 Planned Unit Development in More than One Zone

If the planned unit development is in more than one residential zone, the number of allowable dwelling units must be separately calculated for every portion of the planned unit development that is in a separate zone, and must then be combined to determine the number of dwelling units allowable in the entire planned unit development. However, the distribution of dwelling units and lot sizes within the planned unit development shall be based on the requirements of the zone in which the majority of the acreage is located.

A629 Open Space Requirements

K. For each dwelling unit in a planned unit development for the following amount of land shall be set aside for usable open space.

R-1	27,000 sq. ft.
R-2	13,000 sq. ft.
R-3	13,000 sq. ft. without sewer or water
R-3	5,000 sq. ft. with sewers or water
R-3	5,000 sq. ft. with sewers and water
R-4	0 with 5 to 15 acres
R-4	25 % of the total with 15 acres or more land area
R-5 and R-6	All land not devoted to structures, required yards, parking spaces, streets and driveways.

No open space may be accepted as open space under the provisions of these regulations unless it meets the following standards:

The location, shape, size and character of the open space must be suitable for the planned unit development.

Open space must be used for amenity or recreational purposes. The uses authorized for the open space must be appropriate to the scale and character of the planned unit development, considering its size, density, expected population, topography and the number and type of dwellings to be provided.

Open space must be suitably improved for its intended use, but open space containing natural features worthy of preservation may be left unimproved. The buildings, structures and improvements which are permitted in the open space must be appropriate to the uses which are authorized for the open space and must conserve and enhance the amenities of the open space having regard to its topography and unimproved condition.

The development schedule which is part of the development plan must coordinate the improvement of the open space, the construction of buildings, structures and improvements in the open space, and the construction of residential dwellings in the planned unit development.

If the final development plan provides for buildings, structures and improvements in the open space of a value in excess of 25,000 dollars, the developer must provide a bond or other adequate assurance that the buildings, structures and improvements will be completed. The Planning Commission shall release the bond or other assurance when the buildings, structures, or improvements have been completed according to the development plan.

As an alternative to the provision of some or all of the open space which is required by these regulations, the developer may provide funds which the Town shall use for the acquisition of public open space adjoining or within 1,500 feet of the perimeter of the planned unit development. Open

space which is so acquired may be counted as part of the net project area for the purposes of calculating project densities and lot sizes within the planned unit development.

The use and improvement of the open space must be planned in relation to any existing or proposed public or semi-public open space which adjoins or which is within 1,500 feet of the perimeter of the planned development.

Conveyance and Maintenance of Open Space

All land shown on the final development plan as open space may be conveyed under one of the following options:

It may be conveyed to the Town of Hamden which will agree to maintain the open space and any buildings, structures, or improvements which have been placed on it.

It may be conveyed to trustees provided in an agreement establishing a homeowners' association or similar organization for the maintenance of the planned unit development. The open space must be conveyed to the trustees subject to covenants to be approved by the Town Planning and Zoning Commission which restrict the open space to the uses specified on the final development plan, and which provide for the maintenance of the open space in a manner which assures its continuing use for its intended purpose.

No open space may be put to any use not specified in the final development plan unless the final development plan has been amended to permit the use. However, no change of use may be considered as a waiver of any of the covenants limiting the use of open space areas, and all rights to enforce these covenants are expressly reserved.

If the open space is not conveyed to the Town of Hamden, either one of the following methods of enforcement must be provided:

The legal right to develop the open space for the uses not specified in the final development plan must be conveyed to the Town of Hamden.

The restrictions governing the use, improvements and maintenance of the open space must be stated as conditions to the conveyance of the open space, the fee title to the open space to vest in the Town of Hamden in the event of a substantial default in the stated conditions.

If the open space is not conveyed to the Town of Hamden, the covenants governing the use, improvement, and maintenance of the open space may authorize the Town of Hamden to enforce their provisions.

The Town of Hamden is not obligated herewith to indefinitely keep dedicated land as open space, but may utilize any dedicated land for any public facilities that are considered necessary and in the best interest of the Town.

The Town of Hamden may accept the dedication of open space for a temporary period not less than 35 years. If the Town disposes of the open space after that period of time, it must provide an equivalent amount of open space elsewhere in the Town.

A630 Utilities

All utilities shall be placed underground with the exclusion of overhead utility wires that already exist on existing streets.

A631 Sidewalks

Sidewalks will be required on all streets of all planned unit development.

A632 Sanitary Sewers

Dedicated open space land may not be utilized for leaching fields, or on site sewage treatment systems.

A633 P.U.D. Completion

L. Any Planned Unit Development not completed as of March 1, 2003 will cease to be eligible to be completed as a Planned Unit Development.

The Planned Unit Development designation will be removed from the land area and any expansion of land uses will be governed by the original underlying Zoning Regulations. In the case of an underlying zone being an R6 zone the governing zone will be R-5.