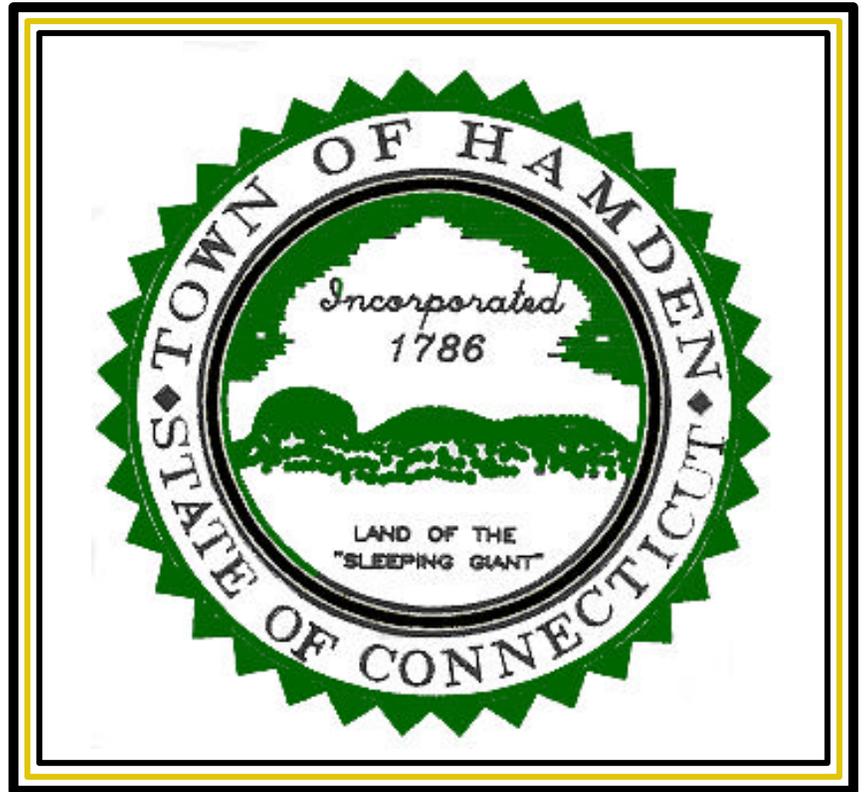


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REGULATIONS

TOWN OF HAMDEN, CONNECTICUT

Revision Date: February 5, 2003

ZONING REGULATIONS
TOWN OF HAMDEN, CONNECTICUT
AMENDMENTS¹

ADOPTED: September 14, 1982
EFFECTIVE: November 1, 1982

AMENDED: March 8, 1988
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¹Hamden first adopted zoning regulations on December 24, 1930.

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¹Hamden first adopted zoning regulations on December 24, 1930.

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TOWN OF HAMDEN, CONNECTICUT
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¹ Amendment Adopted 12/10/96, Effective 1/12/97

² Amendments Adopted 2/14/84, Effective 3/1/84

³ Amendments Adopted 1/21/03, Effective 2/5/03

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¹ Amendment Adopted 7/23/85, Effective 8/1/85

² Adopted 7/25/00, Effective 8/30/00

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¹ Adopted 12/11/97, Effective 1/3/98

² Adopted 9/14/99, Effective 10/7/99

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**ZONING REGULATIONS
TOWN OF HAMDEN, CONNECTICUT**

ARTICLE I PURPOSE, AUTHORITY AND APPLICATION

100 Purpose and Authority

In accordance with the provisions of Chapter 124 of the General Statutes of the State of Connecticut, as amended, the Plan and Zoning Commission of the Town of Hamden hereby adopts the following Zoning Regulations for the Town of Hamden, Connecticut for the following purposes:

Promoting the health, safety and general welfare of the community; lessening congestion in the streets; securing safety from fire, panic and other dangers; minimizing public and private losses due to flood conditions; providing adequate light and air; preventing the overcrowding of land and avoiding undue concentration of population; facilitating adequate provisions for transportation, water, sewerage, schools, parks and other public requirements; conserving the value of buildings and encouraging the most appropriate use of land throughout the town; providing for the public health, comfort and general welfare in living and working conditions; regulating and restricting the location of trades and industries and the location of buildings designed for specified uses; regulating and limiting the height and bulk of buildings hereafter erected; regulating and determining the area of yards and other open spaces for buildings hereafter erected; protecting historic factors; protecting existing and potential public surface and ground drinking water supplies; encouraging the use of solar and other renewable forms of energy and energy conservation and encouraging the development of housing opportunities for all citizens of the municipality consistent with soil types, terrain and infrastructure¹ and insuring that proper provisions are made for Soil Erosion and Sediment Control.²

110 Application of Regulations

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, and 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, nor shall any building be greater in height than as prescribed in the applicable section hereof, except as otherwise specifically provided in these Regulations. No lot shall be diminished in area nor shall any yard or other open space be reduced except in conformity with the Regulations.

¹ Adopted 12/11/84, Effective 1/14/85

² Adopted 7/23/85, Effective 8/1/85

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ARTICLE II DEFINITIONS

200 General Terms

For the purpose of these Regulations, certain terms or words shall be defined as below. Words in the present tense include the future, the singular number includes the plural, and vice versa. The word "person" includes a partnership, corporation, organization, association or trust as well as individual. The word "lot" includes the words "plot" or parcel. The words "arranged," "intended," "designated," "used" and "occupied" shall be synonymous in these Regulations. The word "shall" is mandatory; the word "may" is permissive.

210 Other Terms

Abut	To physically touch or border upon; or to share a common property line.
Acre, (Zoning)	40,000 square feet.
Adult-Oriented Establishment ¹	SEE SECTION 738 DEFINITIONS.
Alley	A service way providing a secondary means of public access to abutting property and not intended for general traffic circulation.
Apartment. Accessory	A dwelling unit which 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_	Primary and secondary recharge areas of the Mill River Aquifer as shown in The Need for Water Protection in South Central Connecticut prepared by the South Central Regional Planning Agency - July 1980, on file in the Planning & Zoning Office.
Area of Special Flood Hazard ²	The land in the flood plain within a community subject to a one percent or greater change of flooding in any given year.
Assisted Living Services ³	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 fifty-five (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.

¹ Adopted 9/14/99, Effective 10/7/99

² Adopted 3/8/94, Effective 5/1/94

³ Adopted 3/5/96, Effective 3/31/96

Basement	Means any area of the building having its floor subgrade (below ground level) on all sides. ¹ 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 6 1/2 feet.
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.
Billboard	See Sign, advertising.
Boarder	See Roomer.
Boarding House	See Rooming House.
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 which may be a part of the minimum yard requirements.
Buildable Area Building	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 part of one structure and 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 both of which lots are under the same ownership in all respects as to title and fractional interest. A detached accessory building is one which 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 Height ²	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

¹ Adopted 3/8/94, Effective 5/1/94

² Adopted 6.29.93, Effective 7/7/93

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 is conducted the main or principal use of the lot on which said building is located.
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.
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.
Camper	A structure designed primarily to be mounted on a pickup or truck chassis, and with sufficient equipment to render it suitable for use as a temporary living accommodation for travel, recreational or vacation use.
Cardiovascular Prevention and Rehabilitation Facility ¹	A facility, either privately or publicly operated, in which diagnostic, therapeutic and rehabilitative programs for cardiovascular, pulmonary, hypertension and related diseases are conducted, and which has short-term residential facilities.
Cell Construction Method	The spreading, compacting and covering daily of solid wastes in areas which are enclosed by at least three walls or berms of soil.
Cemetery	Property used for the interring of the dead.
Certification ²	A signed, written approval by the Hamden Planning and Zoning Commission or Section thereof, as required, or its designated agent, that a soil erosion and sediment control plan complies with the applicable requirements of those regulations.
Change of Use	Any use which substantially differs from the previous use of a building or land.
Church or Synagogue	A building or structure, or groups of buildings or structures, which by design and construction are primarily intended for the conducting of organized religious services and accessory uses associated therewith.
Child Day Care Center	See Nursery School.

¹ Adopted 9/12/83, Effective 10/1/83

² Adopted 7/23/85, Effective 8/1/85

Civic Club	An association of persons which is the owner, lessee or occupant of an establishment operated solely for a recreational, social, fraternal, religious, political or athletic purpose whose activities are confined to the members and guest, are not extended to the general public, and include the establishment so operated; but does not include such clubs where the chief activity is a service customarily carried on primarily for business or gain.
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.
College	An educational institution of higher learning certified or accredited by the State of Connecticut to award degrees or certificates.
Commission	The Hamden Town Plan and Zoning Commission, the Planning Section of the Hamden Town Plan and Zoning Commission, or the Zoning Section of the Hamden Town Plan and Zoning Commission, whichever had jurisdiction over the particular subject matter thereof.
Community Residence ¹	A facility which houses the staff of such facility and eight or fewer mentally ill adults which is licensed by the Commissioner of Health Services and which provides supervised, structured group living activities and psychosocial rehabilitation and other support services to mentally ill adults discharged from a state operated or licensed facility or referred by a licensed physician specializing in psychiatry or a licensed psychologist.
Contiguous	See Abut.
County Soil and Water Conservation District ²	The New Haven County Soil and Water Conservation District established under subsection (a) of Section 22a-315 of the General Statutes.
Convalescent Homes	See Nursing Home.
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 Cut	The opening along the curb line at which point vehicles may enter or leave the roadway.

¹ Adopted 12/11/84, Effective 1/4/85

² Adopted 7/23/85, Effective 8/1/85

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. ¹
Disturbed Area ²	An area where the cover is destroyed or removed leaving the land subject to accelerated erosion.
Dormitory ³	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. Any building occupied by fifteen (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.
Drive-In Restaurant	A building or portion thereof where food and/or beverages are sold in a form ready for consumption and where a significant portion of the consumption takes place or is designed to take place outside the confines of the building, often in a motor vehicle on the site.
Drainage	The controlled removal of surface water or ground water from land by drains, grading or other means which include runoff controls to minimize erosion, reduce suspended solids and maximize groundwater recharge during and after construction or development.
Dwelling	A building or portion thereof which is used exclusively for human habitation. The term shall not be deemed to include a motel, hotel, camper, trailer, recreation vehicle, or tent. single dwelling unit or one dwelling unit shall mean the same as one-family dwelling unit. two dwelling unit building shall mean the same as two-family dwelling unit building. three family unit shall mean the same as three-family dwelling unit. multi-dwelling unit building shall mean the same as multi-family unit.
Dwelling. Attached	A dwelling having any portion of one or more walls in common with another dwelling.

¹ Adopted 3/8/94, Effective 5/1/94

² Adopted 7/23/85, Effective 8/1/85

³ Adopted 9/25/01, Effective 10/25/01

Dwelling. Detached	A dwelling which is not attached to any other dwelling by any means.
Dwelling. Multi-Family	Any building designed, constructed, and used as a residence building for four or more dwelling units; the term includes town-houses and apartments.
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 rooms connected together, 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 any 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.
Egress	A vehicular 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.
Emission	A discharge of substances into the air.
Erosion ¹	The detachment and movement of soil or rock fragments by water, wind, ice and gravity.
Excavation	Removal or recovery by any means whatsoever of soil, rock, minerals, minerals substances or organic substances other than vegetation, from water or land on or beneath the surface thereof.
Extended Stay Hotel ²	Any building containing sixty or more guest rooms intended or designed to be used, or which are used, rented, or hired out to be occupied, or which are occupied for sleeping purposes for guest and contain kitchen facilities for food preparation including but not limited to such facilities as refrigerators, stoves and ovens.
Façade	The exterior wall of a building exposed to public view.

¹ Adopted 7/23/85, Effective 8/1/85

² Adopted 11/16/99, Effective 12/10/99

Family ¹	One or more persons related by blood, marriage or adoption. Foster children or wards of the state are included as members of a family. 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. Three or more unrelated individuals occupying a dwelling unit and meeting the definition of student will be governed by the student housing regulations.
Family Day Care Home	An establishment licensed by the State of Connecticut, caring for not more than six children including the provider's own children not in school full time, where the children are cared for not less than three nor more than twelve hours during a twenty-four hour period and where care is given on a regularly recurring basis.
Farm	A lot or lots of contiguous land containing at least two acres on which the land and buildings are devoted to farming and other such uses as are accessory thereto.
<u>Farm. Commercial</u>	A farm containing at least five acres and producing vegetables, grains, grasses, trees, herbs, flowering plants, shrubs or fruit for the market or the raising of livestock, farm animals (except pigs or fur-bearing animals, and excluding commercial kennels), fish, birds or bees and the production of milk for the market.
<u>Fence</u>	A barrier of any material or combination of materials erected to enclose, separate, or screen areas of land.
<u>Flood or Flooding</u>	A temporary condition of partial or complete inundation by water of normally dry land areas.
<u>Flood. Base</u>	The flood having a one percent chance of being equaled or exceeded in any given year (100 year storm).
<u>Flood Hazard Area</u>	See Special Flood Hazard Area ²
<u>Flood Insurance Rate Map (FIRM)</u>	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.
<u>Flood Insurance Study</u>	The official report from the Federal Emergency Management Agency (FEMA) which contains examinations, evaluation, and determination of flood hazards and if appropriate, corresponding water, surface elevations. ³

¹ Adopted 9/25/01, Effective 10/25/01

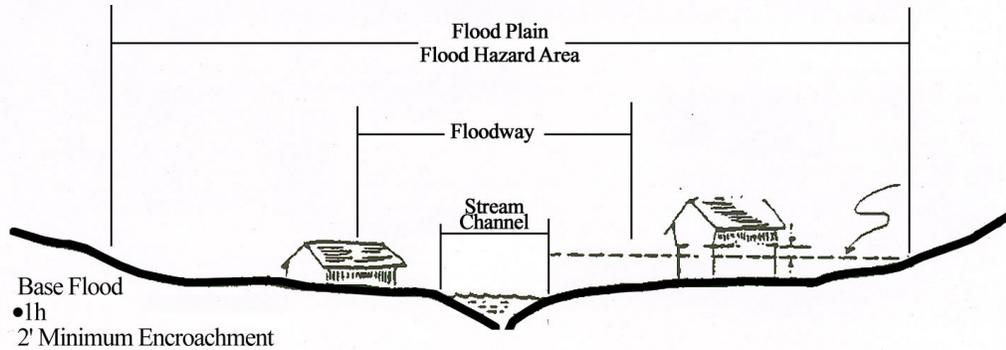
² Adopted 3/8/94, Effective 5/1/94

³ Adopted 3/8/94, Effective 5/1/94

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.

Floor¹

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, Lowest²

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 6 1/2 feet or more, and (c) enclosed porches, interior balconies and mezzanines and penthouses, and excluding 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 space or any space where the floor-to-ceiling height is less than 6 1/2 feet, and that portion of any enclosed Mall Area or Interior Walkway within a Retail Building not utilized for the sale of goods or services or seating for food consumption.³

¹ Adopted 3/8/94, Effective 5/1/94

² Adopted 4/1/88, Effective 4/1/88, Amended 3/8/94, Effective 5/1/94

³ Adopted 1/5/89, Effective 2/1/89

<u>Floor Area, Livable</u>	The floor area of a dwelling unit finished for occupancy but not including porches, utility rooms, garages, bay windows or public hallways 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.
<u>Floor Area Ratio</u> ¹	The ratio of the gross floor area of principal building or principal buildings on a lot, to the total lot area.
<u>Frontage</u>	See Lot Line, Front.
<u>Fur Bearing Animal</u>	An animal which is customarily bred and raised for the use of its pelt for clothing or decoration of clothing such as mink, fox or rabbit.
<u>Garage</u>	A deck, building or structure, or part thereof, used or intended to be used for the parking or storage of vehicles.
<u>Gasoline Station</u>	Any lot, building or part thereof, used for the sale of vehicular fuels and auto 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.
<u>Grade</u>	The degree of rise or descent of a sloping surface.
<u>Grade, Finished</u>	The final elevation of a particular point above or below a given reference datum.
<u>Grading</u> ²	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.
<u>Group Day Care Home</u>	See Nursery School.
<u>Group Home</u> ³	An establishment licensed by the State of Connecticut having facilities and all necessary personnel to provide resident services and 24-hour supervision for not less than seven nor more than twelve mentally retarded and/or physically handicapped persons.
<u>Ground Floor</u>	The first floor of a building other than a basement.
<u>Hazardous Material</u>	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).

¹ Adopted 1/24/91, Effective 1/31/91

² Adopted 7/23/85, Effective 8/1/85

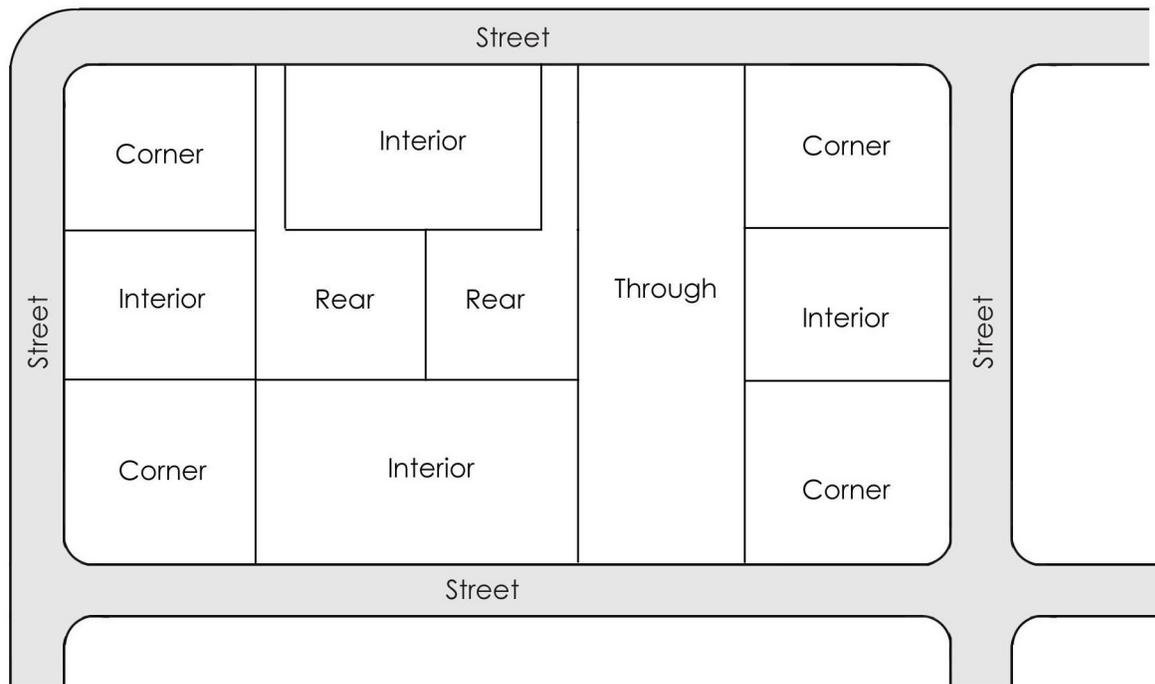
³ Adopted 8/1/83, Effective 8/1/83

<u>Hazardous Wastes</u>	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.
<u>Home Occupation</u>	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.
<u>Hospital</u>	A facility licensed by the State Department of Health providing health services and medical or surgical care to persons, primarily in-patients.
<u>Hospital, Veterinary</u>	A facility for the diagnosis, treatment and/or care of animals by a veterinarian licensed by the State of Connecticut.
<u>Hotel</u>	A building providing transient lodging for 15 or more persons, with or without meals, and so designed that normal access to the rooms is through a public lobby or directly from out-of-doors.
<u>Housing Unit for the Elderly</u>	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.
<u>Industrial Processing Waste (Non-Hazardous)</u>	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.
<u>Ingress</u>	A vehicular entrance.
<u>Inspection</u>	The periodic review of sediment and erosion control measures shown on a certified plan.
<u>Junkyard</u>	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.
<u>Kenel</u> ¹	An establishment in which more than five dogs or domesticated animals more than one year old are housed, bred, boarded, trained or sold for the purpose of monetary gain.
<u>Loading Space</u>	An off-street space available for the standing, loading and unloading of one truck, excluding adequate maneuvering area.

¹ Adopted 6/29/93, Effective 7/7/93

<u>Lot</u>	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.
<u>Lot Area</u>	The gross horizontal area contained within the property lines of the lot.
<u>Lot, Corner</u>	A lot abutting upon the intersection of two or more streets or upon two parts of the same street forming an interior angle of less than 135 degrees.
<u>Lot Coverage</u>	The portion or percentage of the lot that is covered by buildings and/or structures over 4 feet in height.
<u>Lot Depth</u>	The mean distance from the front lot line to the rear lot line measured in the general direction of the side lines of the lot.
<u>Lot, Interior</u>	A lot other than a corner lot.
<u>Lot Line</u>	Any property line of record bounding a lot.
<u>Lot Line, Front</u>	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.
<u>Lot Line, Rear</u>	The lot line between the side lot lines and generally opposite to and most distant from the front lot line.
<u>Lot Line, Side</u>	The lot line generally extending from the street or front lot line and connecting the front and rear lot lines.
<u>Lot, Rear</u>	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 to other lots having frontage on the same street.
<u>Lot, Through</u>	A lot other than a corner lot having frontage on two streets or two frontages on the same street.
<u>Lot Width</u>	The horizontal distance between side lot lines measured parallel to the street line and along the minimum required front setback line.

VARIOUS LOT DEFINITIONS



Managed Residential Community¹ A facility consisting of private residential units that provides a managed group living environment, including housing and services primarily for persons age fifty-five (55) or older.

Manufactured Home² A structure, transportable in one or 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 whereby 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 and treatment activities.

Mean Sea Level³ 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.

Motel See Hotel

¹ Adopted 3/5/96, Effective 3/31/96

² Adopted 3/8/94, Effective 5/1/94

³ Adopted 4/1/88, Effective 4/1/88

<u>Motor Vehicle Service</u>	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.
<u>Motor Vehicle Repair</u>	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.
<u>New Construction in Special Flood Hazard Areas</u> ¹	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.
<u>Night Clubs</u> ²	A commercial establishment in compliance with Connecticut General Statutes and Hamden Fire Code, dispensing alcoholic beverages and/or food for consumption on the premises, and in which music and a dance floor is provided for customer enjoyment, and which excludes adult-oriented entertainment, to be permitted in the CDD-1 District subject to special permit and site plan approval and any applicable conditions set forth in Section 700.
<u>Non-Conforming Building or Structure</u>	A building or structure legally existing on the effective date of these Regulations or any applicable amendment thereof but which fails by reason of such adoption, revision or amendment to conform to the present district regulations for any prescribed structure or building requirement, such as 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, etc.
<u>Non-Conforming Lot</u>	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 district regulations for any prescribed lot requirement.
<u>Non-Conforming Use</u>	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 zoning district in which it is located.
<u>Nursery School</u>	An establishment licensed by the State of Connecticut having facilities and all necessary personnel for the care, guidance and/or supervision of seven or more children not of common parentage on a regular basis for a part of the 24 hours in one or more days of the week.
<u>Nursing Home</u>	A chronic and convalescent nursing home or a rest home with nursing supervision, as defined and licensed by the State of Connecticut.

¹ Adopted 3/8/94, Effective 5/1/94

² Adopted 6/8/99, Effective 7/1/99

<u>Occupant</u>	The individual or individuals in actual possession of a premises.
<u>Office</u>	A room or group of rooms used for conducting the affairs of a business, profession, service or government.
<u>Office Building</u>	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.
<u>Open Space. Useable</u>	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 the lot or parcel. In addition all roof areas landscaped or developed for recreation; all landscaped areas above underground garages, and one half the area of exterior balconies shall qualify as useable open space.
<u>Owner</u>	An individual, firm, association, syndicate, partnership or corporation having recorded title to the land and/or building.
<u>Parking Area</u>	Any public or private land area designed and used for parking motor vehicles including garages, carports, and other enclosed, semi-closed and open spaces.
<u>Parking Lot</u>	An off-street ground level area used for the temporary parking of registered motor vehicles.
<u>Parking Lot Aisle</u>	An area in a parking lot intended or designed for self-parking of motor vehicles and access to such parking spaces, but not including lanes of ingress or egress from a street.
<u>Parking Space</u>	The area required for parking one automobile not including passageways and driveways appurtenant thereto and giving access thereto.
<u>Personal Wireless Service Facilities and Towers: Other Antennae and Satellite Dishes</u> ¹	SEE SECTION 737 DEFINITIONS.
<u>Pet Grooming Establishment</u> ²	An establishment in which dogs and cats are bathed and groomed. The animals are not boarded overnight.
<u>Pollution</u>	The presence of matter or energy whose nature, location or quantity produces undesired environmental and/or health effects.
<u>Premises</u>	All land comprising a lot, together with all buildings and uses thereon.

¹ Adopted 12/11/97, Effective 1/3/98

² Adopted 6/29/93, Effective 7/7/93

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.

Recreation, Vehicle¹

A vehicle which is (i) built on a single chassis; (ii) 400 square feet or less when measured at the largest horizontal projections; (iii) designed to be self-propelled or permanently towable by a light duty truck; and (iv) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Regional Educational Service Center²

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

Resource Recovery Facility³

A facility utilizing processes aimed at reclaiming the material or energy values from solid wastes.

Roomer or Boarder⁴

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. Unrelated individuals meeting the definition of student will be governed by the student housing provisions of these regulations.

Rooming House or Boarding House⁵

Any dwelling in which at least 3 persons but less than 15 persons are housed or boarded for consideration or otherwise without separate kitchen facilities, with or without meals. If 15 or more persons are housed or boarded, such building shall be considered a hotel or motel or dormitory.

Any building occupied by 15 or more individuals meeting the definition of student and administered by or on behalf of an educational institution, college or university, trade school, training facility or similar entity will be considered a dormitory and governed by the provisions for a dormitory in these regulations.

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 involving training in the fields of business or the arts such as: data processing, computer programming, typing, stenography, cosmetology, modeling, dancing, music, fashion design, drafting, painting, sculpturing, and other similar uses.

¹ Adopted 3/8/94, Effective 5/1/94

² Adopted 4/6/93, Effective 4/20/93

³ Adopted 9/11/84, Effective 10/1/84

⁴ Adopted 9/25/01, Effective 10/25/01

⁵ Adopted 9/25/01, Effective 10/25/01

<u>Sediment</u> ¹	Solid material, either mineral or organic, that is in suspension, is transported, or has been moved from its site of origin by erosion.
<u>Service Establishment. Business</u>	Establishments primarily engaged in providing services for the home or business such as: appliance repair, rug cleaning and repair, linen supply, adjustment, collection, credit, advertising, duplicating, mailing, employment, typing, stenographic, delivery, photo finishing, office equipment, cleaning, and other similar services.
<u>Service Establishment. Personal</u>	Establishments primarily engaged in providing services involving the care of a person or his or her apparel, such as a: Barber Shop, Beauty Parlor, Tailoring or Dressmaking Shop, Dry Cleaning Store, Shoe Repair Shop, Optician, Reducing Salon, Health Club and other similar services.
<u>Setback</u>	The horizontal distance from any lot line to any building, structure or use, measured in a straight line from and perpendicular to such lot line.
<u>Shopping Center</u>	A group of commercial establishments under the same roof or which are interconnected by walls, roofs, and enclosed malls or walkways, planned and developed in such a manner so as to make a common facility.
<u>Sign</u>	Any object, device, display or structure which is used for attracting attention to any use, product, service, or activity, but not including any flag or insignia of any government or governmental agency, or of any fraternal, civic, charitable, or religious organization.
<u>Sign, Advertising</u>	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 or billboard is located.
<u>Sign, Animated, Flashing or Moving</u>	Any sign or source of light or part thereof which flashes, rotates, moves or in any way simulates motion, exclusive of any portion used for time and temperature indication.
<u>Sign Area</u>	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. Structural members and supports required by Building Codes and not bearing advertising matter and not forming an integral part of the display shall be excluded from the sign area.
<u>Sign, Business</u>	A sign advertising a business, profession, use, product, service or activity conducted, sold or offered on the premises where such sign is located.

¹ Adopted 7/23/85, Effective 8/1/85

Sign, Construction

A temporary sign erected on the premises on which construction or remodeling is taking place, during the period of such construction, indicating the names of the architects, engineers, landscape architects, contractors or similar artisans, and the owners, financial supporters, sponsors, and similar individuals or firms having a role or interest with respect to the structure or project.

Sign, Directional

A sign limited to directional messages intended to direct the way to a place or activity or to point towards a place of activity.

Sign, Free-Standing

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

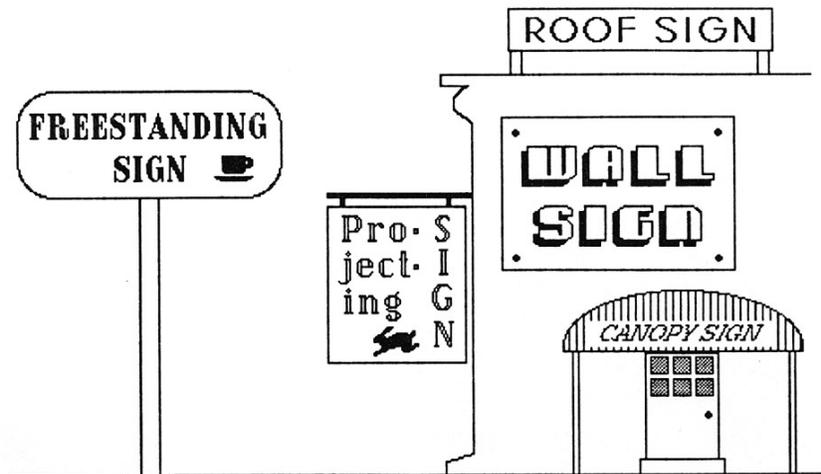
Sign, Temporary

A banner, pennant, poster, or advertising display constructed of cloth, canvas, plastic sheet, cardboard, wallboard, or other materials to be displayed for a short period of time.

Sign, Wall

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.

EXAMPLES OF SIGNS



Solid Waste

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

Solid Waste Disposal Area

The location utilized for ultimate disposal of solid wastes as approved by the State Department of Environmental Protection and the Hamden Planning and Zoning Commission.

<u>Solid Waste Facility</u> ¹	Any solid waste disposal area, volume reduction plant, resource recovery facility or transfer station operated by the Town of Hamden as privately operated, if such facility handles more than five tons of solid waste per year.
<u>Solid Waste Municipal</u> ²	Non bulky residential, commercial, and institutional trash and garbage which is normally collected by conventional refuse collection vehicles and hauled to a point for processing or disposal. This classification of refuse is acceptable in a conventional packer truck transfer station compactor, shredder, or refuse combustion unit.
<u>Soil</u> ³	Any unconsolidated mineral and organic material of any origin.
<u>Soil Erosion and Sediment Control Plan</u> ⁴	A scheme that minimizes soil erosion and sedimentation resulting from development and includes, but is not limited to, a map and narrative.
<u>Special Flood Hazard Area</u> ⁵	The land in the flood hazard areas within Hamden subject to a one percent or greater chance of flooding in any given year as delineated on the Flood Insurance Rate Maps dated June 15, 1979, as revised.
<u>Start of Construction</u> ⁶	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.

¹ Adopted 9/11/84, Effective 10/1/84

² Adopted 9/11/84, Effective 10/1/84

³ Adopted 7/23/85, Effective 8/1/85

⁴ Adopted 7/23/85, Effective 8/1/85

⁵ Adopted 3/8/94, Effective 5/1/94

⁶ Adopted 4/1/88, Effective 4/1/88, Amended 3/8/94, Effective 5/1/94

<u>Story</u>	That portion of a building included 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.
<u>Street</u>	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.
<u>Street Line</u>	The line separating the street from an adjacent lot.
<u>Structure</u> ¹	Anything constructed, formed or erected, or a walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructures, for use of 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 and fences or walls more than six (6) feet in height other than retaining walls.
<u>Student</u> ²	For the purposes of these regulations a student is an individual enrolled in a program of study at an educational institution, college or university, trade school, training facility or similar entity.
<u>Student Housing</u> ³	Student housing is 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 will be considered a dormitory and not student housing.
<u>Substantial Damage</u> ⁴	Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damage condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
<u>Substantial Improvement</u> ⁵	Any combination of repairs, re-construction, alteration, or improvements to a structure taking place over a one (1) year period, in which the cumulative cost equals or exceeds fifty percent 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.

¹ Adopted 3/8/94, Effective 5/1/94

² Adopted 9/25/01, Effective 10/25/01

³ Adopted 9/25/01, Effective 10/25/01

⁴ Adopted 3/8/94, Effective 5/1/94

⁵ Adopted 3/8/94, Effective 5/1/94

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.

Swimming Pool

An enclosure for water, permanently constructed or portable, in-ground or above-ground 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.

Trailer

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

Transfer Station¹

A solid waste facility that is a central collection point for the solid waste generated within a municipality or group of municipalities where solid wastes are transferred to a vehicle for removal to another solid waste facility.

Truck Garden

A farm containing at least two acres and producing vegetables or fruit for the market, but not including the raising of animals. (Nothing in these regulations shall prohibit the raising of vegetables or fruit for home consumption on a lot of any size.)

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 which is located on the same lot and which 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) which 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.

¹ Adopted 9/11/84, Effective 10/1/84

<u>Vehicle, Recreational</u>	A vehicular type portable structure without permanent foundation, which can be towed, hauled or driven and primarily designed as temporary living accommodation for recreational, camping and travel use and including but not limited to travel trailers, truck campers, camping trailers and self-propelled motor homes.
<u>Volume Reduction Plant</u> ¹	A plant which is designed primarily for the purpose of reducing the volume of solid waste which must finally be disposed of, including but not limited to incinerators, pulverizers, compactors, shredding and bailing plants, transfer stations, composting plants, and other plants which accept and process refuse for recycling.
<u>Water Surface Elevation</u> ²	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.
<u>Working Face</u>	The portion of a solid waste disposal area where the waste is deposited, spread and compacted prior to the placement of cover material.
<u>Yard</u>	A space not occupied by a building or structure open to the sky, on the same lot as the principal building.
<u>Yard, Front</u>	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.
<u>Yard, Rear</u>	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.
<u>Yard, Side</u>	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.

¹ Adopted 9/11/84, Effective 10/1/84

² Adopted 4/1/88, Effective 4/1/88

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ARTICLE III GENERAL REGULATIONS

300 Zoning Districts

301 Classes of Zoning Districts

For the purpose of these Regulations the Town of Hamden is divided into the following classes of Districts and Zones:

Residence 1	R-1 District
Residence 2	R-2 District
Residence 3	R-3 District
Residence 4	R-4 District
Residence 5	R-5 District
Business 1	B-1 District
Business 2	B-2 District
Manufacturing 1	M-1 District
Controlled Development 1	CDD-1 District
Controlled Development 2	CDD-2 District
Controlled Development 3	CDD-3 District
Controlled Development 4 ¹	CDD-4 District
Flood Plain	FP District
Town Green District ²	TG District

302 Zoning District Boundaries

The boundaries of these Zoning Districts 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 said 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.

303 Interpretation of District Boundaries

Where uncertainty exists with respect to the boundaries of any of the zoning districts shown on the aforesaid map, the following rules shall apply:

303.1 Unless otherwise indicated on the zoning map, the zoning district 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. Where a boundary is centerline of the street right-of-way and at such distance therefrom as indicated on the zoning map. If not indicated, such distance shall be 200 feet in all Residential Districts and Manufacturing Districts and 100 feet in all Business Districts.

303.2 Where zoning district boundaries are shown graphically as 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

¹ Adopted 2/14/84, Effective 3/1/84

² Adopted 1/21/03, Effective 2/5/03

these Regulations or any amendment thereto changing the zoning district boundary affecting such property.

304 Extension of Use

Where the boundary of a district 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 district may be extended into the other district 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 section 700.

310 General Lot, Yard, Height and Building Regulations

The following general regulations relating to lots, yards, visibility at intersections, height limits and dwellings are applicable to all zoning districts and are to be applied in addition to the specific requirements of the applicable zoning district.

The buildings or structures in a Shopping Center can be built on contiguous lots, which taken as a whole, must comply with these regulations, however, each individual lot need not comply with these regulations pertaining to minimum lot area, minimum lot size, minimum yards, maximum lot coverage, maximum floor area ration, and minimum lot frontage on a public street.¹

310.1 Lot Size²

In determining the compliance with the minimum lot size required in any zoning district for lots, the area of wetlands and the area of steep slopes exceeding 20 percent grade shall be subtracted.

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

310.2 Minimum Square³

Each lot shall have an area of minimum square where the house is to be located that is free from wetlands and / or steep slopes in excess of 20 percent grade according to the following district requirements:

R1	125 ft.	by	125 ft.
R2	100 ft.	by	100 ft.
R3	80 ft.	by	80 ft.
R4	70 ft.	by	70 ft.
R5	60 ft.	by	60 ft.

¹ Adopted 1/24/91, Effective 1/31/91
² Adopted 10/15/02, Effective 10/16/02
³ Adopted 10/15/02, Effective 10/16/02

311 Rear Lots and Access

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.¹ Access to the rear lot shall be provided by an access way that shall not exceed a length of 400 feet, shall not be less than 25 feet wide at any point, shall not be included in the minimum required lot area, and shall contain a driveway from the public street to the building or structure. Each access way shall contain only one driveway and provide access for one lot only.² The maximum number of abutting access ways shall not exceed two.

311.1 All rear lots created after the effective date of this amendment must comply with the following standards:³

- a. Each lot must be at least fifty percent (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 fifteen percent (15%) of the total lots proposed for subdivision.⁴

312 Corner Lots

On a corner lot, front yards are required on both street frontages, and one yard other than the front yard shall be deemed to be a rear yard and the other a side yard. One of the front yards shall be as required by the applicable district. The other front yard shall not be less than half the sum of the side yard and the front yard required by the applicable district.

313 Through Lots

On a through lot, front yards are required on all streets in accordance with the applicable district.

314 Yards

314.1 Front Yards. Each lot shall be required to have a minimum front yard as specified in the applicable district or as determined by the average setback line along a developed block frontage, whichever is greater. Where lots comprising 50% or more of the block frontage (excluding corner lots) have been developed, the average setback of the developed lots shall be determined. In determining the average setback on long blocks, only developed lots within 200 feet of each side of the subject lot shall be used in the computation. Bus shelters and similar structures on private property serving a public need shall be excluded from any setback requirements.⁵

¹ Adopted 8/1/83, Effective 8/1/83

² Adopted 12/10/96, Effective 1/10/97

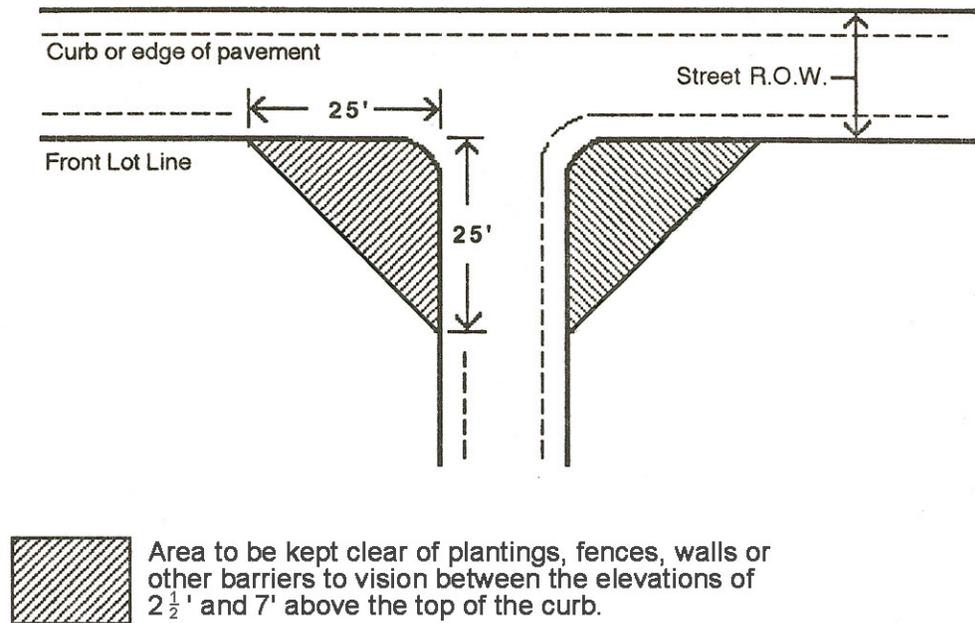
³ Adopted September 25, 1996, Effective October 25, 1996

⁴ Adopted 10/15/02, Effective 10/16/02

⁵ Adopted 8/1/83, Effective 8/1/83

- 314.2** Projection into Yard. 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 house 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 yard.¹
- 314.3** Visibility at Street and Driveway Intersections. No structure, wall, fence or shrubbery, trees or signs shall be erected, maintained, or planted on any lot which unreasonable or dangerously obstructs or interferes with the visibility of drivers on a curve, at a street intersection, or at the intersection of private driveway with a road right-of-way or public sidewalk.² The minimum clearance shall require a clear space between the elevations of two and one-half (2 1/2) feet and seven (7) feet above the street grade (top of curb) within twenty-five (25) feet of the intersecting street lines bordering corner lots.

VISIBILITY AT STREET INTERSECTIONS

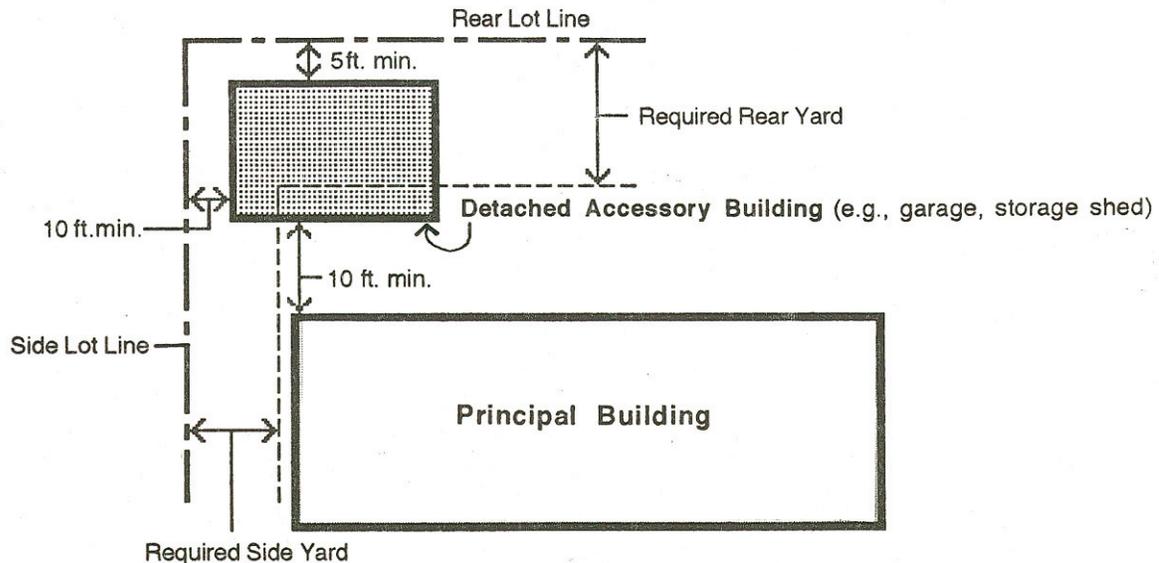


- 314.4** Accessory Buildings and Structure.³ Detached accessory buildings and structures, not more than 15 feet in height and not used for human habitation nor for the housing of animals or fowl, may be located in the rear yard not less than 10 feet from any side lot line or 5 feet from any rear lot line provided that they occupy in the aggregate not more than 20 percent of the area of the required rear yard, and provided that said structure shall have a pitched roof with a minimum pitch of 4/12.⁴ In addition, no swimming pool, tennis court, or other recreational structure

¹ Adopted 9/25/96, Effective 10/25/96
² Adopted 1/24/84, Effective 2/15/84
³ Adopted 1/14/86, Effective 2/1/86
⁴ Adopted 6/6/89, Effective 7/1/89

including related improved areas shall be permitted in any required side or front yard of any residential district.¹

LOCATION OF ACCESSORY STRUCTURES



314.5 Fences. Any fence erected on a parcel of land shall be erected so that the outer, decorative surface faces away from the property on which the fence is erected.²

315 Height Limitation³

315.1 Height of Building Wings and Protrusions. The building height limit shall be applied separately for each wing or other distinct portion of the building or structure. Spires, cupolas, towers, chimneys, flagpoles, penthouses, ventilators, skylights, tanks, solar panels and similar features occupying in the aggregate not more than ten percent of the building or structure roof area and not used for human occupancy may be erected to a reasonable and necessary height as determined by the Town Planner.

315.2 Gas Station and Drive-in Teller Canopies. Gas Station, Drive-in Teller, and similar canopies that are accessory structures must provide a minimum clearance of 14 feet and may reach a height not to exceed 18 feet.

¹ Adopted 12/11/97, Effective 1/3/98 (Sentence eliminated)

² Adopted 1/24/84, Effective 2/15/84

³ Adopted 9/25/96, Effective 10/25/96

316 Floor area of Dwelling

No dwelling shall be erected, divided or enlarged unless the minimum liveable floor area of each completed dwelling unit is not less than the amount listed below.

<u>Type of Dwelling</u>	<u>Minimum Liveable Floor Area Per Dwelling Unit</u>
One-family dwelling	700 sq. ft. on one floor or total of 950 sq. ft. on two floors
Two-family dwelling	700 sq. ft.
Three-family dwelling	700 sq. ft.
Multi-family dwelling:	
3 bedroom unit	700 sq. ft.
2 bedroom unit	600sq.ft.
1 bedroom unit	425 sq. ft.
efficiency unit	350 sq. ft.

317 Handicapped Accessibility¹

Uses requiring Special Permit and/or Site Plan approval must comply with the provisions of the Americans With Disabilities Act and ensure accessibility for the handicapped. The Commission shall evaluate items, including but not limited to the number and location of handicapped parking spaces, curb cuts, provision of crosswalks, sidewalk ramps, grades, and safety devices such as railings.

318 Minimum and Maximum On-Site Grades²

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

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.

Unpaved driveway grades may not exceed ten percent. 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.

319 Simple Splits and Lot Line Revisions³

All Simple Splits and Lot Line Revisions must be reviewed and approved by the Town Planner prior to recording on the Land Records.

¹ Adopted 9/25/96, Effective 10/25/96

² Adopted 9/25/96, Effective 10/25/96

³ Adopted 9/25/96, Effective 10/25/96

320 Non-conforming Uses, Buildings, Structure and Lots

Any non-conforming use of land, buildings or structures may be continued, and any building or structure so existing which was designed, arranged, intended for, or is devoted to a non-conforming use may be structurally altered and the non-conforming use therein continued, subject to the provisions of this section.

321 Ownership

Nothing in these Regulations shall be deemed to require discontinuance of a non-conformity because of mere change of title or possession of property, except as otherwise provided herein.

322 Zoning Permit

No non-conforming use, building, structure, or lot shall be constructed, reconstructed, enlarged, extended, altered, moved, changed, maintained, restored, or replaced unless a Zoning Permit has been issued by a Zoning Enforcement Officer, stating that such use, building, structure or lot is an existing legal non-conforming use, building, structure or lot and that such construction, reconstruction, enlargement, extension, alteration, movement, change, maintenance, restoration, or replacement is in compliance with the applicable provisions of these Regulations.

323 Discontinuance

No non-conforming use which has been discontinued shall thereafter be resumed. The term discontinued as used herein, shall mean the voluntary discontinuance of a use, when accompanied by an intent not to re-establish such use. Any one of the following shall constitute prima facie evidence of intent to discontinue:

- a. Any positive act indicating such intent, such as approval sought and granted for a less non-conforming use; or
- b. Any conscious failure to take all necessary steps to resume the non-conforming use with reasonable dispatch in the circumstances; or
- c. In the case of a structure or of a structure and land in combination, discontinuance of the non-conforming use for six consecutive months, or for a total of 18 months during any three-year period; or
- d. In the case of land only, discontinuance of the non-conforming use for 90 consecutive days, or for a total of six months during a one year period; or
- e. Any establishment of a change in use, either conforming or non-conforming, for which permits are required by the regulations, but not requested or granted.¹
- f. In the case of non-conforming uses in structure destroyed by the storm of July 10, 1989 as verified by the Hamden Assessor, said non-conforming uses may be resumed in a conforming or non-conforming structure so long as the reconstruction of said building is begun by February 14, 1990 and completed by February 14, 1991.²

¹ Adopted 8/1/83, Effective 8/1/83

² Adopted 8/15/89, Effective 9/1/89

324 Commencement of Construction

Nothing in these Regulations shall require any change in the plans, construction or designated use of a building or structure, the construction of which shall have been legally commenced prior to the effective date of these Regulations or any pertinent amendment thereof or for which a zoning permit has been issued, and which is started within six months of said effective date and diligently pursued to completion within two years following such date. Start of construction shall mean the placing of construction materials so that they are in a permanent position and fastened to the earth in a permanent manner.

325 Reconstruction

Nothing in these Regulations shall prevent the reconstruction of a building or structure suffering structural damage due to a fire or other casualty amounting to 50% or less of the building relative to its condition prior to such damage, as determined by the Building Inspector, or prevent the restoration of a wall or structural member or reconstruction order by any lawful jurisdiction provided the reconstruction shall in no way increase any former non-conformity, and further provided the reconstruction is started within six months of such casualty and is completed within two years following such casualty.

Non-conforming structures damaged or destroyed either partially or entirely by the storm of July 10, 1989 as verified by the Hamden Assessor, may be reconstructed or restored on the original foundation and to the original size as established by Town records. Said reconstruction is subject to zoning and building permits and must be commenced within six months of the effective date of this regulation and completed within one year of the issuance of a zoning permit.

Temporary trailers may be located on private property for the purpose of housing residents affected by the storm of July 10, 1989 as verified by the Hamden Assessor. Recreational vehicles may not be used for dwelling purposes. The establishment of temporary housing is subject to obtaining building and zoning permits. Said housing may remain on the site for a period not to exceed eighteen months from the effective date of this regulation or 15 days after the issuance of a certificate of occupancy, whichever is earlier.¹

326 Enlargement

No non-conforming use of land shall be enlarged, extended or altered, and no building or other structure or part thereof devoted to a non-conforming use shall be enlarged, extended, reconstructed or structurally altered, except where the result of such changes is to reduce or eliminate the nonconformity. No nonconforming use of a building or other structure shall be extended to occupy land outside such building or other structure or space in another building or other structure. No nonconforming building or structure shall be enlarged, extended, reconstructed or structurally altered, if the result would be an increase in nonconformity.

327 Repair

Nothing in this section shall be deemed to prohibit work on any nonconforming building or structure when required by law to protect the public health or safety, provided that such work does not increase the nonconformity. Nothing in this section shall be deemed to prohibit work on ordinary repair and maintenance of a nonconforming building or other structure or replacement of existing materials with similar materials.

¹ Adopted 8/1/89, Effective 8/14/89

328 Movement

No nonconforming use of land shall be moved to another part of a lot or outside the lot, and no nonconforming use of a building or structure shall be moved to any part of the building or structure not manifestly arranged and designed for such use at the time the use became nonconforming. No building or structure containing a nonconforming use shall be moved, unless the result of any such moving is to end the nonconforming use.

329 Change in Use

329.1 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 is similar to the existing use; and
- b. The proposed use will have less impact upon the surrounding area than the existing nonconforming use, and
- c. The number of required parking and loading spaces will not increase.

329.2 Once changed to a conforming use, no use shall be changed again to any nonconforming use.

330 Nonconforming Signs

Refer to Section 750 in the Supplementary Regulations for standards and procedures relating to signs.

- a. Signs which legally exist as of the adoption of these regulations, which are of a size or type not permitted in the zoning district in which they are situated or which are located or illuminated contrary to these regulations or which do not conform to all provisions of these Regulations shall be considered nonconforming structures under this section.
- b. No nonconforming sign shall be altered or relocated except in greater conformity with these Regulations. A change of name for a new owner or tenants shall constitute an alteration.

331 Nonconforming Lots

331.1 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 zoning district in which it is located, provided:

- a. The lot was of legal size on the date it was created as a lot; and
- b. The lot was owned separately and distinctly from any other adjoining lot having a common boundary line as evidenced by a deed recorded in the Town land records on or before the effective date of these Regulations or any amendment thereto and has been continuously thereafter owned as a separate distinct lot and from any other adjoining lot; and
- c. 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 district to which the lot area most nearly conforms; and

d. The owner of the lot presents satisfactory evidence of compliance with this section.

331.2 If two or more adjoining lots of record, one or both of which fail to meet the requirements of these Regulations with regard to lot area and/or lot width, have continuous frontage and are in single ownership at the effective date of these Regulations, and if such lots taken together would form one or more lots, each more nearly meeting the requirements of these Regulations with regard to lot area and lot width, such lot or lots shall no longer be considered nonconforming, and must be used in compliance with the lot area and lot width requirements irrespective of subsequent changes in ownership.

340 Temporary Permits for Carnivals

Nothing in these Regulations shall prevent a church, school, civic association, social club, volunteer fire department, 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. The Commission may issue a zoning permit 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.

350 Moratoria¹

¹ Adopted 10/15/02, Effective 10/16/02

ARTICLE IV RESIDENTIAL DISTRICT REGULATIONS

400 Residence R-I District

401 Purpose

The purpose of the Residence R-I District is to provide for one-family dwellings on individual lots having a minimum area of 80,000 square feet. The R-I District provisions encourage development of low density residential uses generally in areas with difficult topographic or soil conditions and without public water and sewer facilities 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.

402 Permitted Uses

No land, building or structure shall be used and no building or structure shall be hereafter erected, altered or added to, unless otherwise provided in these Regulations except for one or more of the following uses (NOTE: Any permitted use in this district located over an aquifer shall also be subject to the provisions of section 600 - Aquifer Protection Zone.)

402.1 Uses Permitted by Right

- One-family dwellings
- Truck garden
- Customary accessory buildings and uses

402.2 Conditional Uses The following uses are permitted in the R-I District subject to the conditions set forth in section 700:

- Accessory apartments (701)
- Commercial farm (708)
- Family day care home (707)
- Home occupation (710)
- The keeping of animals (713)
- Personal Wireless Service Facilities (737)¹
- Roomers and boarders (728)
- Vehicle storage (732)
- Wind energy conversion systems (733)
- Student Housing (770)²

¹ Adopted 12/11/97, Effective 1/3/98

² Adopted 9/25/01, Effective 10/25/01

402.3 Special Permit Uses The following uses may be permitted in the R-1 District subject to the approval of a Special Permit and the conditions set forth in section 700.

- Adaptive re-use to multi-family (702)
- Cemeteries (703)
- Churches and synagogues (704)
- Civic club, lodge or association (705)
- Group home, community residence (709)¹
- Hospitals, nursing homes and cardiovascular prevention and rehabilitation facilities (711)²
- Kennels and stables (714)
- Libraries and museums (715)
- Managed Residential Community (736)³
- Non-profit schools and colleges (721)
- Nursery school or day care center (722)
- Office Building, Limited (723)⁴
- Open space development (620)
- Public uses and or public utilities (726)
- Towers Supporting Personal Wireless Service Facilities (737)⁵
- Veterinary hospitals (734)⁶

403 Lot Sizes and Areas

Each lot shall have an area of at least 80,000 square feet and a width of at least 200 feet measured at the required front yard setback.

404 Yards

- a. Each lot shall have a front yard of not less than 50 feet where street lines have been established; or, not less than 85 feet from center line of the right-of-way where street lines have not been established.
- 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.

405 Lot Coverage

All buildings shall occupy not more than 15% of the area of the lot.

406 Maximum Height

No building or structure shall exceed 35 feet in height.⁷

¹ Adopted 12/11/84, Effective 1/4/85

² Adopted 9/12/83, Effective 10/1/83

³ Adopted 3/5/96, Effective 3/31/96

⁴ Adopted 7/25/00, Effective 8/30/00

⁵ Adopted 12/11/97, Effective 1/3/98

⁶ Adopted 9/12/83, Effective 10/1/83

⁷ Adopted 6/29/93, Effective 7/7/93

410 Residence R-2 District

411 Purpose

The purpose of the Residence R-2 District is to provide for one-family dwellings on individual lots having a minimum area of 40,000 square feet. The R-2 District provisions encourage development of low density residential uses generally in areas without public water and sewer facilities 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.

412 Permitted Uses

No land, building or structure shall be used and no building or structure shall be hereafter erected, altered or added to, unless otherwise provided in these Regulations except for one or more of the following uses (NOTE: Any permitted use in this district located over an aquifer shall also be subject to the provisions of section 600 - Aquifer Protection Zone.)

412.1 Uses Permitted by Right

- One-family dwellings
- Truck garden
- Customary accessory buildings and uses

412.2 Conditional Uses The following uses are permitted in the R-2 District subject to the conditions set forth in section 700:

- Accessory apartments (701)
- Commercial farm (708)
- Family day care home (707)
- Home occupation (710)
- The keeping of animals (713)
- Personal Wireless Service Facilities (737)¹
- Roomers and boarders (728)
- Vehicle storage (732)
- Wind energy conversion systems (733)
- Student Housing (770)²

412.3 Special Permit Uses The following uses may be permitted in the R-2 District subject to the approval of a Special Permit and the conditions set forth in section 700.

- Adaptive re-use to multi-family (702)
- Cemeteries (703)
- Churches and synagogues (704)
- Civic club, lodge or association (705)
- Group home, community residence (709)³
- Hospitals, nursing homes and cardiovascular prevention and rehabilitation facilities (711)

¹ Adopted 12/11/97, Effective 1/3/98

² Adopted 9/25/01, Effective 10/25/01

³ Adopted 12/11/84, Effective 1/4/85

- Kennels and stables (714)
- Libraries and museums (715)
- Managed Residential Community (736)¹
- Non-profit school and colleges (721)
- Nursery schools or day care centers (722)
- Office Building, Limited (723)²
- Open space development (620)
- Public uses and or public utilities (726)
- Restricted Commercial Development (727)³
- Towers Supporting Personal Wireless Service Facilities (737)⁴
- Veterinary hospitals (734)⁵

413 Lot Sizes and Areas

Each lot shall have an area of at least 40,000 square feet and a width of at least 120 feet measured at the required front yard setback.

414 Yards

- Each lot shall have a front yard of not less than 40 feet where street lines have been established; or, not less than 75 feet from center line of the right-of-way where street lines have not been established.
- Each lot shall have two side yards of at least 20 feet each c. Each lot shall have a rear yard of not less than 40 feet.

415 Lot Coverage

All buildings shall occupy not more than 15% of the area of the lot.

416 Maximum Height

No building or structure shall exceed 35 feet in height.⁶

420 Residence R-3 District

421 Purpose

The purpose of the Residence R-3 District is to provide for one-family dwellings on individual lots having a minimum area of 20,000 square feet where public water supply and public sewage disposal facilities are generally utilized. Subject to special conditions, moderate density multi-family dwellings and office buildings are permitted along specific major roads within the district. A limited number of other uses are permitted provided special conditions are met.

¹ Adopted 3/5/96, Effective 3/31/96

² Adopted 7/25/00, Effective 8/30/00

³ Adopted 7/25/00, Effective 8/30/00

⁴ Adopted 12/11/97, Effective 1/3/98

⁵ Adopted 9/12/83, Effective 10/1/83

⁶ Adopted 6/29/93, Effective 7/7/93

422 Permitted Uses

No land, building or structure shall be used and no building or structure shall be hereafter erected, altered or added to, unless otherwise provided in these Regulations except for one or more of the following uses: (NOTE: Any permitted use in this district located over an aquifer shall also be subject to the provisions of section 600 - Aquifer Protection Zone.)

422.1 **Uses Permitted by Right**

- One-family dwellings
- Truck garden
- Customary accessory buildings and uses

422.2 Conditional Uses The following uses are permitted in the R-3 District subject to the conditions set forth in section 700:

- Accessory apartments (701)
- Commercial farm (708)
- Family day care home (707)
- Home occupation (710)
- The keeping of animals (713)
- Personal Wireless Service Facilities (737)¹
- Roomers and boarders (728)
- Vehicle storage (732)
- Wind energy conversion systems (733)
- Student Housing (770)²

422.3 Special Permit Uses The following uses may be permitted in the R-3 District subject to the approval of a Special Permit and the conditions set forth in section 700.

- Adaptive re-use to multi-family (702)
- Cemeteries (703)
- Churches and synagogues (704)
- Civic club, lodge or association (705)
- Group home, community residence (709)³
- Hospitals, nursing homes and Cardiovascular Prevention and Rehabilitation Facilities (711)⁴
- Libraries and museums (715)
- Managed Residential Community (736)⁵
- Multi-family dwellings (718)
- Non-profit school and colleges (721)
- Nursery school or day care center (722)
- Office buildings, Limited (723)⁶
- Open space development (620)

¹ Adopted 12/11/97, Effective 1/3/98

² Adopted 9/25/01, Effective 10/25/01

³ Adopted 12/11/84, Effective 1/2/85

⁴ Adopted 9/12/83, Effective 10/1/83

⁵ Adopted 3/5/96, Effective 3/31/96

⁶ Adopted 7/25/00, Effective 8/30/00

- Public uses and or public utilities (726)
- Restricted Commercial Development (727)¹
- Towers Supporting Personal Wireless Service Facilities (737)²
- Veterinary hospitals (734)³
- Multiple Unit Student Housing Buildings (770)⁴ occupied more than fifty percent (50%) by students as a special permit and site plan.

423 Lot Sizes and Areas

Each lot shall have an area of at least 20,000 square feet and a width of at least 100 feet measured at the required front yard setback.

424 Yards

- Each lot shall have a front yard of not less than 40 feet where street lines have been established; or, not less than 75 feet from center line of the right-of-way where street lines have not been established.
- Each lot shall have two side yards of at least 15 feet each c. Each lot shall have a rear yard of not less than 40 feet.

425 Lot Coverage

All buildings shall occupy not more than 20% of the area of the lot.

426 Maximum Height

No building or structure shall exceed 35 feet in height.⁵

430 Residence R-4 District

431 Purpose

The purpose of the Residence R-4 District is to provide for one-family dwellings on individual lots having a minimum area of 10,000 square feet where public water supply and public sewage disposal facilities are generally utilized. Subject to special conditions, moderate density multi-family dwellings and office buildings are permitted along specific major roads within the district. A limited number of other uses are permitted provided special conditions are met.

432 Permitted Uses

No land, building or structure shall be used and no building or structure shall be hereafter erected, altered or added to, unless otherwise provided in these Regulations except for one or more of the following uses: (NOTE: Any permitted use in this district located over an aquifer shall also be subject to the provisions of section 600 - Aquifer Protection Zone.)

¹ Adopted 7/25/00, Effective 8/30/00

² Adopted 12/11/97, Effective 1/3/98

³ Adopted 9/12/83, Effective 10/1/83

⁴ Adopted 9/25/02, Effective 10/25/01

⁵ Adopted 6/29/93, Effective 7/7/93

432.1 Uses Permitted by Right

- One-family dwellings
- Truck garden
- Customary accessory buildings and uses

432.2 Conditional Uses The following uses are permitted in the R-4 District subject to the conditions set forth in section 700:

- Accessory apartments (701)
- Commercial farm (708)
- Family day care home (707)
- Home occupation (710)
- The keeping of animals (713)
- Personal Wireless Service Facilities (737)¹
- Roomers and boarders (728)
- Vehicle storage (732)
- Wind energy conversion systems (733)
- Student Housing (770)²

432.3 Special Permit Uses The following uses may be permitted in the R-4 District subject to the approval of a Special Permit and the conditions set forth in section 700.

- Adaptive re-use to multi-family (702)
- Cemeteries (703)
- Churches and synagogues (704)
- Civic club, lodge or association (705)
- Group home, community residence (709)³
- Hospitals, nursing homes and Cardiovascular Prevention and Rehabilitation Facilities (711)
- Libraries and museums (715)
- Managed Residential Community (736)⁴
- Multi-family dwellings (718)
- Non-profit schools and colleges (721)
- Nursery school or day care center (722)
- Office buildings, Limited (723)⁵
- Open space development (620)⁶
- Public uses and or public utilities (726)
- Restricted Commercial Development (727)⁷
- Towers Supporting Personal Wireless Service Facilities (737)⁸
- Veterinary hospitals (734)¹

¹ Adopted 12/11/97, Effective 1/3/98

² Adopted 9/25/01, Effective 10/25/01

³ Adopted 12/11/84, Effective 1/4/85

⁴ Adopted 3/5/96, Effective 3/31/96

⁵ Adopted 7/25/00, Effective 8/30/00

⁶ Adopted 12/11/84, Effective 1/4/85

⁷ Adopted 7/25/00, Effective 8/30/00

⁸ Adopted 12/11/97, Effective 1/3/98

- Multiple Unit Student Housing Buildings (770)² occupied more than fifty percent (50%) by students as a special permit and site plan use.

433 Lot Sizes and Areas

Each lot shall have an area of at least 10,000 square feet and a width of at least 80 feet measured at the required front yard setback.

434 Yards

- Each lot shall have a front yard of not less than 25 feet,
- Each lot shall have two side yards of at least 12 feet each,
- Each lot shall have a rear yard of not less than 25 feet.

435 Lot Coverage

All buildings shall occupy not more than 25% of the area of the lot.

436 Maximum Height

No building or structure shall exceed 35 feet in height.³

440 Residence R-5 District

441 Purpose

The purpose of the Residence R-5 District is to provide for moderate density residential development by permitting one-family and two-family dwellings on lots having a minimum area of 6,000 square feet and three-family dwellings on larger lots where public water supply and public sewage disposal facilities are generally utilized. Subject to special conditions, moderate density multi-family dwellings, office buildings and personal services are permitted along specific major roads within the district. A limited number of other uses are permitted provided special conditions are met.

442 Permitted Uses

No land, building or structure shall be used and no building or structure shall be hereafter erected, altered or added to, unless otherwise provided in these Regulations except for one or more of the following uses: (NOTE: Any permitted use in this district located over an aquifer shall also be subject to the provisions of section 600 - Aquifer Protection Zone.)

442.1 Uses Permitted by Right

- One-family dwellings
- Two-family dwellings
- Three-family dwellings

¹ Adopted 9/12/83, Effective 10/1/83

² Adopted 9/25/01, Effective 10/25/01

³ Adopted 6/29/93, Effective 7/7/93

- Truck Gardens
- Customary accessory buildings and uses

442.2 Conditional Uses The following uses are permitted in the R-5 District subject to the conditions set forth in section 700:

- Accessory Apartments (701)
- Commercial Farm (708)
- Family Day Care Home (707)
- Home occupation (710)
- The keeping of animals (713)
- Personal Wireless Service Facilities (737)¹
- Roomers and boarders (728)
- Vehicle storage (732)
- Wind energy conversion systems (733)
- Student Housing (770)²

442.3 Special Permit Uses. The following uses may be permitted in the R-5 District subject to the approval of a Special Permit and the conditions set forth in section 700.

- Adaptive re-use to multi-family (702)
- Cemeteries (703)
- Churches and synagogues (704)
- home, community residence (709)³ Civic club, lodge or association (705)
- Group
- Hospitals, nursing homes and cardiovascular prevention and rehabilitation facilities (711)⁴
- Libraries and museums (715)
- Managed Residential Community (736)⁵
- Multi-family dwellings (718)
- Non-profit schools and colleges (721)
- Nursery school or day care center (722)
- Public uses and or public utilities (726)
- Towers Supporting Personal Wireless Service Facilities (737)⁶
- Veterinary hospitals (734)⁷
- Multiple Unit Student Housing Buildings (770)⁸ occupied more than fifty percent (50%) by students as a special permit and site plan use.

443 Lot Sizes and Areas

Each lot shall have an area of at least 6,000 square feet and a width of at least 60 feet measured at the required front yard setback.

¹ Adopted 12/11/97, Effective 1/3/98

² Adopted 9/25/01, Effective 10/25/01

³ Adopted 12/11/84, Effective 1/4/85

⁴ Adopted 9/12/83, Effective 10/1/83

⁵ Adopted 3/5/96, Effective 3/31/96

⁶ Adopted 12/11/97, Effective 1/3/98

⁷ Adopted 9/12/83, Effective 10/1/83

⁸ Adopted 9/25/01, Effective 10/25/01

444 Lot Area Per Dwelling Unit

Each lot shall have an area of at least 3,000¹ square feet and a width of at least 60 feet measured at the required front yard setback.

445 Yards

- a. Each lot shall have a front yard of not less than 20 feet,
- b. Each lot shall have two side yards of at least 10 feet each
- c. Each lot shall have a rear yard of not less than 25 feet.

446 Lot Coverage

All buildings shall occupy not more than 30% of the area of the lot.

447 Maximum Height

No building or structure shall exceed 35 feet in height.

¹ Misprint corrected 1/28/94

ARTICLE V NON-RESIDENTIAL DISTRICT REGULATIONS

500 Business B-1 District

501 Purpose

The purpose of the Business B-1 District is to provide for retail stores, service establishments, offices and other small businesses which are required to meet the daily needs of residents of the Town of Hamden.

502 Permitted Uses

No land, building or structure shall be used and no building or structure shall be hereafter erected, altered, or added to unless otherwise provided in these regulations except for one or more of the following uses: (NOTE: Any permitted use in this district located over an aquifer shall also be subject to the provisions of section 600 - Aquifer Protection Zone.)

502.1 Uses Permitted by Right The following uses are permitted in the B-1 District subject to Site Plan approval in accordance with section 840.

- Business or professional offices and financial institutions.
- Personal service establishments.
- Pet Grooming Establishments.¹
- Restaurants, including take-out restaurants, provided that they are not drive-in restaurants and that there is no dancing or entertainment on the premises.²
- Shopping centers and stores for the sale of goods sold at retail, first hand (including liquor stores) containing less than 20,000 square feet of floor area.
- Customary accessory uses and buildings.

502.2 Conditional Uses The following uses are permitted in the B-1 District subject to Site Plan approval and the conditions set forth in section 700.

- Outdoor cafes (724)
- Personal Wireless Service Facilities (737)³

502.3 Special Permit Uses The following uses may be permitted in the B-1 District subject to Special permit and Site Plan approvals and the conditions set forth in section 700:

- Adaptive re-use to multi-family (702)
- Cemeteries (703)
- Dwelling unit, accessory (706)
- Incentive Development (712)
- Libraries and Museums (715)
- Outdoor Storage (725)
- Public uses and public utilities (726)
- Towers Supporting Personal Wireless Service Facilities (737)⁴
- Veterinary Hospitals (734)¹

¹ Adopted 6/29/93, Effective 7/7/93

² Adopted 6/29/93, Effective 7/29/93

³ Adopted 12/11/97, Effective 1/3/98

⁴ Adopted 12/11/97, Effective 1/3/98

503 Lot Sizes and Areas

Each lot shall have an area of at least 5,000 square feet and a width of at least 50 feet measured at the required front yard setback.

504 Yards

- a. Each lot shall have a front yard of not less than 10 feet,
- b. Each lot shall have a rear yard of not less than 10 feet.
- c. Where a building does not have a party wall(s) with a building(s) on an adjoining lot(s), each side yard shall be at least 10 feet.

505 Lot Coverage

All buildings shall not occupy more than 30% of the area of the lot.

506 Maximum Height

No building or structure shall exceed 35 feet in height.

510 Business B-2 District

511 Purpose

The purpose of the Business B-2 District is to provide a broad variety of retail stores, service establishments, offices, theaters, motels and public parking designed to serve the Town of Hamden and the region.

512 Permitted Uses

No land, building or structure shall be used and no building or structure shall be hereafter erected, altered, or added to unless otherwise provided in these regulations except for one or more of the following uses: (NOTE: Any permitted use in this district located over an aquifer shall also be subject to the provisions of section 600 - Aquifer Protection Zone.)

512.1 Uses Permitted by Right The following uses are permitted in the B-2 District subject to Site Plan approval in accordance with section 840.

- Antique and similar second hand stores.
- Business or professional offices and financial institutions.
- Business service establishments.
- Business schools.
- Funeral homes.
- Motels, motor hotels and hotels.
- Personal service establishments.
- Pet grooming establishments.²
- Public parking lots and public garages.
- Restaurants, including take-out restaurants, provided that they are not drive-in restaurants.¹

¹ Adopted 9/12/83, Effective 10/1/83

² Adopted 6/29/93, Effective 7/7/93

- Shopping centers and stores for the sale of goods sold at retail (including liquor stores) containing less than 20,000 square feet of floor area.
- Theaters (except outdoor movie theaters) and places of public assembly.
- Customary accessory buildings and uses.

512.2 Conditional Uses The following uses are permitted in the B-2 District subject to Site Plan approval and the conditions set forth in section 700.

- Outdoor cafes (724)
- Manufacturing, accessory (716)
- Personal Wireless Service Facilities (737)²

512.3 Special Permit Uses The following uses may be permitted in the B-2 District subject to Special Permit and Site Plan approvals and the conditions set forth in section 700:

- Adaptive re-use to multi-family (702)
- Advertising signs (756)
- Cemeteries (703)
- Dwelling unit, accessory (706)
- Hospitals, nursing homes and cardiovascular prevention and rehabilitation facilities (711)
- Incentive Development (712)
- Libraries and Museums (715)
- Managed Residential Community (736)³
- Outdoor Storage (725)
- Public uses and public utilities (726)
- Rooming and boarding houses (729)
- Shopping center and stores containing more than 20,000 square feet of floor area (730)
- Towers Supporting Personal Wireless Service Facilities (737)⁴
- Veterinary Hospitals (734)⁵
- Extended Stay Hotel (739)⁶

513 Lot Sizes and Areas

Each lot shall have an area of at least 5,000 square feet and a width of at least 50 feet measured at the required front yard setback.

514 Yards

- Each lot shall have a front yard of not less than 10 feet,
- Each lot shall have a rear yard of not less than 10 feet.
- Where a building does not have a party wall(s) with a building(s) on an adjoining lot(s), each side yard shall be at least 10 feet.

515 Lot Coverage

All buildings shall not occupy more than 30% of the area of the lot.

¹ Adopted 6/29/93, Effective 7/29/93
² Adopted 12/11/97, Effective 1/3/98
³ Adopted 3/5/96, Effective 3/31/96
⁴ Adopted 12/11/97, Effective 1/3/98
⁵ Adopted 9/12/83, Effective 10/1/83
⁶ Adopted 11/16/99, Effective 12/10/99

516 Maximum Height

No building or structure shall exceed 35 feet in height.

550 Manufacturing M-1 District

551 Purpose

The purpose of the Manufacturing M-1 District 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 district.

552 Permitted Uses

No land, building or structure shall be used and no building or structure shall be hereafter erected, altered, or added to unless otherwise provided in these regulations except for one or more of the following uses: (NOTE: Any permitted use in this district located over an aquifer shall also be subject to the provisions of section 600 - Aquifer Protection Zone.)

552.1 Uses Permitted by Right The following uses are permitted in the M-1 District subject to Site Plan approval in accordance with section 840.

- Business Service Establishments¹
- Personal Service Establishments²
- Research and development laboratories
- Medical laboratories
- Warehousing and wholesaling with indoor storage
- Printing and publishing establishments
- Dry cleaning and dyeing establishments
- Radio and television studios
- Office buildings
- Business schools
- Computer and data processing centers
- Manufacturing, provided all activities are conducted within an enclosed building
- Customary accessory buildings and uses

552.2 Conditional Uses³ The following uses are permitted in the M-1 District subject to Site Plan approval and the conditions set forth in section 700.

- Personal Wireless Service Facilities (737)⁴

552.3 Special Permit Uses The following uses may be permitted in the M-1 District subject to Special Permit and Site Plan approval and the conditions set forth in section 700.

- Adaptive re-use to multi-family (702)
- Adult-Oriented Establishments (738)⁵
- Advertising signs (756)
- Cemeteries (703)

¹ Adopted 9/25/96, Effective 10/25/96

² Adopted 9/25/96, Effective 10/25/96

³ Adopted 12/11/97, Effective 1/3/98

⁴ Adopted 12/11/97, Effective 1/3/98

⁵ Adopted 9/14/99, Effective 10/7/99

- Commercial Recreation
- Incentive Development (712)
- Libraries and museums (715)
- Outdoor storage (725)
- Public uses and public utilities (726)
- Solid Waste Facility (731)
- Towers Supporting Personal Wireless Service Facilities (737)¹
- Veterinary Hospitals (734)²

553 Lot Size and Areas

Each lot shall have an area of at least 20,000 square feet and a width of at least 100 feet measured at the required front yard setback.

554 Yards

- a. Each lot shall have a front yard of at least 50 feet.
- b. Each lot shall have two side yards of at least 10 feet each.
- c. Each lot shall have a rear yard of at least 25 feet.

555 Lot Coverage

All buildings shall occupy not more than 40% of the area of the lot.

556 Maximum Height

No building or structure shall exceed 40 feet in height.

570 Controlled Development District 1

571 Purpose

The purpose of the Controlled Development District 1 (CDD-1) is to encourage the appropriate development of land previously designated primarily for industrial use and which areas currently contain substantial vacant or under-utilized land. It is in the Town's best interest to permit the flexibility necessary to provide for a mixed-use district such as this which would allow manufacturing, retail, services, offices, multi-family, and other uses which would be controlled by specific standards and requirements.

572 Permitted Uses

No land, building or structure shall be used and no building or structure shall be hereafter erected, altered, or added to unless otherwise provided in these regulations except for one or more of the following uses: (NOTE: Any permitted use in this district located over an aquifer shall also be subject to the provisions of section 600 - Aquifer Protection Zone.)

¹ Adopted 12/11/97, Effective 1/2/98

² Adopted 9/12/83, Effective 10/1/83

572.1 Uses Permitted by Right The following uses are permitted in the CDD-1 District subject to Site Plan approval and accordance with section 840.

a. Group A Uses

- Business or professional offices and financial institutions containing less than 5,000 square feet of floor area
- Stores and shopping centers for the sale of goods sold at retail, first-hand, (including liquor stores) and containing less than 20,000 square feet of floor area
- Antique and similar second-hand stores
- Personal and business service establishments
- Pet Grooming Establishments¹
- Restaurants, including take-out restaurants, provided that they are not drive-in restaurants, and containing a seating capacity of less than 50.²

b. Group B Uses

- Business schools
- Rooming and boarding houses

c. Group C uses

- Funeral homes
- Research laboratories
- Printing, photo-engraving and bookbinding
- Public parking lots and public parking garages
- Warehousing, restricted to Industrial Circle and Hamden Park Drive³

d. Group D uses

- Theaters (except outdoor movie theaters) and places of public assembly
- Motels, motor hotels and hotels containing less than 75 rooms
- Multiple Unit Student Housing Buildings (770)⁴ occupied more than fifty percent (50%) by students as a special permit and site plan use.

¹ Adopted 6/29/93, Effective 7/7/93

² Adopted 6/29/93, Effective 7/29/93

³ Adopted 7/11/00, Effective 7/20/00

⁴ Adopted 9/25/01, Effective 10/25/01

- e. Group E uses
 - Customary accessory buildings and uses

- f. Group F uses¹
 - Personal Wireless Service Facilities (737)

572.2 Special Permit Uses The following uses may be permitted in the CDD-1 District subject to Special Permit and Site Plan approval and any applicable conditions set forth in Section 700.

- a. Group A Uses²
 - Adaptive re-use to multi-family (702)
 - Cemeteries (703)
 - Dwelling unit, accessory (706)
 - Incentive Development (712)
 - Libraries and museums (715)
 - Outdoor storage (725)
 - Public uses and public utilities (726)
- b. Group C uses
 - Commercial recreation
 - Business or professional offices and financial institutions containing more than 5,000 square feet of floor area
 - Hospitals, nursing homes and cardiovascular prevention and rehabilitation facilities (711)
 - Managed Residential Community (736)³
 - Motor vehicle sales, rental, service and repair including gas stations (717)
 - Restaurants, including take-out restaurants, provided that they are not drive-in restaurants and containing a seating capacity greater than 50.⁴
 - Veterinary hospitals (734)⁵
 - Nursery School or Day Care Center (722)⁶

¹ Adopted 12/11/97, Effective 1/3/98

² Amended 10/15/02, Effective 10/16/02

³ Adopted 3/5/96, Effective 3/31/96

⁴ Adopted 6/29/93, Effective 7/29/93

⁵ Adopted 9/12/83, Effective 10/1/83

⁶ Adopted 12/11/01, Effective 12/11/01

c. Group D uses

- Multi-family development (719)
- Shopping centers or stores containing more than 20,000 square feet of floor area (730)
- Motels, motor hotels, and hotels containing more than 75 rooms
- Night Clubs¹
- Non-profit schools and colleges(721)²
- Truck, bus and freight terminals
- Fuel storage for retail distribution
- Manufacturing³
- Multiple unit student housing buildings(770) occupied more than 50 percent (50%) by students as a special permit and site plan and site plan used.

d. Group E uses

- Solid waste facility(731)

e. Group F uses

- Towers Supporting Personal Wireless Facilities(737)⁴

¹ Adopted 6/8/99, Effective 7/1/99

² Adopted 4/6/93, Effective 4/20/93

³ Adopted 1/11/00, Effective 1/15/00

⁴ Adopted 12/11/97, Effective 1/3/98

573 SCHEDULE OF LOT AND BUILDING REQUIREMENTS

Use Group (sec. 572)	Minimum Lot Area (sq. ft.)	Minimum Lot Width (feet)	Minimum Front Yard (feet)	Minimum Side Yard (each) (feet)	Minimum Rear Yard (feet)	Maximum Lot Coverage Height ¹	Maximum Building (feet)
Group A uses	5,000	50	10	10	25	35	40ft.
Group B uses	10,000	75	20	12	25	35	40ft.
Group C uses	20,000	125	40	20	35	35	40ft.
Group D uses	40,000	150	50	25	40	35	50ft.
Group E uses	Refer to Section 731 for applicable requirements.						
Group F uses	Refer to Section 737 for applicable requirements. ²						

¹ Height may be increased provided each yard requirement is increased by one foot for each foot such building exceeds maximum height.

² Adopted 12/11/97, Effective 1/3/98

574 Distance Between Uses

There shall be a minimum open space distance of at least 50 feet between any proposed or existing non-residential building or non-residential parking lot within this district and the nearest existing or proposed residential building within this district. At least 10 feet of this open space shall be suitably landscaped in accordance with Section 764.4, 764.5, and 764.6.

580 Controlled Development District 2

581 Purpose

The purpose of the Controlled Development District 2 (CDD-2) is to encourage the appropriate development of land previously designated primarily for industrial and major commercial use and which lands are currently vacant or under-utilized. It is in the Town's best interests to permit the flexibility necessary to provide for a mixed-use district such as this which would allow retail services, offices, and multi-family development which would be controlled by specific standards and requirements.

582 Permitted Uses

No land, building or structure shall be used and no building or structure shall be hereafter erected, altered, or added to unless otherwise provided in these regulations except for one or more of the following uses: (NOTE: Any permitted use in this district located over an aquifer shall also be subject to the provisions of Section 600 - Aquifer Protection Zone.)

582.1 Uses Permitted by Right The following uses are permitted in the CDD-2 District subject to Site Plan approval in accordance with Section 840.

- One-family dwellings¹
- Customary accessory buildings and uses²

582.2 Conditional Uses³ The following uses are permitted in the CDD-2 District subject to Site Plan approval and the conditions set forth in Section 700.

- Personal Wireless Service Facilities (737)⁴

582.3 Special Permit Uses The following uses may be permitted in the CDD-2 District subject to Special Permit and Site Plan approvals and any applicable conditions set forth in Section 700⁵

a. Group A Uses

- Adaptive re-use to multi-family (702)
- Business or professional offices and financial institutions
- Cemeteries (703)

¹ Effective 5/1/88

² Adopted 2/28/89, Effective 4/1/89

³ Adopted 12/11/97, Effective 1/3/98

⁴ Adopted 12/11/97, Effective 1/3/98

⁵ Adopted 1/14/86, Effective 2/1/86

- Hospitals, nursing homes and cardiovascular prevention and rehabilitation facilities (711)
- Incentive development (712)
- Libraries and museums (715)
- Open space development (620)¹
- Outdoor storage (725)
- Personal and business service establishments
- Pet Grooming Establishments² Public uses and public utilities (726)
- Restaurants, including take-out restaurants, provided that they are not drive-in restaurants³
- Stores containing a maximum floor area of 20,000 square feet Veterinary Hospitals (734)⁴
- Day Care Centers and Nursery Schools (722)⁵

b. Group B Uses

- Managed Residential Community (736)⁶
- Multi-family development containing a minimum of 25 dwelling units(720)
- Non-profit schools and colleges (721)⁷
- Theaters, except outdoor movie theaters

c. Group C Uses

- Towers Supporting Personal Wireless Service Facilities (737)⁸
- Multiple Unit Student Housing Buildings (770)⁹ occupied more than fifty percent (50%) by students as a special permit and site plan use.

¹ Effective 5/1/88

² Adopted 6/29/93, Effective 7/7/93

³ Adopted 6/29/93, Effective 7/29/93

⁴ Adopted 9/12/83, Effective 10/1/83

⁵ Adopted 12/11/01, Effective 12/11/01

⁶ Adopted 3/5/96, Effective 3/31/96

⁷ Adopted 4/6/93, Effective 4/20/93

⁸ Adopted 12/11/97, Effective 1/3/98

⁹ Adopted 9/25/01, Effective 10/25/01

583 SCHEDULE OF LOT AND BUILDING REQUIREMENTS¹

Use Group (sec. 582)	Minimum Lot Area (sq. ft.)	Minimum Lot Width (feet)	Minimum Front Yard (feet)	Minimum Side Yard (each)	Minimum Rear Yard (feet)	Maximum Lot Coverage (%)	Maximum Building Height ²
One-Family Dwelling and Open Space Development	10,000	80	25	12	25	25	30
Shopping Centers & Stores (sec. 582.1)	100,000 ³	Variable	50	50	50	25	40
Group A Uses	20,000	100	30	15	25	35	40
Group B Uses	40,000	150	50	25	40	35	40
Group C Uses	Refer to Section 737 for applicable requirements. ⁴						

¹ Adopted 2/28/89, Effective 4/1/89

² Height may be increased provided each yard requirement is increased by one foot for each foot such building exceeds maximum height.

³ 100,000 square feet of lot area for the first 20,000 square feet of floor area plus 10,000 square feet of lot area for each additional 2,500 square feet of floor area.

⁴ Adopted 12/11/97, Effective 1/3/98

584 Distance Between Uses

There shall be a minimum open space distance of at least 150 feet between any proposed or existing non-residential building or non-residential parking lot within this district and the nearest existing or proposed residential building within this district. There shall be a minimum open space distance of at least 350 feet between any proposed or existing shopping center or stores having more than 20,000 square feet of floor area within this district and any adjoining residential district.

A non-residential parking lot shall be at least 100 feet from an existing or proposed residential building within this district. At least 50 feet of these open spaces shall be suitably landscaped in accordance with section 764.4, 764.5 and 764.6.

590 Controlled Development District 3

591 Purpose

The purpose of the Controlled Development District 3 (CDD-3) is to encourage appropriate development within the Town's existing neighborhood business centers by providing for limited retail, service, office and multi-family development in a mixed-use district.

592 Permitted Uses

No land, building or structure shall be used and no building or structure shall be hereafter erected, altered, or added to unless otherwise provided in these regulations except for one or more of the following uses: (NOTE: Any permitted use in this district located over an aquifer shall also be subject to the provisions of section 600 - Aquifer Protection Zone.)

592.1 Uses Permitted by Right The following uses are permitted in the CDD-3 District subject to Site Plan approval in accordance with Section 840.

- Business or professional offices and financial institutions containing less than 5,000 square feet of floor area.
- Stores for the sale of goods sold at retail, first-hand (including liquor stores) and containing less than 5,000 square feet of floor area.
- Antique and similar second-hand stores.
- Personal and business service establishments.
- Pet Grooming Establishments.¹
- Theaters (except outdoor movie theaters) and places of public assembly.
- Customary accessory buildings and uses.

592.2 Conditional Uses² The following uses are permitted in the CDD-2 District subject to Site Plan approval and the conditions set forth in section 700.

- Personal Wireless Service Facilities (737)³

¹ Adopted 6/29/93, Effective 7/7/93

² Adopted 12/11/97, Effective 1/3/98

³ Adopted 12/11/97, Effective 1/3/98

592.3 Special Permit Uses The following uses may be permitted in the CDD-3 District subject to Special Permit and Site Plan approval and any applicable conditions set forth in section 700.

- Shopping centers and stores for the sale of goods sold at retail, first-hand, containing more than 5,000 square feet but less than 20,000 square feet of floor area.
- Business of professional offices and financial institutions containing more than 5,000 square feet but less than 20,000 square feet of floor area.
- Restaurants, including take-out restaurants, provided that they are not drive-in restaurants and have a seating capacity of less than 100 patrons.¹
- Funeral homes.
- Adaptive re-use to multi-family (702)
- Cemeteries (703)
- Dwelling unit, accessory (706)
- Hospitals, nursing homes, and cardiovascular prevention and rehabilitation facilities (711)
- Incentive development (712)
- Libraries and museums (715)
- Managed Residential Community (736)²
- Multi-family development (719)
- Public uses and public utilities (726)
- Towers Supporting Personal Wireless Service Facilities (737)³
- Veterinary hospitals (734)⁴
- Multiple Unit Student Housing Buildings (770)⁵ occupied more than fifty percent (50%) by students as a special permit and site plan use.
- Day Care Centers and Nursery Schools (722)⁶

593 Lot Sizes and Areas

Each lot shall have an area of at least 5,000 square feet and a width of at least 50 feet measured at the required front yard setback.

¹ Adopted 6/29/93, Effective 7/29/93

² Adopted 3/5/96, Effective 3/31/96

³ Adopted 12/11/97, Effective 1/3/98

⁴ Adopted 9/12/83, Effective 10/1/83

⁵ Adopted 9/25/01, Effective 10/25/01

⁶ Adopted 12/21/01, Effective 12/21/01

594 Yards

- Each lot shall have a front yard of not less than 10 feet.
- Each lot shall have a rear yard of not less than 10 feet.
- Where a building does not have a party wall(s) with a building(s) on an adjoining lot(s), such side yard shall be at least 10 feet.

595 Lot Coverage

All buildings shall occupy not more than 30% of the area of the lot.

596 Maximum Height

No building or structure which contains residential use shall exceed 50 feet in height. No building or structure which contains totally non-residential use shall exceed 40 feet in height.

590.A Controlled Development District 4¹

591.A Purpose

The purpose of the Controlled Development District 4 (CDD-4) is to encourage a more viable Town Center by providing for a mixture of public and private uses stressing pedestrian circulation, public transportation and other public amenities. It is in the Town's best interest to create a vital center within which a variety of uses such as offices, retail, residential, services and governmental facilities would be permitted, subject to specific standards and strict controls so that the intensity and design of individual projects will be suitable for the District. The District has been divided into two areas for the purpose of promoting appropriate development while protecting abutting residential neighborhoods.

592.A Permitted Uses

No land, building or structure shall be used and no building or structure shall be hereafter erected, altered, or added to unless otherwise provided in these regulations except for one or more of the following uses: (NOTE: Any permitted use in this district located over an aquifer shall also be subject to the provisions of section 600 - Aquifer Protection Zone.)

592. A.1 Uses Permitted by Right² The following uses are permitted in areas A and/or B of the CDD-4 District subject to Site Plan approval in accordance with section 840:

- Business or professional offices and financial institutions less than 2,000 square feet of floor area. (Areas A and B)
- Antique and similar second hand stores containing less than 2,000 square feet of floor area. (Area B only)
- Personal and business service establishments containing less than 2,000 square feet of floor area. (Area B only)

¹ Adopted 2/14/84, Effective 3/1/84

² Adopted 1/14/86, Effective 2/1/86

- Restaurants, including take-out restaurants, provided that they are not drive-in restaurants, have no drive-thru window, and containing a seating capacity of less than 50. (Area B only)¹
- Stores and shopping centers for the sale of goods at retail, first hand, including liquor stores, and containing less than 2,000 square feet of floor area. (Area B only)
- Retail use which is accessory to business or professional offices, not to exceed 10% of the gross floor area of the principal use on the site or 2,000 square feet whichever is smaller. (Area A only)
- Business schools containing less than 2,000 square feet of floor area. (Area B only)
- Customary accessory buildings and uses.

592.A.2 Conditional Uses² The following uses are permitted in Area A and/or Area B of the CDD-4 District subject to Site Plan approval and any applicable conditions set forth in section 700:

- Personal Wireless Service Facilities (737)³

592.A.3 Special Permit Uses⁴ The following uses may be permitted in Area A and/or Area B of the CDD-4 District subject to Special Permit and Site Plan approval and any applicable conditions set forth in section 700:

- Adaptive re-use to multi-family (Areas A and B)
- Business or professional office containing 2,000 square feet or more of floor area. (Areas A and B)
- Business schools containing 2,000 square feet or more of floor area. (Area B only)
- Dwelling unit, accessory (706). (Areas A and B)
- Financial institutions containing 2,000 square feet or more of floor area. (Area B only)
- Hospitals, nursing homes, and cardiovascular prevention and rehabilitation facilities (711). (Areas A and B).
- Incentive development (712). (Area B only)
- Managed Residential Community (Area A and B) (736)⁵
- Personal and business service establishments containing 2,000 square feet or more of floor area. (Area B only)

¹ Adopted 6/29/93, Effective 7/29/93

² Adopted 12/11/97, Effective 1/3/98

³ Adopted 12/11/97, Effective 1/3/98

⁴ Adopted 1/14/86, Effective 2/1/86

⁵ Adopted 3/5/96, Effective 7/29/93

- Restaurants, including take-out restaurants, provided that they are not drive-in restaurants, have no drive-thru window, and containing 50 or more seats (Area B only)¹
- Motels, motor hotels, and hotels. (Area B only)
- Multi-family development (719). (Area A and B)
- Public parking lots and public parking garages. (Area A and B)
- Public uses and public utilities (726). (Areas A and B)
- Conference and training centers (735). (Areas A and B)
- Shopping centers or stores containing 2,000 square feet or more up to a maximum of 30,000 sq. ft. (Area B only)
- Stores for the retail sale of goods which are accessory to business or professional offices not to exceed 10% of the gross floor area or the principal use on the site or 2,000 square feet, whichever is less. (Area A only)
- Towers Supporting Personal Wireless Service Facilities (737)²
- Veterinary hospitals (734) (Area B only)
- Manufacturing, accessory (716) (Area B only)
- Outdoor cafes (724) (Area B only)
- Day Care Centers and Nursery Schools (722)³ (Areas A and B)

592.A.4 Exceptions⁴ Any of the uses set forth in Section 592.A.1 or 592.A.2 may be permitted in an existing building in the CDD-4 District subject only to approval by the Town Planner, provided that such use complies with sections 802 Zoning Permit and 803 Certificate of Zoning Compliance, and all other applicable sections of these zoning regulations; and provided that such uses do not exceed a total floor area of 2,000 square feet.

593.A Lot Sizes and Areas

Each lot shall have an area of at least 5,000 square feet and a width of at least 50 feet measured at the required front yard setback.

594.A Yards

- Unless otherwise required by Section 314.1, any building may be setback zero (0) feet from a lot line subject to:
 - a. Commission approval, as part of an overall site plan.

¹ Adopted 6/29/93, Effective 7/29/93

² Adopted 12/11/97, Effective 1/3/98

³ Adopted 12/11/01, Effective 12/11/01

⁴ Adopted 1/14/86, Effective 2/1/86

- b. There being no doors, air conditioning units or any other type of opening or projection on the wall located on the zero setback line unless it can be established that no construction will take place on the abutting lot, and provided that a suitable maintenance easement, where necessary, has been secured for the subject wall on the lot adjacent to the zero setback property line.
- c. The quality and location of proposed public amenities required by section 597. A.

595.A Lot Coverage

All buildings shall occupy not more than 30% of the area of the lot.

596. A Maximum Height¹

No building or structure shall exceed 40 feet in height in Area A except that the height of the building or structure in Area A may be increased, provided the setback is increased over the minimum required herein by one foot for each foot such building exceeds 40 feet. No building or structure shall exceed 60 feet in height in Area A or Area B.

597. A Public Amenities

All uses shall provide amenities, such as benches, decorative sidewalks, landscaping along the street and/or public access to sculpture and fountains. Such amenities may be located within the street right-of-way, subject to approval by the Engineering Department or State Highway Department, as required. Whenever possible, such improvements shall be coordinated with and made harmonious with public improvements in the CDD-4 District.

¹ Adopted 4/2/85, Effective 4/15/85

ARTICLE VI SPECIAL ZONES AND REGULATIONS

600 Aquifer Protection Zone (APZ)

601 Purpose

A major source of Hamden's drinking water is the Mill River Aquifer. Protection of this resource is vital to ensure an adequate supply of safe drinking water. This protection can best be achieved by regulations that control pollution within the aquifer recharge area.

602 Applicability

The Aquifer Protection Zone shall be superimposed over the primary and secondary recharge areas of the Mill River Aquifer and all regulations, requirements and controls of this section shall be in addition to the standard regulations of the underlying zoning district.

603 Aquifer Protection Zone Permit

An APZ permit shall be obtained before any building permit shall be issued for development, other than for one or two-family houses and their customary accessory buildings and uses that lie either partially or completely on the designated aquifer.

604 Application

An application for an APZ permit shall include, in addition to the site plan requirements set forth in section 840, the following information:

- a. The amount and composition of any hazardous materials that will be handled, stored, generated, treated, or disposed of on the property.
- b. Provisions for treatment, storage and/or disposal of any hazardous materials.
- c. Distance to nearest public drinking water supply well or AA streams (tributary to public drinking water supply).
- d. Whether public sewer is available or proposed at the location.
- e. Septic tank location, size, and capacity, and/or sewage lift stations, force mains and grease traps.
- f. Expected types and amount of discharge to sewers, to the ground and to surface water.
- g. Provisions for stormwater runoff controls which will minimize suspended solids and maximize groundwater recharge except in areas of known groundwater contamination including a detailed drainage plan showing: locations of storm drains and points of discharge; building roof and floor drains and points of discharge; and locations of dry wells and drainage pipe whether pervious or impervious.
- h. Location of loading and unloading docks.
- i. Provision for containment of any spills.

j. Location and description of outside storage areas and types of material to be stored.

605 Application Review

All applications for APZ permits shall be submitted to the Commission which, if it were felt to be warranted, may refer any such application to the New Haven Water Company and the Quinnipiac Valley Health District for review prior to any action by the Commission. Requests for site plan approval of industrial or commercial uses which involve use, storage, treatment, or disposal of hazardous materials shall be referred by the Commission to the Connecticut DEP Hazardous Waste Management Unit and Water Compliance Unit.

606 Non-Permitted Uses

The following uses are not permitted in an APZ:

- Dry cleaning establishments and similar establishments using chemicals
- Solid waste disposal
- Junk yards
- Landfills
- Septage lagoons
- Hazardous waste drum storage areas
- Bulk storage piles, except sand
- Surface impoundments (pit, pond or lagoon)
- Animal farms
- Road salt storage
- Pipelines for transmission of oil, gasoline, or other hazardous materials
- Warehouse storage of any hazardous material

607 Subsurface Sewage Disposal

Any residential building with three or more dwelling units shall be connected to a sanitary sewer.

608 Chemical and Fuel Storage - Above Ground

Any above-ground chemical or fuel storage tank shall be on an impervious, structurally diked area to contain any leaks or spills, with no drains other than a sump pit, and suitably covered to prevent precipitation accumulation.

609 Fuel Storage - Underground

Underground tanks and storage systems shall be designed, constructed and installed in accordance with the standards of the State Building Code, State Fire Code, National Fire Prevention Association, American Society for Testing Materials and any applicable local codes.

610 Manure, Fertilizer, Pesticide, and Herbicide Storage

New or enlarged sites for the accommodation or storage of manure, fertilizers, pesticides and herbicides shall:

- a. Have a roof which shall prevent precipitation from coming into contact with these materials.
- b. Have a liquid-tight floor with no drains other than a sump pit.
- c. Be located so that surface water run off drains away from the storage area.

615 Town Green District¹

616 Purpose

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

The District will allow for the following:

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

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

617A Permitted Uses

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

- Active recreational uses
- Passive recreational uses
- Walking and biking trails and paths
- Historical structures, monuments, flag poles and public art
- Wildlife and bird sanctuary
- Customary accessory uses

617B Special Permit Uses

1. 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:
 - a. The building footprint and the parking area of the facility, taken together, will not exceed 20 percent of the District.
 - b. The facility is served by public water and public sanitary sewers.
 - c. The facility will have a front yard minimum setback of 100 feet from the street.
 - d. The building will not exceed 40 feet in height.
 - e. 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.
2. Town Park
3. Town Green

¹ Adopted 1/20/03, Effective 2/5/03

617C Zoning Permit Uses

Concerts and public festivals and events including firework displays
Arts, historic or visitor displays or instruction

620 Open Space Development (OSD)

621 Purpose

It is the purpose of this provision to encourage flexibility and innovation in the design of residential development that cannot be achieved on many sites through adherence to traditional zoning and subdivision regulations. Further, the application of the OSD technique is intended to achieve: (1) maximum reasonable conservation of land and creation of useable open space and recreation areas; (2) variety in type and cost of residential development, thus increasing the choice of housing types available to town residents; (3) preservation of trees and outstanding natural features and prevention of soil erosion; and (4) a shorter network of streets and utilities and more efficient use of energy than would be possible through strict application of standard zoning.

622 Applicability

An OSD may be permitted in any R-1, R-2, R-3, R-4 or CDD-2 district subject to Special Permit, Site Plan and/or Subdivision approvals and the following conditions:¹

- a. A minimum of 10 acres shall be required to enable a site to qualify for an OSD.²
- 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 percent 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.³
- 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 take into consideration the "open space" benefits to be gained by the development, the neighborhood, and by the community; the specific design of the proposed development; the nature of the topography; and the purpose for which the open space is intended—whether it is to provide formal or informal recreation, provide scenic views, or preserve a unique ecological area; the nature of adjacent areas, the proper screening and/or buffering of the units from adjacent areas.

623 Determination of Density and Zoning Modifications

In addition to items specifically required in an application for a Special permit, including a Site Plan, the following shall be submitted by the owner:

- 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

¹ Effective 5/1/88

² Adopted 12/11/84, Effective 1/4/85

³ Adopted 8/1/83, Effective 8/1/83

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 district 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 and CDD-2 District no reduction of lot sizes or standards will be permitted.¹
- 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 district. 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.
- e. 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.
- f. 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.

624 Common Areas and Open Space

- a. 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. Common areas and/or open space shall either be maintained by a homeowners' association comprised of the residents of the development and reserved for their use or by any mechanism acceptable to the Town Attorney and Commission assuring the ownership, use and maintenance of the "open space" for the intended purpose.
- b. 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:
 - 1. A homeowners' association approved as to form by the Town Attorney and by the Commission as to substance; or
 - 2. 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.
- c. Any homeowners' association so approved shall meet the following standards:
 - 1. The homeowners' association shall be incorporated as a not-for-profit corporation under the laws of the State of Connecticut.

¹ Adopted 8/1/83, Effective 8/1/83. R-4 District added, 12/11/84, Effective 1/4/85. CDD-2 District added, Effective 5/1/88.

2. 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
 3. Permit the development owner to convey title to the common areas to the homeowners at an approved time.
- d. 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 amount and period of said bond shall be determined by the Commission and the form, sufficiency, manner of execution, and surety shall be approved by the Town Attorney. 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.
 - e. 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:
 1. 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.
 2. 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 shall determine 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.

3. 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.

630 Flood Plain Zones and Special Flood Hazard Areas¹

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.

631 Permitted Uses

Agriculture, nurseries, truck farms, tree farms, recreation facilities without buildings, siltation ponds, open space and any use and/or special permit allowed in the applicable zoning district and indicated within the Flood Plain Zone or Special Flood Hazard Area.

632 Provisions For Flood Hazard Reduction

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, the following shall apply:

632.1 General Standards

- a. All new construction and/or substantial improvements shall be constructed:
 1. With materials resistant to flood damage, and
 2. Using methods and practices that minimize flood damage.

¹ On March 8, 1994 the Flood Plain Zones and Flood Hazard Areas regulations (Section 630-634) were replaced by a new set of regulations, Flood Plain Zones and Special Flood Hazard Areas (Section 630-637). Approved 3/8/94, Effective 5/1/94.

3. Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- b. New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
- c. In any portion of a watercourse which is altered or re-located the flood carrying capacity shall be maintained;
- d. Accessory structures shall be subject to all general and specific standards contained in Section 632.
- e. All storage of petroleum liquids or hazardous materials are to be above-ground 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.
- f. Storm water runoff management in flood plain areas should 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.

632.2 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 & 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.

632.3 Utilities¹

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

632.4 Floodways

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

632.5 Standards for Stream Without Base Flood Elevations. Floodways and/or Flood Mapping

- a. 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 §632 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.
- b. 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 one (1) foot at any point along the watercourse when all anticipated development is considered cumulatively with the proposed development.
- c. 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 one (1) foot at any point along the watercourse.

¹ Adopted 3/8/88, Effective 4/1/88, Amended 3/8/93, Effective 5/1/94

632.6 Additional Requirements

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

633 Flood Plain Development Permit

A Development Permit shall be required in conformance with the provisions of §630, 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.

634 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 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;
 1. 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
 2. F.E.M.A., the D.E.P., adjacent communities and the Regional Planning Agency must be notified of any alteration.
- d. A statement as to whether or not the proposed alterations to an existing structure meet the criteria of the substantial improvement definition;
- e. A statement as to whether there will be dry vehicular access to residential structures during the 100-year storm event;
- f. Certification by a professional engineer that the standards of Section 632 are met.
- g. 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.

635 Application Stages

In the administration of Article VI, 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 Article VI 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 §630.

636 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-built plans for complete construction required for a Certificate of Zoning Compliance.

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

637 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 thereunder.

640 Natural Resources Removal, Regrading and Filling

641 General

Loam, topsoil, sand, gravel, clay or stone may be excavated, or removed from any lot, and land may be regraded 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 regraded or filled subject to Special Permit and Site Plan approval and the conditions specified in Section 640 through 646.4
- 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 specified in Section 640 through 646.

Applicants under 641B must meet all of the following qualifying standards: Qualifying Standards for 641 B.

- 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,
- iv. Crushing activity is limited to no more than four months.

642 Exceptions

- a. Excavation, removal, regrading or filling in conjunction with an approved site plan provided that no more than 2,000 cubic yard of material are deposited or removed.¹
- b. Excavation, removal, regrading 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.²
- c. Excavation, removal, regrading or filling in conjunction with and clearly essential to the construction or alteration of a building or structure on the same premises for which a building permit and/or health department permit have been issued provided that no more than 2,000 cubic yards of material is deposited or removed, exclusive of that earthwork falling within the area delineated by the footprint of the structure.³
- d. Incidental excavation, removal, regrading or filling in connection with maintenance or landscaping, provided that no more than 50 cubic yards of material is deposited or removed.
- e. Agricultural excavation, regrading or filling operations provided that no more than 250 cubic yards of material are deposited or removed.
- f. Excavation, removal, regrading or filling in conjunction with an approved Special Permit, provided the activities are clearly indicated in both the application and the plans approved by the Commission.⁴

643 Application

Before any permit shall be granted a written application shall be submitted to the Commission by the property owner or by his authorized agent on forms provided by the Commission, together with maps and plans prepared by an engineer or surveyor licensed to practice in the State of Connecticut as prescribed by the State Board of Registration and showing the following:

- a. The boundaries of the property where the excavation, regrading, removal or filling is proposed and the area to be excavated or filled.
- b. Existing contours in the area to be excavated, regraded or filled and proposed contours after completion of excavation, regrading or filling, which contours shall be prepared from an actual

¹ Adopted 3/6/90, Effective 4/1/90

² Adopted 3/6/90, Effective 4/1/90

³ Adopted 11/28/00, Effective 11/28/00

⁴ Adopted 9/25/96, Effective 10/25/96

field survey, based on benchmark noted and described on the map and drawn to a scale of not less than 50 feet to the inch with a contour interval not to exceed five feet.

- c. Existing and proposed drainage of the area and drainage easement or flowage rights.
- d. If the site is in or adjacent to a Flood Plain Zone or Flood Hazard Area, methods of controlling or preventing flood damage.
- e. Methods of preventing soil erosion and siltation during and at the completion of the operation, as required by section 660 of these regulations.¹
- f. Names of the applicant and owner of the land.
- g. Existing rivers, streams, water courses or wetlands on or adjacent to the premises.
- h. Adjoining lot lines with names of owners of record of adjacent land.
- i. Street lines and street names.
- j. Proposed vehicular access to a street.
- k. The location of any wooded areas, major trees and existing and/or proposed buildings or structures on the site.
- l. The Zoning District of the property and adjoining properties.
- m. An estimate of the number of cubic yards of material to be filled, excavated, graded, or removed and an estimate of the time necessary to complete the operation.²
- n. An estimate of the number types and hours of operation of trucks and other machinery to be used on the site and the locations and types of any buildings, including temporary buildings, to be erected.¹
- o. Details of proposed blasting and storing of explosives.³

644 Other Requirements

- a. A fee in an amount to be established by the Commission.
- b. Submission of additional information on soil conditions, locations and depth of rockledge, ground water conditions and other such information - before and after a proposed development - as is deemed necessary by the Commission to make a reasonable review of the application.⁴

645 Standards

The Commission may grant a Special Permit for a limited period of time, not exceeding two years, if it shall find that such excavation, regrading, 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

¹ Adopted 7/23/85, Effective 8/1/85

² Adopted 3/6/90, Effective 4/1/90

³ Adopted 3/6/90, Effective 4/1/90

⁴ Adopted 3/6/90, Effective 4/1/90

excavation, regrading, removal or filling will be in harmony with the general purpose and intent of the Zoning Regulations. A Special Permit shall be granted only upon the following conditions:

- a. 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 approval in accordance with 641 B.¹
- b. No building shall be erected on the premises except as temporary shelter for machinery and for a field office which shall be removed on or before the time that the permit expires.
- 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 exhibiting excavation within 20 feet of a lot line shall not apply in the event that a joint application is filed by the adjoining property owners and approved by the Commission.
- 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 slopes or banks will exceed one foot of vertical rise to two feet of horizontal distance.
- f. Topsoil removed shall be stockpiled on the premises and shall be spread uniformly over the excavated or filled area and over exposed rock surfaces resulting from the excavation or filling 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 landscape purpose.²
- g. When the excavation, regrading, removal or filling operations have been completed, the excavated, regraded, or filled area and other vegetated areas destroyed by the excavation, regrading, or filling process shall be seeded with a perennial rye grass or similar planting.
- h. During the time of the operation, barricades or fences for the protection of the public shall be erected if deemed necessary by the Commission.
- i. Truck access to the excavation shall be so arranged as to minimize danger to traffic, nuisance to surrounding properties, and such access on the premises shall be provided with a dustless surface.
- j. The completed excavation, regrading or fill area shall not impair the future use of the property in accordance with the Zoning Regulations of the Town of Hamden and the slopes and banks will not impair good development and safe use of the property after the excavation or filling.
- k. The premises shall be excavated, regraded or filled in conformity with the plan as approved.
- l. All materials used as fill shall be noncombustible. Broken blocks, bricks, concrete, rocks and similar debris is allowable as fill when mixed with enough gravel or filler to create fill which is void of air pockets.

646 Procedures

- a. 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

¹ Adopted 11/28/00, Effective 12/12/00

² Adopted 3/6/90, Effective 4/1/90

and may request any such department or agency to submit a report to the Commission on matter that are of concern to it in connection with its own responsibility.

- b. The Commission shall hold a public hearing on the application in compliance with requirements of the Connecticut General Statutes regarding Special Permits.
- c. The Commission may, after the public hearing, grant a permit for a period of time not to exceed two years. The Commission may renew a permit at the time of expiration if the owner of the property or his authorized agent files with the Commission a report of an engineer or surveyor licensed to practice in the State of Connecticut certifying that the excavation, regrading or filling already completed conforms with the approved plans. Said renewal may be granted by the Commission in accordance with the procedures and standards of these regulations, based upon updated maps and data.
- d. As an additional condition for granting of a special permit, the Commission may require the applicant to submit periodic reports of progress of the excavation, regrading, removal, or filling including contours and cross sections, 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, regrading removal or filling is not being conducted or cannot be conducted in accordance with the plans as approved the Commission shall order the applicant to cease operation and revoke the permit.
- e. The applicant shall file with the Commission a performance bond, in form and with surety acceptable to the Commission, or its designated agents, in such amount as the Commission shall deem sufficient to insure the faithful performance of the work to be undertaken pursuant to the conditions of approval. No excavation, regrading, removal or filling operation shall begin until such bond is received by the Commission.

650 Performance Standards

651 General

The use of land, buildings and structures, wherever located, shall be established and conducted so as to conform to the performance standards hereinafter specified. The performance standards establish certain nuisance factors which 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 ne 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 Compliance shall be approved by the ZEO and no Certificate of 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 the performance standards and with the standards stated in other relevant Town, State and Federal codes, ordinances or regulations. The performance standards hereinafter specified shall be of continuing application.

652 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.

653 Noise

With the exception of time signals and noise necessarily involved in the construction or demolition of buildings and other structures, no noise shall be transmitted beyond the lot where it originates when

noise has a sound level, intermittence and/or beat frequency which would endanger the public health and safety or impairs safety on or the value and reasonable use of any other lot.

654 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.

655 Glare and 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.

656 Refuse and Pollution

No refuse or other waste materials shall be dumped on any lot except as provided in section 640 of 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.

657 Danger

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

658 Radio Interference

No use on any lot shall cause interference with radio and television reception on any other lot, and any use shall conform to the regulations of the Federal Communications Commission with regard to electromagnetic radiation and interference.

660 Sediment and Erosion Controls¹

661 General

A soil erosion and sediments control plan shall be submitted with any application for development when the disturbed area of such development is cumulatively more than one-half acre.

662 Exemptions

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

663 Application

To be eligible for certification, a soil erosion and sediment control plan shall contain proper provisions to adequately control accelerated erosion and sedimentation and reduce danger from storm

¹ Adopted 7/13/85, Effective 8/1/85

water 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 (1985) 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 826 and 840 of these regulations, as part of a Natural resources proposal as set forth in section 640, 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.
- c. A site map showing:
 - c.1. The location of the proposed development and adjacent properties;
 - c.2. The existing and proposed topography including soil types, wetland, watercourses and water bodies;
 - c.3. The existing and proposed structures on the site;
 - c.4. The proposed area alterations including cleared, excavated, filled or graded areas, proposed utilities, roads and, if applicable, new property lines;
 - c.5. The location of and design details for all proposed soil erosion and sediment control measures and storm water management facilities.
 - c.6. The sequence of grading and construction activities;
 - c.7. The sequence for installation and/or application of soil erosion and sediment control measures;
 - c.8. The sequence for final stabilization of the development site.
- d. Any other information deemed necessary and appropriate by the applicant or requested by the Commission or its designated agent.

664 Standards

The Commission or its designated agent may certify a Soil Erosion and Sediments Control Plan on a finding that it complies with 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 (1985) as amended.
- b. The minimum standards for individual measures are those in the Connecticut Guidelines for Soil Erosion and Sediment Control (1985) as amended.

- c. The appropriate method from Chapter 9 of the Connecticut Guidelines for Soil Erosion and Sediment Control (1985), 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.

665 **Procedures**

- a. Soil Erosion and Sediment Control Plans which are submitted as part of a Special Permit or Site Plan application shall be reviewed and acted upon in the manner set forth in section 826 and 840 of these Regulations. Plans for development not requiring a Special Permit or Site Plan review under these regulations may be reviewed and certified by the Commission's designated agent.
- b. 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. Reviews by the Soil and Water Conservation District must be completed within thirty days of receipt of such plan.

666 **Conditions**

The Commission or its designated agent, in certifying a plan, may set such conditions as it deems necessary to insure that proper provisions will be made for soil erosion and sedimentation control, 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;
- c. Progress reports from the applicant assuring installation and maintenance of controls.

667 **Inspections**

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

ARTICLE VII SUPPLEMENT REGULATIONS

700 Conditional and Special Permit Uses

Each of the following uses is permitted in each district to the extent indicated for that use and district, subject to all provisions of the applicable district, 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.

The following index may be used as a convenient reference to Conditional and Special Permit Uses; however, the specific provisions of section 700 and the applicable zoning district shall prevail.

**INDEX TO SECTION 700
CONDITIONAL AND SPECIAL PERMIT USES Zoning District¹**

Zoning District²

Section	Use	R1	R2	R3	R4	R5	B1	B2	M1	CDD1	CDD2	CDD3	CDD4
701	Accessory Apartments	X	X	X	X	X							
702	Adaptive Re-use to Multi-Family	X	X	X	X	X	X	X	X	X	X	X	X
703	Cemeteries	X	X	X	X	X	X	X	X	X	X	X	
704	Churches & Synagogues	X	X	X	X	X				X ³			
705	Civic Club, Lodge or Association (Non-profit)	X	X	X	X	X							
706	Dwelling Unit, Accessory				X ⁴		X	X		X		X	X
707	Family Day Care Home	X	X	X	X	X							
708	Farm, Commercial	X	X	X	X	X							
709 ⁵	Group Home, Community Residence	X	X	X	X	X							
710	Home Occupation	X	X	X	X	X							
711 ⁶	Hospitals & Nursing Homes	X	X	X	X	X		X		X	X	X	X
712	Incentive Development						X	X	X	X	X	X	X ⁷
713	Keeping of Animals	X	X	X	X	X							
714 ⁸	Kennel, Stable	X	X										
715	Libraries & Museums	X	X	X	X	X	X	X	X	X	X	X	X
716	Manufacturing, Accessory							X					X ⁹
717	Motor Vehicle Sales, Rental, Service & Repair									X			
718	Multi-Family Dwellings			X	X	X							
719	Multi-Family Dwellings in CDD1, CDD3 & CDD4 Districts									X		X	X

¹ “X” indicates use is permitted as a conditional or special permit use in the designated zoning district. The use may be permitted as a matter of right in other districts. Refer to specific zoning districts. CDD-4 District Uses Adopted 2/14/84, Effective 3/1/84.

² “X” indicates use is permitted as a conditional or special permit use in the designated zoning district. The use may be permitted as a matter of right in other districts. Refer to specific zoning districts. CDD-4 District Uses Adopted 2/14/84, Effective 3/1/84.

³ Adopted 7/7/92, Effective 8/7/92

⁴ Adopted 9/25/96, Effective 10/25/96

⁵ Adopted 12/11/84, Effective 1/4/85

⁶ Adopted 9/12/83, Effective 10/1/83

⁷ In area “B” only.

⁸ Adopted 9/12/83, Effective 10/1/83

⁹ In area “B” only.

Section	Use	R1	R2	R3	R4	R5	B1	B2	M1	CDD1	CDD2	CDD3	CDD4
720	Multi-Family Dwellings in CDD2 District										X		
721	Non-Profit Schools & Colleges	X	X	X	X	X							
722	Nursery School or Day Care Center	X	X	X	X	X							
723	Office Building, Limited	X	X	X	X		X						
724	Outdoor Cafe ¹						X	X		X		X	X ²
725	Outdoor Storage							X	X	X	X		
726	Public Uses & Public Utilities	X	X	X	X	X	X	X	X	X	X	X	X
727	Restricted Commercial Development		X	X	X	X							
728	Roomers & Boarders	X	X	X	X	X							
729	Rooming & Boarding Houses							X					
730	Shopping Centers & Stores							X		X			
731	Solid Waste Facility								X	X			
732	Vehicle Storage	X	X	X	X	X							
733	Wind Energy Conversion Systems	X	X	X	X	X							
734	Veterinary Hospitals ³	X	X	X	X	X	X	X	X	X	X	X	X ⁴
735	Conference & Training Center												X ⁵
736	Managed Residential Community	X	X	X	X	X	X	X		X	X	X	X
737	Towers Supporting Personal Wireless Service Facilities	X	X	X	X	X	X	X	X	X	X	X	X
738	Adult-Oriented Establishment								X				
739	Extended Stay Hotel							X					
756	Advertising Signs							X	X				
770	Student Housing	X	X	X	X	X							
770	Student Housing Multiple			X	X	X				X	X	X	

¹ Adopted 9/25/96, Effective 10/1/83

² In area "B" only.

³ Adopted 9/12/83, Effective 10/1/83

⁴ In area "B" only.

⁵ In areas "A" and "B". Adopted 4/2/85, Effective 4/15/85

701 Accessory Apartments

A single-family dwelling may be converted to allow the incorporation of one Accessory Apartment in any Residential District subject to Site Plan Approval and the following conditions:

- a. Each lot shall have a minimum front lot line length of 80 feet.
- b. The principal dwelling shall be on the Assessor's list as of October 1, 1976.
- c. The principal dwelling shall be served by public sewer and public water supply. If not, the subject lot shall have a minimum area of 20,000 square feet or as required by the applicable district, whichever is greater.
- d. 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.
- e. One of the occupants of the dwelling shall be the owner of record.
- f. No accessory Apartment shall be located in a basement or garage unless one wall opens to grade.
- g. An Accessory Apartment shall be self-contained, with separate cooking, sanitary and sleeping facilities for the exclusive use of the occupant.
- h. No exterior change shall be made to the existing front of the principal dwelling except for dormers or windows.
- 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.
- k. Expansion of a principal dwelling shall be permitted to accommodate an Accessory Apartment via dormer(s) or an addition beyond the existing foundation.
- l. Prior to issuance of a Zoning Permit, a notarized affidavit to verify that the owner is one of the occupants of the subject dwelling shall be submitted to the Commission. Thereafter, the owner shall submit a notarized affidavit to the Zoning Enforcement Officer by January 31st of each year certifying conformance to all applicable regulations as a requirement for the legalized continuance of the Accessory Apartment.
- m. Not more than 1,500 units shall be permitted over a three year period beginning with the adoption of these regulations.

702 Adaptive Re-use to Multi-Family

Any existing building in any zoning district may be converted to a multi-family dwelling subject to Special Permit and Site Plan approvals and the following conditions:

- a. A determination by the Commission that the existing building 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:
 - (1) The maximum permitted number and type of dwelling units do not exceed c. above.
 - (2) The addition does not exceed 50% of the GFA of the existing building.
 - (3) The addition conforms to all other zoning regulations of the district in which it is located.
 - (4) 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.

703 Cemeteries

Cemeteries are permitted in any zoning district subject to Special Permit and Site Plan approvals and 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.

704 Churches and Synagogues¹

704.1 Churches, synagogues, parish houses, rectories, parsonages, convents and similar uses are permitted in any Residential District subject to Special Permit and Site Plan approvals and the following conditions:

- a. Each lot shall have a minimum area of 40,000 square feet or as required by the applicable district, 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.

704.2 Deleted²

705 Civic Club, Lodge, or Association (non-profit)

Non-profit civic clubs, lodges, and associations are permitted in any Residential District subject to Special Permit and Site Plan approvals and 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. Not more than 80% of the area of the lot shall be occupied by buildings, off-street parking, swimming pools, ball diamonds, picnic areas and other recreation uses.
- d. Not more than 15% of the area of the lot shall be occupied by buildings.
- e. No off-street parking or recreation facility shall be located in any required yard.
- f. The lot shall be served by sanitary sewers.

706 Dwelling Unit, Accessory

706.1.³ A dwelling unit when accessory to a retail, service or office use is permitted in any Business District and the CDD-1, CDD-3 and CDD-4⁴ Districts 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.

¹ Adopted 7/7/92, Effective 8/7/92; Adopted 6/29/93, Effective 7/29/93. Misprint corrected 1/28/94.

² Adopted 10/15/02, Effective 10/16/02

³ Adopted 9/25/96, Effective 10/25/96

⁴ Adopted 2/14/84, Effective 3/1/84

- b. Retail, service and office uses shall only be permitted on the first floor level.
- c. Separate entrances and exits shall be provided for the residential and non-residential portions of the building.
- d. No building shall contain more than 10 dwelling units.
- 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:

<u>Unit</u>	<u>Minimum Floor Area (Square Feet)</u>
1 room	350
2 rooms (1 bedroom)	425
3 rooms (1 bedroom)	500

706.2.¹ A dwelling unit, when accessory to a retail, service or office use located in an R-4 Zone 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. Retail, service and office uses shall only be permitted on the first floor level.
- c. Separate entrances and exits shall be provided for the residential and non-residential portions of the building.
- d. No building shall contain more than 4 dwelling units.
- e. An accessory dwelling unit shall conform to all requirements of the applicable building, health, fire and sanitary codes.
- f. The building shall be served by public sewer and water supply,

¹ Adopted 9/25/96, Effective 10/25/96

- g. The required floor area per accessory dwelling unit shall be:

<u>Unit</u>	<u>Minimum Floor Area (Square Feet)</u>
1 room	350
2 rooms (1 bedroom)	425
3 rooms (1 bedroom)	500

707 Family Day Care Home

Family day care homes are permitted in any Residential District subject to the following conditions:

- a. No play apparatus shall be located in any required front or side yard. Play apparatus shall be screened by either a fence or foliage screen. 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.¹
- b. The lot shall be served by sanitary sewers.
- c. The family day care home shall have an approved license from the State of Connecticut prior to issuance of a Certificate of Compliance.
- d. The family day care home shall not create any excessive noise, dust, smoke, odor or unsightly condition which would constitute a public nuisance to adjoining properties or the neighborhood.

708 Farm, Commercial

Commercial farms, including truck gardens, plant nurseries and greenhouses are permitted in any Residential District subject to the following conditions:

- a. Any building, other than a dwelling or produce stand 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. Any run, paddock, or barnyard shall be properly enclosed by a fence of sufficient height to assure containment of the animals.
- e. Buildings or stands for the sale of produce grown on the lot are permitted subject to Site Plan approval and the following conditions:
 - (1) The produce stand is clearly accessory to the primary use of the property.
 - (2) The produce stand does not exceed a gross floor area of 500 square feet.

¹ Adopted 1/11/83, Effective 2/1/83

- (3) The produce stand meets the yard requirements of the applicable district for a principal building.

709 Group Home. Community Residences¹

Group homes, community residences and residential care facilities are permitted in any Residential District subject to Special Permit and Site Plan approvals and the following conditions:

- a. Each lot shall have a minimum area of 20,000 square feet or as required by the applicable district, whichever is greater.
- b. Not more than 15% of the area of the lot shall be occupied by buildings.
- c. The lot shall be served by sanitary sewers. Depending on the size of the facility, the Commission may require public water service.
- d. The group home shall have an approved license from the State of Connecticut prior to issuance of a Certificate of Compliance.
- e. If residents are not permitted to own or operate a motor vehicle, the Commission may reduce or waive the parking requirements in section 743.

710 Home Occupation

Customary home occupations are permitted accessory uses in one, two, and three-family dwellings in any Residential District, subject to Site Plan approval and the following conditions:

- a. The home occupation or office shall not occupy more than 25% of the existing floor area of the dwelling or 600 square feet, whichever is less.
- b. The home occupation or office shall not change the exterior residential character or appearance of the dwelling in any visible manner.
- c. The home occupation or office shall 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. Other than artists or craftsmen, the home occupation shall not include any manufacturing, processing or assembling.
- e. The home occupation shall not involve the sale of any commodity or article.
- 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.

¹ Adopted 12/11/84, Effective 1/4/85

- h. The home occupation shall not create any excessive noise, traffic, odor, dust, vibration, smoke, gas fumes, radiation, electromagnetic interference, or unsightly condition which 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.
- k. 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.¹

711 Hospitals, Nursing Homes, and Cardiovascular Prevention and Rehabilitation Facilities

Public and private hospitals, outpatient clinics, nursing homes, convalescent homes, and cardiovascular prevention and rehabilitation facilities² are permitted in any Residential District, the Business B-2 District, and any CDD District subject to Special permit and Site Plan approvals and 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 district, whichever is greater.
- b. Each lot shall have front, side, and rear yards of at least 50 feet each.
- c. Not more than 20% of the area of the lot shall be occupied by buildings or as required by the applicable district 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. The lot shall be served by sanitary sewers. Depending on the size of the facility, the Commission may require public water services.

712 Incentive Development

The Commission may grant an increase in the maximum lot coverage percentage and/or in the maximum permitted floor area to any eligible property owner in any Non-Residential District if in its judgment it were deemed that the public interest would be better served by the improvements brought about through the Site Plan approval procedures in section 840 and that the increase in maximum lot coverage percentage and/or in the maximum permitted floor are would not be detrimental to adjacent properties and would still be adequately served by traffic circulation, parking, storm drainage, and sewage disposal.

Such Commission action would be subject to Special Permit and Site Plan approval and to the following conditions:

¹ Adopted 9/25/96, Effective 10/25/96

² Adopted 9/12/83, Effective 10/1/83

- a. The subject property shall be non-residential and shall have received a building permit issued prior to January 1, 1967.
- b. 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.
- c. The increase in maximum lot coverage percentage shall not exceed 35 % of the existing lot coverage and the increase in the maximum permitted floor area shall not exceed 35 percent of the existing GFA.
- d. The lot shall be served by sanitary sewers and a public water supply.

713 Keeping of Animals

The keeping and raising of domestic farm animals other than pigs, fur-bearing animals and fowl is permitted as an accessory use in any Residential District 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.

714 Kennels and Stables

Boarding kennels, riding stables and boarding stables are permitted in R-1 and R-2 Districts, subject to Special Permit and Site Plan approvals and 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.
- e. The lot shall be served by sanitary sewers. Depending on the nature of the facility, the Commission may require public water service.

715 Libraries and Museums

Libraries, museums and other similar public and non-profit institutions are permitted in any zoning district subject to Special Permit and Site Plan approvals and the following conditions:

- a. Each lot shall have a minimum area of 40,000 square feet or as required by the applicable district, whichever is greater.
- b. Each lot shall have front, side and rear yards of at least 50 feet each.
- c. In residential districts, buildings shall not occupy more than 15 % of the area of the lot.
- d. The lot shall be served by sanitary sewers and a public water supply.

716 Manufacturing. Accessory

The manufacturing, assembling, converting, altering, finishing, cleaning or other similar processing of products, when accessory to a retail use, is permitted in the Business B-2 District and in area B of the CDD-4 District¹ subject to Site Plan approval and 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. The lot shall be served by sanitary sewers and a public water supply.

717 Motor Vehicle Sales. Rental. Service and Repair

Motor vehicle (including automobiles, trucks, recreation vehicles, trailers, boats and mobile homes) sales, rental, service (including gas stations) and repair are permitted in the CDD-1 District subject to Special Permit and Site Plan approvals and 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.
- d. Curb cuts shall be least 25 feet from any other curb cut or street intersection.

¹ Adopted 2/14/84, Effective 3/1/84

- e. Trash, garbage and unusable vehicle parts shall be temporarily stored within the principal building or within a covered container or receptacle which 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 725- Outdoor Storage.
- g. Free-standing signs for gas stations shall comply with section 753.4, 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. The lot shall be served by sanitary sewers and a public water supply. 718
- i. Car wash facilities¹

718 Multi-Family Dwellings

Multi-family dwellings are permitted in the Residence R-3, R-4 and R-5 Districts subject to a Special Permit and Site Plan approvals and the following conditions:

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

<u>R-3 District</u>	<u>R-4 District</u>	<u>R-5 District²</u>
Whitney Avenue	Whitney Avenue Dixwell Avenue Old Dixwell Avenue Arch Street ³	Whitney Avenue Dixwell Avenue Old Dixwell Avenue Arch Street ⁴ Evergreen Avenue State Street School Street Mix Avenue ⁵

¹ Adopted 10/15/02, Effective 10/16/02

² Washington Avenue deleted 3/10/87, Effective 3/20/87

³ Adopted 3/3/87, Effective 3/20/87

⁴ Adopted 3/3/87, Effective 3/20/87

⁵ Adopted 3/13/01, Effective 3/13/01

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

<u>Lot Requirements</u>	<u>District</u>		
	<u>R-3</u>	<u>R-4</u>	<u>R-5</u>
Lot Size (Min.)	80,000 sq. ft.	40,000 sq. ft.	20,000 sq. ft.
Continuous Frontage (Min.) on streets listed in 718a.	200 ft.	160 ft.	120 ft.
Maximum Depth of Use ¹	400 ft.	400 ft.	400 ft.
Lot Area Per Dwelling ² Unit (Min.)	8,500 sq. ft.	6,500 sq. ft.	6,500 sq. ft.
Useable Open Space Per Dwelling Unit (Min.)	1,000 sq. ft.	1,000 sq. ft.	750 sq. ft.

- c. The minimum distance between multi-family structures shall be equal to the height of the tallest building on the lot.
- d. No off-street parking space shall be within 15 feet of any structure unless located under such structure.
- e. There shall be no parking in any required yard.
- f. The lot shall be served by sanitary sewers and a public water supply.
- g. 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.

719 Multi-Family Development in CDD-1, CDD-3 and CDD-4 Districts³

Multi-Family Development is permitted in CDD-1, CDD-3 and CDD-4 Districts subject to Special Permit and Site Plan approvals and the following conditions:⁴

- a. All multi-family dwelling units permitted in these districts may have a mixture of efficiency and/or one bedroom units, two-bedroom units, and/or three-bedroom units. Two and three-bedroom units shall constitute no more than two-thirds of the total number of units proposed for a site.⁵

¹ In cases where the lot exceeds 400 feet in depth, the maximum number of multi-family dwelling units permitted on the lot shall be computed on the basis of a lot depth of 400 feet. All multi-family units shall be located within the 400 foot depth.

² Adopted 10/15/02, Effective 10/16/02

³ Adopted 12/11/84, Effective 1/4/85

⁴ Amendments adopted 2/14/84, Effective 3/1/84

⁵ Adopted 12/7/93, Effective 12/28/93

- b. Minimum lot area per dwelling unit shall be based upon the following:¹

Units of 1 room	1,500 sq. ft.
Units of 2 rooms (1 bedroom)	1,750 sq. ft.
Units of 3 rooms (1 bedroom)	2,000 sq. ft.
Units of 4 rooms (2 bedrooms)	2,500 sq. ft.
Units of 5 rooms (3 bedrooms)	4,000 sq. ft.

- c. Existing residential structures may be converted to accommodate not more than eight dwelling units.
- d. The lot shall be served by sanitary sewers and a public water supply.
- e. 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.

720 Multi-Family Development in CDD2 District

Multi-family development is permitted in the CDD2 District subject to Special Permit and Site Plan approvals and the following conditions:

- a. Minimum lot area per dwelling unit shall be based upon the following:²

Units of 1 room	1,500 sq. ft.
Units of 2 rooms (1 bedroom):	1,750 sq. ft.
Units of 3 rooms (1 bedroom):	2,000 sq. ft.
Units of 4 rooms (2 bedrooms):	2,500 sq. ft.
Units of 5 rooms (3 bedrooms):	4,000 sq. ft.

- b. The permitted number of acres to be developed for multi-family development shall not exceed 40 acres in any CDD-2 District, however, said acreage may be increased as follows:
- Twenty (20) additional acres provided:
 - The entire multi-family development within the CDD-2 District shall be limited to twenty (20) dwelling units per acre;³
 - Fifty (50) additional acres (including the above twenty (20) acres) provided:
 - The above Conditions l(a) is complied with, and
 - no less than two hundred (200) housing units for families with one person age 55 or older and a Nursing Home, or no less than one hundred (100) housing units for families having one person age fifty-five (55) or older and no less than one hundred (100) Managed Residential Community Units which provides Assisted Living Services for families having one person age fifty-five (55) or older, shall be developed within said ninety (90) acres of the CDD-2 District.⁴

¹ Adopted 10/15/02, Effective 10/16/02

² Adopted 10/15/02, Effective 10/16/02

³ Adopted 2/28/89, Effective 4/1/89

⁴ Adopted 3/5/96, Effective 3/31/96

The Planning & Zoning Office shall keep an accurate record of the number of acres so approved and such information shall be public.

- c. The lot shall be served by sanitary sewers and public water supply.

721 Non-Profit Schools and Colleges

Regularly organized non-profit elementary schools, secondary schools (including vocational schools), colleges, and universities accredited by the State of Connecticut are permitted uses in any Residential District subject to Special Permit and Site Plan Approvals and 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 a front yard of at least 100 feet.
- c. Each lot shall have two side yards of at least 50 feet each.
- d. Each lot shall have a rear yard of at least 50 feet.
- e. Each separate building shall be at least 25 feet from any other separate building.
- f. Not more than 15% of the area of the lot shall be -occupied by buildings.
- g. No required front or side yards shall be occupied by off-street parking or active sports facilities such as tennis or basketball courts or ball diamonds. 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:
 - 1. Prior to installation of such equipment, a Zoning Permit shall be obtained from the Zoning Enforcement Officer.
 - 2. Fencing or screening shall be required for any equipment installed if deemed necessary by the Town Planner.
- h. The lot shall be served by sanitary sewers and a public water supply.
- i. 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 in the CDD-1 and CDD2 Districts, subject to Special Permit and Site Plan approvals.¹
- j. Regularly organized non-profit and non-residential elementary and secondary schools accredited by the State Board of Education or other applicable crediting authority are permitted in a CDD-12 and CDD-2 District subject to Special Permit and Site Plan Approvals and the following conditions:³
 - 1. 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.

¹ Adopted April 6, 1993, Effective April 20, 1993

² Adopted June 2, 1998, Effective June 10, 1998

³ Adopted March 3, 1998, Effective March 20, 1998

2. Each lot shall have a front yard of at least 100 feet.
3. Each lot shall have two side yards of at least 50 feet each.
4. Each lot shall have a rear yard of at least 50 feet.
5. Each separate building shall be at least 25 feet from any other separate building.
6. The lot shall be served by sanitary sewers and a public water supply.

722 Day Care Centers, Nursery Schools and Group Day Care Homes

Regularly organized day care centers for elderly and child day care and nursery schools are permitted in any Residential District and Controlled Development Districts subject to Special Permit and Site Plan approvals and the following conditions: Group day care homes are permitted in any Residential District subject to Special Permit and Site Plan approval and the following conditions:¹

- a. (Reserved)
- b. (Reserved)
- c. 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 nursery schools or child day care purposes.
- d. No outdoor apparatus shall be located in any required front or side yard. Outdoor apparatus shall be screened by either a fence or foliage screen. Said 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.²
- e. The nursery school, child or elderly day center or group day care home shall have an approved license from the State of Connecticut prior to issuance of a Certificate of Compliance.
- f. Public water service and sanitary sewers are required. Under certain special circumstance, the Commission may waive either or both of these utilities, subject to a technical report from a qualified staff authority that on-site systems for sewage disposal and/or potable water supply are adequate.
- g. The nursery school, day care center or group day care home shall not create any excessive noise, dust, smoke, odor or unsightly condition which would constitute a public nuisance to adjoining properties.
- h. No overnight stay allowed in any of the categories.

¹ Adopted June 27, 2000, Effective August 8, 2000

² Adopted January 11, 1983, Effective February 1, 1983

723 Office Buildings¹

Office buildings are permitted in all residential districts subject to Special Permit and Site Plan approvals and the following conditions:

- a. Office buildings shall be located on and have vehicular access only to the following streets:
 - Dixwell Avenue
 - Old Dixwell Avenue
 - Evergreen Avenue
 - School Street
 - State Street
 - Washington Avenue
 - Whitney Avenue
- b. Office buildings and all related accessory uses shall be located within 400 feet of the front lot line.
- c. For new construction each lot shall have a minimum area of 40,000 square feet.
- d. No off-street parking shall be located in any required front or side yard.
- e. Off-street parking shall be located at least 20 feet from any side or rear lot line.
- f. Personal service establishments are permitted on the ground floor of office buildings.
- g. The size and appearance of any proposed office building 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.
- h. The commission shall determine based upon evidence presented, if the lot shall be served by sanitary sewers and a public water supply.
- i. Existing residential buildings as of January 1, 2000 may be converted to office use subject to special permit and site plan approval.
- j. Office buildings along both sides of Whitney Avenue from Elm Street – James Street northerly to the Cheshire town line shall comply with the provisions of Section 727.

724 Outdoor Cafe²

Outdoor cafes and eating areas, when accessory to a restaurant, are permitted in any Business, CDD1, CDD3 District, and in Area B of a CDD4 District, subject to an annual Health District Permit, Site Plan approval and the following conditions:³

- 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.

¹ Adopted 7/25/00, Effective 8/30/00

² Amendments Adopted 2/14/84, Effective 3/1/84

³ Adopted 9/25/96, Effective 10/25/96

- c. The outdoor eating area shall be largely open to the elements and shall not be permanently enclosed with a roof and walls.
- d. In the outdoor eating area, 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 building.
- f. Restaurants with an outdoor cafe shall be served by sanitary sewers and public water supply.
- g. The outdoor eating area shall be landscaped with planters, boxes pots and/or 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.¹

725 Outdoor Storage

Outdoor storage of vehicles, materials and equipment is permitted as an accessory use in any Non-Residential District subject to Special Permit and Site Plan approvals and 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 717 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.

726 Public Uses and Public Utilities

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 zoning district subject to Special Permit and Site Plan approvals and 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.

¹ Adopted 9/25/96, Effective 10/25/96

- b. No materials or equipment shall be stored in any required yard.
- c. In Residential Districts all buildings shall occupy not more than 20% of the area of the lot or as required by the applicable district, whichever is more restrictive.
- d. Depending on the nature of the public use, the Commission may require service by sanitary sewer and/or public water supply.

727 Restricted Commercial Development¹

Certain non-residential uses are permitted in the Residential Districts along both sides of Whitney Avenue from Elm Street-James Street northerly to the Cheshire town line subject to Special Permit and Site Plan approvals and the following conditions:

- a. The following uses are permitted in an existing building or in a building proposed to be constructed in conformity herewith provided such building is situated on a lot whose major frontage is on Whitney Avenue and where all vehicular access shall be to Whitney Avenue:
 - (1) Offices
 - (2) Small scale stores such as gift shops, antiques, crafts, clothing and galleries.
- b. An existing principal building may be rehabilitated, modernized and/or expanded provided that such construction shall reflect the architectural design and scale of the original building and that the exterior building material, color, roof line and building elevations shall be compatible with neighboring buildings. New construction shall also adhere to the above basic design criteria. Both existing, reconstruction and/or new construction shall adhere to the following design guidelines:
 - (1) Buildings shall be designed to achieve a small scale and residential appearance.
 - (2) Pitched roofed buildings shall be encouraged.
 - (3) Roof-top mechanical equipment, other than solar energy panels shall be concealed from all sides.
 - (4) Buildings shall be designed and located on the site so as to retain the existing topography and natural features of the land to the greatest extent possible.
 - (5) Parking areas shall be located and designed as to be screened from the public road.
- c. Buildings and all related accessory uses shall be located within 400 feet of the front lot line.
- d. For new construction each lot shall have a minimum area of 40,000 square feet.
- e. No off-street parking shall be located in any required front or side yard.
- f. Off-street parking shall be located at least 20 feet from any side or rear lot line.
- g. The commission shall determine based upon evidence presented, if the lot needs to be served by sanitary sewers and a public water supply.
- h. Lot coverage shall not exceed 20%.²

728 Roomers and Boarders

¹ Adopted 7/25/00, Effective 8/30/00

² Adopted 1/14/86, Effective 2/1/86

The keeping of no more than two roomers and boarders is permitted as an accessory use in a one, two or three-family dwelling in any Residential District subject to issuance of a zoning permit and 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.

729 Rooming and Boarding Houses

Rooming and boarding houses are permitted in the Business B-2 District, subject to Special Permit and Site Plan approvals and the following conditions:

- a. The minimum lot area shall be 10,000 square feet.
- b. No off-street parking space shall be within 15 feet of any building.
- c. No parking shall be permitted in any required front yard.
- d. Each structure shall have a front yard of at least 25 feet, a rear yard of at least 30 feet, and two side yards of at least 10 feet each.
- e. The lot shall be served by sanitary sewers and a public water supply.

730 Shopping Centers and Stores

Shopping centers and retail stores containing more than 20,000 square feet of floor area are permitted in the Business B-2 and the Controlled Development CDD1 Districts subject to Special Permit and Site Plan approvals and the following conditions:

- a. All buildings shall occupy not more than 25% of the lot area.
- b. The maximum building height permitted by the applicable district may be increased provided each required yard is increased by one foot for each additional foot of building height.
- c. The minimum distance between detached buildings on the lot shall not be less than the average height of the two adjacent buildings.
- d. All public utilities shall be placed underground, however, the Commission may waive the requirement provided engineering data substantiate that such placement is impractical.
- e. The lot shall be served by sanitary sewers and public water supply.
- f. Shopping centers or stores with more than 75,000 square feet of floor area shall provide a 50 foot

buffer area in accordance with section 764 which shall extend along all lot lines; and all buildings shall be set back from the buffer area a distance not less than the average height of the building.

- g. The gross floor area of any shopping center shall be limited to a maximum of 250,000 square feet, except as provided in section 712; and the gross floor area, including the exclusions referred to in the gross floor area definition, shall be limited to maximum of 300,000 square feet.¹

731 Solid Waste Facility²

Solid waste facilities are permitted in the CDD1 and M-1 Districts and all such facilities are subject to Special Permit and Site Plan approvals. The term "solid waste" and the like as used herein shall have the same meaning as in Chapter 446d of the General Statutes and the Solid Waste Regulations of the Department of Environmental Protection, provided the term "solid waste" shall not be deemed to include septage and sludges, agricultural and mining wastes, or hazardous wastes. Nothing in these regulations should be construed to conflict with or be inconsistent with Section 22a-20B et seq. of the General Statutes or the regulations adopted by the Commissioner of the Department of Environmental Protection concerning solid waste disposal of the people of the State and to conserve, improve and protect the natural resources and environment of the State. Where these regulations are inconsistent with or are in conflict with the regulations of the Department of Environmental Protection, the latter regulations will prevail. Each section, paragraph and provision herein shall be considered severable, and, if, for any reason, any portion of these regulations is held to be invalid, contrary to, in conflict with, or inconsistent with any applicable law or regulation by a court of competent jurisdiction, that ruling shall not impair the operation of, or have any other effect upon such other portions of these regulations as may remain otherwise in force, and the latter shall continue to be given full force and effect.

731A Solid Waste and Bulky Waste Disposal Area³

a. Preamble

It is the intent of this Section to provide that such disposal areas in the nature of solid waste or bulky waste landfills 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.

b. General Standards

- (1.) Unless the applicant has an existing permit from the Department of Environmental Protection to conduct a solid waste disposal or bulky waste disposal area, an applicant wishing to conduct such a use shall first apply to the Commission for a Special Permit and Site Plan approval. Any proposed expansion of an existing disposal area shall be submitted to the Planning and Zoning Commission prior to submission to D.E.P.
- (2.) Said application shall contain all the information and topographic maps required by Sections 643 and 644 of these Regulations, and shall be accompanied by a sequence of filling plan; an operational plan, including cover, slopes and working face; a landscaping plan with a planting schedule; and a closure plan. Said landscaping plan shall provide for adequate planting of any setback area and appropriate screening to protect adjacent property. Further, said application shall contain an explanation of the means by which

¹ Adopted 1/26/91, Effective 1/29/91

² Adopted 9/11/84, Effective 10/1/84

³ Adopted 9/11/84, Effective 10/1/84

water resources shall be protected, including, but not limited to, the separation between maximum high water table and solid wastes or bulky wastes.

- (3.) 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.
- (4.) The site proposed for a solid waste or a bulky waste disposal area shall meet the Standards as provided herein.
- (5.) The Commission may refer any application to the Quinnipiack 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.
- (6.) The Commission shall hold a public hearing on the application in compliance with requirements of the Connecticut General Statutes regarding Special Permits.
- (7.) The Commission may, after the public hearing, grant a permit for a period of time not to exceed two years. The Commission may renew a permit at the time of expiration if the owner of the property or his authorized agent files with the Commission a report of an engineer or surveyor licensed to practice in the State of Connecticut certifying that the excavation, regrading or filling already completed conforms with the approved plans. Said renewal may be granted by the Commission in accordance with the procedures and standards of these regulations, based upon updated maps and data.
- (8.) 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.
- (9.) 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 or district 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 requirement 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.

c. Specific Standards

(1.) Lot Area

Each solid waste or bulky waste disposal area shall have a minimum lot size of fifty (50) acres. The Commission may require a lot size larger than the minimum prescribed herein, if the Commission shall find on sufficient evidence that such an increase is necessary to protect the health, safety and welfare of the public, in general, and the neighborhood in particular, giving due regard to the nature of the abutting and/or adjoining uses and the materials permitted to be deposited at the site.

(2.) Setback

(2.1) Bulky Waste Disposal Area

The setback around a bulky waste disposal area shall average at least one-hundred and forty feet (140') and shall be no less than fifty (50') at any point. This shall be maintained between the toe of the slope of any area filled under the Special Permit and any adjacent lot line, street or railroad right of way.

(2.2) Solid Waste Disposal Area

The working face of each solid waste disposal area shall be at least:

- (1.) 300 feet from any existing principal building on an abutting lot;
- (2.) 300 feet from any proposed principal building which has been officially approved by the Town on an abutting lot; and
- (3.) 200 feet from any abutting lot line.

(2.3) Accessory structures shall be located not less than 25' from any property line.

(3.) Elevation

Solid wastes or bulky wastes and cover material deposited on the site shall not exceed an elevation of twenty-four feet (24') above the average existing grade on the site at the proposed toe of the slope. Existing grades are to be determined at the time of the first Special Permit application for a solid waste area on the site. The final surface of the area shall be graded to a slope of at least four percent and the side slopes shall not exceed a grade of one on three, one vertical on three horizontal.

(4.) Slopes

The final surface of the area shall be graded to a slope of at least four percent and the side slopes shall not exceed a grade of one on three, one vertical on three horizontal.

(5.) Landscape and Buffer Area

- (5.1) The area created by the setback from abutting lot lines shall be seeded and fertilized to establish suitable grass cover and planting and shall be properly maintained and kept free of debris and litter. Machinery and vehicles shall be housed in storage buildings.
- (5.2) A buffer area shall be provided along all abutting lot lines to minimize the visual intrusion of a solid waste or bulky waste disposal area on adjoining uses. The buffer area shall be installed in accordance with a time schedule approved by the Commission.

(6.) Access to Site and Area

(6.1) Solid waste or bulky waste disposal areas 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 which require passage through residential areas.

(6.2) 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 which utilize the area.

(6.3) Access to the disposal area shall be controlled to prevent unauthorized use. Control may be accomplished through use of appropriate fences, gates and signs.

(7.) Fire Protection

Appropriate measures shall be taken to prevent and control fires,

d. Operating Conditions and Procedures

In order to ensure that the operations of such solid waste or bulky waste disposal areas shall be maintained so as not to constitute a nuisance, the permittee shall comply with the following procedures and operating conditions, which are deemed necessary to protect the public health, safety and welfare of the residents of the Town of Hamden.

(1.) An operator certified by the Department of Environmental Protection shall be present at a solid waste disposal area at all times during working hours to ensure that operations are conducted in conformance with applicable statutes and regulations.

(2.) Unloading of solid wastes or bulky wastes shall be restricted and controlled by the operator so as to facilitate the proper handling of such wastes. Salvage at the working face shall be prohibited.

(3.) Materials to be recycled shall be maintained in a separate area so as not to interfere with disposal operations. Materials held for reuse or resale shall be adequately screened or removed at frequent intervals.

(4.) The operator shall maintain a daily log, as prescribed by the Department of Environmental Protection, to record operational information.

(5.) The permittee shall also employ a full-time employee who shall maintain a daily log listing each vehicle entering the site, its point of origin, the material delivered and location of deposition.

(6.) The hours and days of unloading solid waste or bulky waste shall be only those contained in the conditions set forth by the Commission in the Special Permit.

(7.) The permittee shall provide the Commission with the following: an aerial photograph of the site, not later than each anniversary of the date of the permit; topographic maps of the site, not less than semi-annually, from date of permit; reports from test wells on the site not less than semi-annually from date of permit

- (8.) The permittee should present to the Commission evidence of an arrangement for daily inspection by an independent qualified health services person, the cost of which shall be borne by the permittee.
- (9.) The permittee shall deposit with the Commission a passbook or performance bond in an amount to the satisfaction of the Commission, as indemnity against the cost to correct any violation of these regulations, or of any condition imposed on the Special Permit, including, but not limited to, the cost of removal of any non-permitted material. The amount of the security may be reviewed by the Commission at intervals of two years from the date of issuance of permit.
- (10.) As further indemnity against the cost to correct any violation of these regulations or any conditions of the Special Permit, after exhaustion of the security provided in (d.9) supra, the Town of Hamden shall have a lien for such excess amount, which may be perfected by filing in the Hamden Land Records, and may be foreclosed in the same manner as a lien for delinquent property taxes. The permittee shall provide the Commission with assurance to its reasonable satisfaction as to the sufficiency of equity with the property to respond to such lien.
- (11.) In the event of any violation of these regulations or of any condition of the Special Permit, the foregoing provisions shall be construed neither as a waiver by the Commission, nor by any official of the Town of Hamden to such enforcement proceedings provided by law or regulation, nor as a waiver by the permittee of its right to notice and hearing as provided by law and these regulations.
- (12.) The Commission may approve a renewal of any Special Permit approved hereunder, if it shall find the permittee to be in compliance with the conditions of the Special Permit and these regulations.
- (13.) The permittee shall file with the Commission a list of its operating equipment, which shall be of sufficient size and number to achieve maximum compaction and efficient operation. The permittee shall demonstrate that he has sufficient maintenance facilities to assure prompt repair of such equipment, and a contingency plan for obtaining alternative equipment in the event of breakdown.
- (14.) Blowing litter shall be controlled by providing fencing near the working area or by the use of earth banks or natural barriers. Solid waste or bulky wastes shall be unloaded in such manner as to minimize scattering. The entire solid waste bulky waste disposal area shall be cleared of litter at the end of each working day.
- (15.) 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.

e. Operating Procedures Relative to D.E.P. Regulations

The permittee shall operate the disposal area so as not to create conditions detrimental to the public health, safety and welfare, as to the following factors:

(e.1.) Protection of Water Resources

- (e.1.1.) A minimum of 60 inches shall be maintained between the base of deposited solid wastes and the maximum high water table or bedrock. A

minimum of 24 inches shall be maintained between the base of deposited bulky wastes and the maximum high water table, unless the applicant has a waiver from D.E.P.

(e.1.2.) The solid waste area shall be graded and/or provided with drainage facilities to minimize infiltration of rainfall or surface runoff onto the area, to prevent erosion or washing of the area, and to prevent the collection of standing water on the area.

(e.1.3.) Flood Plains: The deposited solid waste shall be adequately protected from washout and displacement by 100-year flood waters.

(e.1.4.) Surface Water: Solid waste shall not be deposited so as to come in contact with surface watercourses. Disposal operations shall be conducted so as to minimize impact on watercourses.

(e.1.5.) Erosion Control: Siltation or retention basins or other approved methods of retarding runoff should be used where necessary to avoid stream siltation or flooding problems due to excessive runoff.

(e.1.6.) Wells: A minimum of 1,000 feet shall be maintained between deposited solid wastes and wells used for water supply purposes, or as required by the Quinnipiack Health District and the South Central Connecticut Regional Water Authority.

(e.2) Decomposition Gases

Decomposition gases generated within a solid waste disposal area shall be controlled, as necessary, to avoid posing hazard to any persons and property and to minimize adverse environmental effects.

(e.3.) Working Face and Cover of Deposited Materials

The working face of a solid waste or bulky waste disposal area shall be so confined as to be easily maintained with available equipment.

(e.3.1.) For non-bulky solid wastes, the cell construction method of sanitary landfilling shall be used. This solid waste shall be spread in layers not to exceed three feet thick while confining it to the smallest practicable area in order to conserve capacity of the solid waste disposal area and minimize moisture infiltration and settlement and public health problems. Each individual cell shall not exceed ten (10) feet in height. Cover material shall be applied to each cell and compacted to a minimum of six (6) inches on all exposed waste by the end of each working day. On all but the final lift of a non-bulky solid waste disposal area, if more than nine months are expected to elapse before another lift is added, a layer of suitable intermediate cover material, compacted to a minimum uniform depth of one (1) foot shall be placed on such area and suitable vegetative cover shall be planted and maintained thereon.

(e.3.2.) All bulky wastes shall be spread and compacted upon deposit. Deposited bulky wastes shall be covered weekly or at such more frequent intervals as necessary to prevent fires and the harborage and breeding of vectors.

(e.3.3.) Final Cover: A uniform layer of suitable final cover material, compacted to a minimum depth of two (2) feet shall be placed over the entire surface of each portion of the final lift not later than one week following the final placement of solid waste in that portion of the area, or not later than one week following the final placement of bulky waste. Upon application of final cover, the area shall be regraded to prevent erosion and ponding, and suitable vegetative cover shall be planted and maintained thereon.

(e.4.) Vector Control

Conditions shall be maintained that are unfavorable for the harboring, feeding and breeding of vectors. Additional means for controlling and exterminating vectors shall be instituted, whenever necessary, to prevent the transmission of disease.

f. Closure

The applicant shall submit a proposed Restoration Plan showing final grading and landscaping and whatever other information is necessary to indicate proper closure of the solid waste or bulky waste disposal area. Proper closure shall include:

- (1.) A final cover at least 24 inches of compacted cover material, free from cracks and extrusions of refuse including 6 inches of topsoil to top-dress fill areas.
- (2.) Seeding, mulching and fertilizing the site to re-establish vegetation.
- (3.) Landscaping with trees and shrubs.
- (4.) Satisfactory systems to ensure the continuing control of decomposition gases following closure.
- (5.) A complete cost breakdown of the closure plans.
- (6.) A performance bond of sufficient magnitude to cover the entire costs itemized in f.5 above, to assure compliance with the closure plans for a period of 5 years from the completion of the closure. Said bond amount shall be reviewed and upgraded every two years.
- (7.) Upon, closure of the solid waste or bulky waste disposal area, the applicant shall undertake permeability and other tests as may be required by the Commission to determine stabilization of the site, conformance to the Restoration Plan and conformance with the Performance Standards in Section 650. No site, after closure, shall be used for a solid waste or bulky waste disposal area.

g. 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.

731-B Resource Recovery and/or Volume Reduction Facilities, or Transfer Stations¹

Resource Recovery and/or Volume Reduction Facilities, or Transfer Stations are permitted in the CDD-1 and M-1 Districts subject to Special Permit and Site Plan approvals.

a. Preamble

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.

b. General Standards

- (1.) 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.
- (2.) Said application shall contain all information required by Section 820 Special Permit, and Section 840 Site Plan, 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.
- (3.) 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.
- (4.) The site proposed for a resource recovery and/or volume reduction facility, or a transfer station shall meet the Standards as provided herein.
- (5.) The Commission may refer any application to the Quinnipiack 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.
- (6.) The Commission may, after a public hearing, grant a permit.
- (7.) 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.
- (8.) 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 or district 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

¹ Adopted 9/11/84, Effective 10/1/84

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.

c. Specific Standards

(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.

(2.) Setback

Each lot shall have a front yard of 50 feet.

Each lot shall have two side yards of at least 30 feet each.

Each lot shall have a rear yard of not less than 50 feet.

(3.) Lot Coverage

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

(4.) Maximum Height

No building or structure shall exceed 40 feet in height.

(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.

(6.) Access to Site Area

(6.1.) 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 which require passage through residential areas.

(6.2.) 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 which utilize the area.

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

d. Operating Conditions and Procedures

- (1.) 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.
- (2.) 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.
- (3.) No solid waste shall be stored within the property boundary for a period greater than forty-eight (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.¹
- (4.) 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.²
- (5.) 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.
- (6.) Hazardous wastes and special waste shall be excluded.
- (7.) 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.
- (8.) Equipment shall be provided to control fires and arrangements made with the local fire protection agency to immediately acquire services when needed.
- (9.) The resource recovery facility and/or volume reduction plant or transfer station design and/or equipment shall provide for explosion protection.
- (10.) 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.

e. 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.

¹ Adopted 6/14/88, Effective 7/1/88

² Adopted 6/14/88, Effective 7/1/88

f. 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.

732 Vehicle Storage

The storage of travel trailers, campers, boats, recreation vehicles and trucks permitted as an accessory use in any Residential District 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.
- b. No truck, pick-up or van having a Gross Vehicle Weight Rating (GVWR) of more than 8,000 pounds shall be allowed to park for a period exceeding 24 hours 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. All such vehicles and equipment shall be owned by the resident or owner of the premises.
- 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, but not closer than five feet to any lot line and shall be screened from view.
- f. 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.
- g. Any travel trailer, camper, boat, recreation vehicle, truck or bus parked or stored in any zoning district, whether it be residential or non-residential, shall not be used for living, sleeping or housekeeping purposes.

733 Wind Energy Conservation Systems

Wind energy conservation systems such as windmills are permitted accessory uses in any Residential District subject to Site Plan approval and the following conditions:

- a. Each lot shall have a minimum area of 40,000 square feet or as required by the applicable district, 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.

734 Veterinary Hospitals¹

Veterinary Hospitals are permitted in any Residential, Business, Manufacturing and Controlled Development District subjected to Special Permit and Site Plan approvals and the following conditions:

- a. In any Residential District, the minimum lot size shall be 80,000 square feet.
- b. The lot shall be served by sanitary sewers. Depending on the size of the facility, the Commission may require adequate public water service.
- c. In any District, a veterinary hospital shall not include a crematorium or any outside enclosure for animals.

735 Conference Center Development in CDD-4 Districts²

Conference Center Development is permitted in the CDD-4 Districts subject to Special Permit and Site Plan approvals and the following conditions:

- a. Each lot shall have a minimum area of 10 acres.
- b. Restaurants, Dining rooms and Banquet facilities are permitted as accessory uses.
- c. Hotel facilities are permitted as an accessory use.
- d. 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 on the lot.
- e. 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 on the lot.

736 Managed Residential Community³

- a. Managed Residential Communities which provide Assisted Living Services or other services for persons age 55 or older are permitted in the following Districts subject to a Special Permit and Site Plan Approval:

R-1, R-2, R-3, R-4, R-5, B-2, CDD-1, CDD-2, CDD-3, CDD-4

- b. Managed Residential Communities shall be located in an area within 1,500 feet from public transportation, to be measured along a public pathway.
- c. 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.
- d. At least one entrance shall have direct access to a public street having a minimum pavement width of 30 feet.

¹ Adopted 9/12/83, Effective 10/1/83

² Adopted 4/2/85, Effective 4/15/85

³ Adopted 3/5/96, Effective 3/31/96

- e. 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 District, whichever is greater:

Lot Requirements	Residential Zones	B-2 Zone	CDD Zones
Lot Size (min)	40,000 sq. ft.	40,000 sq.ft.	80,000 sq. ft.
Front, Rear, Side Yards	50 ft.	50 ft.	50 ft.
Lot Area Per Dwelling Unit(min)	2,000 sq. ft.	2,000 sq. ft.	2,000 sq. ft.
Useable Open Space Per Dwelling			
Unit (min)	750 sq. ft.	100 sq. ft.	500 sq. ft.
Lot Cover (max)	20%	30%	20%

- f. The lot shall be served by sanitary sewers and a public water supply.
- g. 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.
- h. Each Assisted Living Unit shall have no more than two permanent occupants,
- i. No parking shall be allowed in the setbacks adjoining residential zones.
- j. Accessory buildings shall not be located in required setbacks adjoining residential zones.
- k. 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.
- l. Van drop off area and parking space located at main entry for convenience of residents.
- m. Loading spaces should be provided in accordance with the requirements of section 744, 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.
- n. 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.
- o. 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.

737 Personal Wireless Service Facilities and Towers: Other Antennae, and Satellite Dishes¹

737A Preamble

The purpose of regulating Personal Wireless Service Facilities and Towers is to:

1. Preserve the character and appearance of the Town of Hamden while allowing Adequate Personal Wireless Services to be developed.
2. Protect the scenic, historic, environmental, and natural or man-made resources of the community.
3. Provide standards and requirements for the regulation, placement, design, appearance, construction, monitoring, modification and removal of Personal Wireless Service Facilities.
4. Establish a systematic review process that ensures action within a reasonable period of time, for requests for authorization to place, construct, operate or modify Personal Wireless Service Facilities.
5. Preserve property values.
6. Minimize the total number and height of towers throughout the community.
7. Locate towers so that they do not create an attractive nuisance, noise or falling objects, and do not have any other adverse impact on property values, the health, safety, welfare and quality of life of the community.
8. Require owners of towers and Personal Wireless Service Facilities to configure them so as to minimize and mitigate the adverse visual impact of the Towers and Facilities.
9. Require tower sharing and the clustering of Personal Wireless Service Facilities where possible.

737B Consistency with Federal Law

These regulations are intended to be consistent with the Telecommunications Act of 1996 in that: a) they do not prohibit or have the effect of prohibiting the provision of Personal Wireless Services; b) they are not intended to be used to unreasonably discriminate among Wireless Services; c) they do not regulate Personal Wireless Services on the basis of the environmental effects of radio frequency emissions to the extent that the regulated Services and Facilities comply with the FCC's regulations concerning such emissions.

737C Relevant Definitions

In addition to the terms defined in Article II, the following definitions pertain specifically to Section 737:

Act

The Telecommunications Act of 1996.

Adequate Coverage

Coverage is considered to be "adequate" within that area surrounding a Base Station where the predicted or measured median field strength of the transmittal signal is greater than or equal to -90 dbm for at least 75 % of the intended coverage area.

¹ Adopted 12/11/97, Effective 1/3/98

It is acceptable for there to be holes within the area of Adequate Coverage where the signal is less than -90 dbm, as long as the signal regains its strength to greater than or equal to -90 dbm further away from the Base Station. For the limited purpose of determining whether the use of a Repeater is necessary or desirable, there shall be deemed not to be Adequate Coverage within said holes. The outer boundary of the area of Adequate Coverage, however, is that location past which the signal does not regain a strength of greater than or equal to - 90 dbm.

Adequate Capacity

Capacity is considered to be "adequate" if the Grade of Service (GOS) is p.02 or better for median tele-traffic levels offered during the typical busy hour, as assessed by direct measurement of the Personal Wireless Service Facility in question. The GOS shall be determined by the use of standard Erlang B calculations. As call blocking may occur in either the land line or radio portions of a wireless network, Adequate Capacity for this ordinance shall apply only to the capacity of the radio components.

Where capacity must be determined prior to the installation of the Personal Wireless Services Facility in question, Adequate Capacity shall be determined on the basis of a 20% busy hour (20% of all offered traffic occurring within the busiest hour of the day), with total daily traffic based on aggregate estimates of the expected traffic in the Coverage Area.

Antenna

A device which is attached to a Tower, or other structure for transmitting and receiving electromagnetic waves.

Available Space

The space on a Tower or structure to which Antennas of a Personal Wireless Service Provider are both Structurally Able and Electromagnetically Able to be attached and which is available for rental to the applicant at fair market prices and terms, and on which space and location will provide necessary coverage.

Base Station

The primary sending and receiving site in a wireless telecommunications network. More than one Base Station and/or more than one variety of Personal Wireless Service Provider can be located on a single Tower or structure.

Channel

The segment of the radiation spectrum from an Antenna which carries one signal. An Antenna may radiate on many Channels simultaneously.

Communication
Equipment Shelter

A structure located at a Base Station designed principally to enclose equipment used in connection with Personal Wireless Service transmissions.

DMB

Unit of measure of the power level of an electromagnetic signal expressed in decibels referenced to 1 milliwatt.

Electromagnetically Able

The determination that the new signal from and to the proposed new Antennas will not significantly interfere with the existing

signals from and to other Facilities located on the same Tower or structure as determined by a qualified telecommunications engineer. The use of available technologies to alleviate such interferences shall be considered when making this determination.

EFM

Electromagnetic Frequency Radiation.

Facility Site

A property, or any part thereof, which is owned or leased by one or more Personal Wireless Service Providers and upon which one or more Personal Wireless Service Facility(ies) and required landscaping are located.

FCC

Federal Communications Commission. The Government agency responsible for regulating telecommunications in the United States.

FCC 96-326

A Report and Order which sets new national standards for emissions of Radio-Frequency emissions from FCC-regulated transmitters.

GHZ

Gigahertz: One billion hertz.

Grade of Service

A measure of the percentage of calls which are able to connect to the Base Station, during the busiest hour of the day. Grade of Service is expressed as a number, such as p.02 - which means that 98% of callers will connect on their first try. A lower number (p.01) indicates a better Grade of Service.

Hertz

One hertz is the frequency of an electric or magnetic field which reverses polarity once each second, or one cycle per second.

Major Modification
of an Existing Facility

Any change in maximum power input or output and/or number of antennas and/or change in operating frequency approved under an existing Special Permit or Site Plan.

Major Modification
of an Existing Tower

Any increase in the height, or change to marking or lighting of an existing and permitted Tower or substantial modification of any tower designed to support Personal Wireless Service transmission, receiving and/or relaying antennas and/or equipment.

MHZ

Megahertz: One million hertz.

Monitoring

The measurement, by the use of instruments in the field, of the electromagnetic radiation from a site as a whole, or from individual Personal Wireless Service Facilities, Towers, Antennas or Repeaters.

Monitoring Protocol

An approved testing protocol as defined in the most current FCC regulations. As of August 15, 1997 the most current practice is referenced in FCC Regulations, Title 47, Part 1, Section 1.1307 as IEEE C95.3 1991.

<u>Monopole</u>	A single self-supporting vertical pole with no guy wires, usually consisting of a galvanized or other unpainted metal, or a wooden pole.
<u>Personal Wireless Service</u>	Commercial Mobile Services, unlicensed wireless services, and common carrier wireless exchange access services. These services include: cellular services, personal communications services (PCS), Specialized Mobile Radio Services and Paging Services.
<u>Personal Wireless Service Facility (PWSF)</u>	All equipment (including any Repeaters) with which a Personal Wireless Service Provider broadcasts and receives the radio-frequency waves which carry their services and all locations of said equipment or any part thereof. This Facility may be sited on one or more Towers or structures owned and permitted by another owner or entity.
<u>Personal Wireless Service Provider</u>	An entity, licensed by the FCC to provide Personal Wireless Services.
<u>Radiation Propagation Studies or Radial Plots</u>	Computer generated estimates of the radiation emanating from Antennas or Repeaters sited on a specific Tower or Structure. The height above ground and above mean sea level, power input and output, frequency output, type of antenna, antenna gain energy dispersion characteristics, and topography of both the site and its surroundings are all taken into account to create these simulations. They are the primary tool for determining whether a site will provide Adequate Coverage for the Personal Wireless Telecommunications Service Facility proposed for that site.
<u>Repeater</u>	A small receiver/relay transmitter of not more than 20 watts output designed to extend service to areas which are not able to receive Adequate Coverage directly from a Base Station, using the same channels as the Base Station.
<u>Structurally Able</u>	The determination that a Tower or structure is capable of carrying the load imposed by the proposed new Antenna(s) under all reasonable predictable conditions, as determined by professional structural engineering analysis.
<u>Teleport</u>	A facility utilizing satellite dishes of greater than 2.0 meters in diameter designed for two-way communications with satellites, and intended for use by multiple owners, lessees or rental customers.
<u>Tele-traffic</u>	A measurement of the functional service capacity of a communications network. Tele-traffic refers to the calculation of usage levels and service capacities of communications networks and does not refer to pedestrian or vehicular traffic.
<u>Tower</u>	A lattice structure of framework, or monopole, that is designed to support Personal Wireless Service or other communications system, transmission, receiving and/or relaying antennas and/or equipment.

737-D Permitted and Exempted Uses

a. Permitted Uses

Towers are permitted in all zones subject to Special Permit and Site Plan approvals and compliance with Section 737. Personal Wireless Service Facilities permitted in all zones subject to Site Plan approval and compliance with Section 737.

No tower shall be erected, constructed, or installed without first obtaining Special Permit and Site Plan approval. The requirement applies to both new tower construction and major modification of an existing tower.

No Personal Wireless Service Facility shall be erected, constructed, or installed without first obtaining Site Plan approval. The requirement applies to both new PWSF's and major modification of an existing PWSF.

An applicant who has previously received a Special Permit for a tower may install one or more additional Repeaters, subject to Site Plan approval by the Zoning Section of the Planning and Zoning Commission.

There shall be no Teleport (s) within the Town of Hamden,

b. Exemptions

No Personal Wireless Service Facility shall be considered exempt from this section of the Zoning Regulations for any reason, whether or not said Facility is proposed to share a tower or other structure with such exempt uses.

The following wireless telecommunications facilities are exempt from local Zoning Regulations: police, fire, ambulance and other emergency dispatch.

737-E Application Requirements

In addition to all the information and topographic maps required by Section 843 of these Regulations, the applicant shall provide the following:

a. Review by Independent Consultants

For applications involving new tower construction or major modification of an existing tower:

In all cases in which the Town feels that a peer review of the applicant's application is warranted, the applicant shall be required to pay for the cost of the peer review. This payment shall be made to the Town prior to the review commencing and the decision being rendered on the application. The consultants will work under the direction of the Town Planner. Copies of the consultant's findings and reports shall be made available to the applicant not less than seven (7) days prior to any meeting of the Commission to consider the consultant's report, and the applicant shall be given the opportunity to respond to said report in writing and at the next hearing when the consultant's report will be considered. The consultants shall each be qualified professionals in one of the following fields:

a) telecommunications engineering, b) structural engineering, c) monitoring of electromagnetic fields, and d) others as determined necessary by the Commission.

Applicants requesting Site Plan approval to mount a PWSF on an existing tower or structure, or to add Repeaters to operate with a tower that has already received a Special Permit are not required to pay for an independent review.

b. Identification of Carrier

The proposed carrier should be identified as the applicant,

c. Adequate Coverage, Adequate Capacity, and Justification of Need

For applications involving new tower construction or major modification of an existing tower:

1. The applicant shall provide written documentation of all Facility Sites in Hamden and any Facility Sites outside of Hamden that are within five (5) miles of the proposed site, in which it has a legal interest, whether by ownership, leasehold or otherwise. From each such Facility Site, it shall demonstrate with written documentation that these Facility Sites are not already providing, or do not have the potential by adjusting the Site, to provide Adequate Coverage and/or Adequate Capacity to the Town of Hamden.

If different coverage or capacity criteria are routinely used by an applicant, adequate coverage and/or adequate capacity may be determined using the applicant's criteria provided that:

- (1) The applicant shows and certifies that such coverage and/or capacity criteria are used for the applicant's other facilities and;
- (2) The applicant provides a complete description of the applicant's coverage and/or capacity criteria in a manner suitable for independent review, and;
- (3) The Town, at its discretion, determines that the use of such criteria is reasonable and does not discriminate against other providers of functionally equivalent services.

The documentation shall include, for each Facility Site listed, the exact location latitude and longitude, to degrees, minutes and seconds, ground elevation, height of Tower or structure, type of Antennas, Antenna gain, height of Antennas on Tower or structure, output frequency, number of channels, power input and maximum power output per channel. Potential adjustments to these existing Facility Site, including changes in Antenna type, orientation, gain, height or power output shall be specified. Radial Plots from each of these Facility Site, as they exist, and with adjustments as above, shall be provided as part of the Application.

2. The applicant shall demonstrate with written documentation that it has examined all towers located in Hamden and all towers outside of Hamden that are within five (5) miles of the proposed site, in which the applicant has no legal or equitable interest, whether by ownership, leasehold or otherwise, to determine whether those existing towers can be used to provide Adequate Coverage and/or Adequate Capacity to the Town of Hamden. The documentation shall include, for each tower examined, the exact location in latitude and longitude, to degrees, minutes and seconds, ground elevation, height of Tower or structure, type of antennas proposed, proposed output frequency, proposed number of channels, proposed power input and proposed maximum power output per channel. Radial Plots from each of these towers, as proposed, shall be provided as part of the Application.

In addition, the applicant shall provide a list of all sites within a one mile radius of the proposed location that have been considered as alternative sites.

3. Distance from Existing Tower: the applicant must certify that existing towers within 1000' of the proposed new tower do not meet the applicant's structural specifications or technical requirements or that a collocation agreement could not be obtained at reasonable terms and conditions, including price.
4. The applicant shall demonstrate with written documentation that it has analyzed the feasibility of Repeaters or non-tower mounted PWSF's in conjunction with all Towers listed in compliance with subsections 1 & 2 (above) to provide Adequate Coverage and/or Adequate Capacity to the Town of Hamden. Radial Plots of all Repeaters considered for use in conjunction with these Towers shall also be provided as part of the application.

d. Required Documentation

1. Copies of all submittals and showings pertaining to: FCC licensing FCC Form 854; Environmental Impact Statements (for towers only); FAA Form 7460-1 (Notice of Construction or Alteration; Aeronautical Studies) (for towers only) and all data required elsewhere in these regulations.

Documentation shall include copies of valid FCC licenses for the proposed use and/or proof that the applicant is the winning bidder for an FCC license at auction and that the final issuance of the FCC license purchased at auction is pending.

2. Copies of all information submitted in compliance with requirements of the Connecticut State Siting Council and the Connecticut Department of Public Utilities.
3. The exact legal name, address or principal place of business and phone number of the Applicant. If any applicant is not a natural person, it shall also give the state under which it was created or organized.
4. The name, title, address and phone number of the person to whom correspondence or communications in regard to the application are to be sent. Notice, orders and other papers may be served upon the person so named, and such service shall be deemed to be service upon the applicant.

e. For New Tower Construction or Major Modification of an Existing Tower

1. The applicant shall provide a written, irrevocable commitment valid for the duration of the existence of the tower to the extent structurally and electromagnetically able, to rent or lease available space for co-location on the tower at fair-market prices and terms, without discrimination to other Personal Wireless Service Providers.
2. If the applicant is not simultaneously applying for approval to construct, install and/or operate a Personal Wireless Service Facility, it shall provide a copy of its existing lease/contract with a Personal Wireless Service Provider. A Special Permit shall not be granted for a tower to be built on speculation.
3. The applicant shall provide the following plans and maps:
 - 3.1 Location Map: Copy of a portion of the most recent U.S.G.S. Quadrangle Map, 7.5 Minute Series, at a scale of 1:24,000, and showing the area within at least two miles from the proposed tower site. Indicate the tower location and the exact latitude and longitude (degrees, minutes and seconds).

- 3.2 Vicinity Map at a scale of 1" = 200' with contour intervals no greater than 10 feet showing the entire vicinity within a 1,000' radius of the property lines within which the Tower site is located, including topography, public and private roads, buildings, bodies of water, wetlands, historic sites, and habitats for endangered species. Indicate the property line of the proposed Tower Site Parcel (from assessors maps or available surveys). Indicate any access easement(s) or right(s) of way needed for access from a public way to the Tower, and the names of all abutters or property owners along the access easement(s) or who have deeded rights to the easement.
- 3.3 Existing Conditions Plan: A recent survey of the Tower Site at a scale no smaller than 1"=40' with topography drawn with a minimum of 5' contour intervals, showing existing utilities, property lines, existing buildings or structures, stone walls or fence lines, and wooded areas within a 200' radius from the base of the proposed Tower. Show the boundary of any wetlands, floodplains, or watercourses within 200' from the Tower or any related facilities or access ways or appurtenances. The survey plan must have been completed, on the ground, by a licensed land surveyor within two years prior to the application date.
- 3.4 Proposed Site Plans: Proposed Site layout, grading and utilities at the same scale or larger than the existing Conditions Plan.
- 3.4.1 Proposed tower location and any appurtenances, including supports and guy wires, if any, and any accessory building (Communication Equipment Shelter or other). Indicate property boundaries and setback distances to the base(s) of the tower and to the nearest corners of each of the appurtenant structures.
- 3.4.2 Indicate proposed spot elevations at the base of the proposed tower and at the base of any guy wires, and the corners of all appurtenant structures.
- 3.4.3 Proposed utilities, including distance from source of power, sizes of service available and required, locations of any proposed utility or communication lines, and whether underground or above ground.
- 3.4.4 Limits of areas where vegetation is to be cleared or altered, and justification for any such clearing or alterations.
- 3.4.5 Any direct or indirect wetlands alteration proposed.
- 3.4.6 Detailed plans for drainage of surface and/or sub-surface water; plans to control erosion and sedimentation both during construction and as a permanent measure.
- 3.4.7 Plans indicating locations and specifics of proposed screening, landscaping, ground cover, fencing, any exterior lighting or signs.
- 3.4.8 Plans of proposed access driveway or roadway and parking area at the tower site. Include grading, drainage, travelled width. Include a cross section of the access drive indicating the width, depth of gravel, paving or surface materials.
- 3.5 Proposed Tower and Appurtenances
- 3.5.1 Plans, elevations, sections details at appropriate scales but no smaller than 1" = 10'.

- 3.5.2 Two cross sections through the proposed tower drawn at right angles to each other, and showing the ground profile to at least 100 feet beyond the limit of clearing, and showing any guy wires or supports. Dimension the proposed height of tower above average grade at the tower base. Show all proposed antennas, including their location on the Tower.
- 3.5.3 Typical detail of tower foundation, including cross sections and details. Show all ground attachments, specifications for anchor bolts and other anchoring hardware.
- 3.5.4 Detail proposed exterior finish of the tower.
- 3.5.5 Indicate the relative height of the tower to the tops of surrounding trees as they presently exist.
- 3.5.6 Illustration of the modular structure of the proposed tower, indicating the heights of sections which could be removed or added in the future to adapt to changing communications conditions or demands, and the maximum structurally allowable design height of the proposed tower.
- 3.5.7 A Structural Professional Engineer's written description of the proposed tower and structure and its capacity to support additional antennas or other communications facilities at different heights and the ability of the tower to be shortened if future communications facilities no longer require the original height, and that the tower is designed to withstand winds in accordance with the ANSI/EIA/TIA 222 standards (latest revision).
- 3.5.8 A description of available space on the tower, providing illustrations and examples of the type and number of Personal Wireless Service Facilities which could be mounted on the structure.

3.6 Proposed Communications Equipment Shelter

Floor Plans, elevations and cross sections at a scale of no smaller than $1/4" = 1'$ of any proposed appurtenant structure.

3.7 Sight Lines

- 3.7.1 A minimum of eight (8) view lines in a zero (0) to two (2) mile radius from the site, shown beginning at True North and continuing clockwise at forty-five degree intervals.
- 3.7.2 A plan map of a circle of two (2) miles radius of the Facility Site on which any visibility of the proposed Tower from a public way shall be indicated.
- 3.7.3 Applicant shall utilize the U.S.G.S. Quadrangle Map, 7.5 Minute Series, at a scale of 1:24,000, and submit profile drawings on a horizontal scale of $1" = 400'$, with a vertical scale of $1" = 40'$. Trees shall be shown at existing heights.
- 3.7.4 The applicant shall submit scaled overlays on photographs of the existing site to demonstrate any potential visual or aesthetic impacts on any adjacent residential districts.

3.8 Balloon Test

Within 35 days of submitting an application, the applicant shall arrange to fly, or raise upon a temporary mast, a three foot diameter brightly colored balloon at the maximum height of the proposed Tower. The date, time, and location of this balloon test shall be advertised, by the applicant, at least 7 and no more than 14 days in advance of the test date in a newspaper with a general circulation in the Town of Hamden. The applicant shall inform the Planning and Zoning Commission in writing, of the date and time of the test, at least 7 days in advance. The balloon shall be flown for at least four consecutive hours sometime between 9:00 am and 5:00 pm on the date chosen.

In the event of the need for a follow-up test due to poor weather conditions the applicant must post a notice at the Town Clerk's Office and notify the Planning and Zoning Commission at least 24 hours in advance of the test.

f. For New Personal Wireless Service Facility, or Major Modification of An Existing Facility

1. The applicant shall provide the following plans and maps:

1.1 Location Map: A copy of a portion of the most recent U.S.G.S. Quadrangle Map, 7.5 Minute Series, at a scale of 1:25,000, and showing the area within at least two miles from the proposed Facility Site. Indicate the location of the proposed Personal Wireless Service Facility, or of the Facility undergoing Major Modification, and the exact latitude and longitude (degrees, minutes and seconds).

1.2 Proposed Facility Plan: A recent survey of the Facility Site at a scale no smaller than 1"=40' showing:

1.2.1 Horizontal and radial distances of antenna(s) to nearest point on property line.

1.2.2 Horizontal and radial distances of antenna(s) to nearest dwelling unit.

1.2.3 Proposed utilities, including distance from source of power, sizes of service available and required, locations of any proposed utility or communication lines, and whether underground or above ground.

1.3 Proposed Communications Equipment Shelter and Antenna Mounts

1.3.1 Floor Plans, elevations and cross sections at a scale of no smaller than 1/4" =1' of any proposed appurtenant structure.

1.3.2 Number of Antennas and Repeaters, as well as the exact locations, of Antenna(s) and of all Repeaters (if any) located on a map as well as by degrees, minutes and seconds of Latitude and Longitude.

1.3.3 Mounting locations on tower(s) or structure(s), including height above ground.

1.3.4 Antenna type(s), manufacturer(s) model number(s).

1.3.5 For each antenna, the antenna gain and antenna radiation pattern.

1.3.6 Number of channels per antenna, projected and maximum.

1.3.7 Power input to the antenna(s).

- 1.3.8 Power output, in normal use and at maximum output for each antenna and all antennas as an aggregate.
- 1.3.9 Output frequency of the transmitter(s).

737-F General Requirements

- a. New towers shall be set back from the property boundaries as follows:
 1. A minimum of 250 feet in any residential zone.
 2. If located, in a non-residential zone, a minimum of 250 feet from any residential zone.
 3. A minimum of .IVfc (one and a half) times the height of the maximum structurally allowable tower height in any zone.
- b. If the facility or tower site is in a wooded area, a vegetated buffer stop of undisturbed trees shall be retained to the extent feasible.
- c. Fencing and Signs: The area around the tower and related Communication Equipment Shelter(s) shall be completely fenced for security to a height of six feet and gated.

A sign no greater than two (2) square feet indicating the name of the facility owner(s) and a 24 hour emergency telephone number shall be posted adjacent to the entry gate. In addition, No Trespassing or other warning signs may be posted on the fence.

- d. Communication Equipment Shelters and accessory buildings shall be designed to be architecturally similar and compatible with each other, and shall be no more than 15 feet high. The buildings shall be used only for the housing of equipment related to this particular site. Whenever possible, the buildings shall be joined or clustered so as to appear as one building.
- e. New towers shall not exceed the minimum height necessary to provide Adequate Coverage for the Personal Wireless Service Facilities proposed for use on the Tower, and the additional height necessary to accommodate future sharing of two additional Personal Wireless Service Facilities. Design information justifying such additional height shall be submitted.

In no cases will the height exceed 200 feet.

Devices such as steeples, silos and similar structures, as well as artificial trees employed specifically to screen towers may be constructed to the height necessary to provide adequate screening, not to exceed 200 feet.

- f. Tower Finish: New tower(s) shall have a galvanized finish unless otherwise required. The Commission may require the tower(s) to be painted or otherwise camouflaged to minimize the adverse visual impact.
- g. The tower(s) must be of a type which will maximize potential sharing. The applicant must demonstrate the future utility of such a structure for expansion of service for both the applicant and at least two other future users.
- h. The use of Repeaters or non-tower mounted PWSF's to assure adequate coverage, or to fill holes within areas of otherwise adequate coverage, while minimizing the number of required towers is permitted and encouraged. An applicant who has received a Special Permit for a tower or Site

Plan approval for a Personal Wireless Service Facility antenna may install one or more additional Repeaters subject to Site Plan approval by the Zoning Section of the Planning and Zoning Commission. Applicants shall detail the number, location, power output, and coverage of any proposed Repeaters in their systems and provide engineering data to justify their use.

- i. Commercial advertising shall not be allowed on any antenna, tower, or accessory building or communication equipment shelter.
- j. Unless required by the Federal Aviation Administration, no night lighting of towers, or the Personal Wireless Service Facility, is permitted, except for manually operated emergency lights for use only when operating personnel are on site.
- k. No tower or Personal Wireless Service Facility that would be classified as a hazard to air navigation, as defined by the Federal Aviation regulations (Title 14 CFR) is permitted.
- l. No Tower shall be located within 500' horizontally from any known archaeological site.
- m. No Repeater shall be located closer than 50' to an existing Dwelling Unit, nor less than 25' above ground.
- n. Non-tower mounted PWSF's (Structure or Rooftop Mounted Personal Wireless Service Facilities) Structure or rooftop mounted Personal Wireless Service Facilities shall meet the following requirements:
 1. They shall not be attached to a one-family to four-family dwelling nor to an accessory building located on a lot containing a one-family to four-family dwelling.
 2. They shall be of a color or material that matches the exterior of the building or structure.
 3. If roof mounted they shall not exceed a height of fifteen (15) feet above the highest part of the structure or building.
 4. If facade mounted:
 - 4.1 They shall not project more than two (2) feet beyond the wall or facade of the building.
 - 4.2 They shall not project more than five (5) feet above the cornice line,
- o. Siting Objectives
 1. Towers and Personal Wireless Service Facilities shall be located so as to minimize the following potential impacts:
 - 1.1 Visual/Aesthetic: Towers shall, when possible, be sited where their visual impact is least detrimental to highly rated scenic and historic areas, including ridge lines, properties listed in the State or Federal Register of Historic Places, and scenic roadways.
 - 1.2 Diminution of residential property values: To the extent possible, siting shall be in as low population density areas as possible.
 - 1.3 Safety: In cases of structural failure and attractive nuisance. Towers shall, when possible, not be sited in Flood Plain Zones or Special Flood Hazard Areas.

- 1.4 Safety from excessive electromagnetic radiation: In case the Tower or Personal Wireless Service Facility is found to exceed the FCC guidelines.
- 1.5 Environmental Degradation: Towers shall, when possible, be sited to avoid affecting rare or endangered flora and fauna in areas shown the Connecticut DEP and Federal Listed Species and Natural Communities Map. They should also be sited, when possible away from wetland areas.
2. The following locations are ranked in order of preference:
 - 2.1 Placement on existing structures such as buildings, smokestacks, water towers, silos and ground signs shall be encouraged.
 - 2.2 Shared use of existing Towers shall be encouraged.
 - 2.3 Clustering of Towers: Applications for towers adjacent to existing towers shall be encouraged.
 - 2.4 The use of land, distant from higher density residential properties, and where visual impact can be minimized shall be encouraged.
 - 2.5 The use of land in areas of high density residential properties is the least preferable selection.
3. Towers shall be located so as to provide Adequate Coverage and Adequate Capacity with the least number of towers and antennas which are technically and economically feasible. Personal Wireless Service Facilities shall be located so as to provide the least number of antennas which are technically and economically feasible.
4. The Commission shall request input from the Chiefs (or their designees) of Fire, Police and other Emergency services regarding the adequacy for emergency access of the planned drive or roadway to the site.

737-G Commission Approval Process

a. Evaluation by Independent Consultants

1. If upon submission of a complete application for a Special Permit under this section a peer review is deemed warranted, the Commission shall provide its Independent Consultant(s) with the full application for their analysis and review.
2. Applicants for a Special Permit under this Section shall obtain permission from the Owner(s) of the proposed property(ies) or Facilities Site(s) for the Town's Independent Consultant(s), to conduct any necessary site visit(s).

b. Approval Criteria for Towers

1. In acting on the Special Permit Application, the Commission shall proceed in accordance with the procedures and time lines established for Special Permits.
2. In addition to the findings required by Section 820 of the Hamden Zoning Regulations, the Commission shall, in consultation with the Independent Consultant(s), make all of the applicable findings before granting the Special Permit, as follows:

- 2.1 That the applicant is not already providing Adequate Coverage to the subject area; and
 - 2.2 That the applicant is not able to use Existing Towers/Facility Sites to provide Adequate Coverage; and
 - 2.3 That the applicant has agreed to rent or lease available space on the tower, under the terms of a fair-market lease, without discrimination to other Personal Wireless Service Providers; and
 - 2.4 That the proposed Tower will not have an undue adverse impact on historic resources, scenic views, residential property values, natural or man-made resources; and
 - 2.5 That the applicant has agreed to implement all reasonable measures to mitigate the potential adverse impacts of the facilities; and
 - 2.6 That the proposal shall comply with the most current FCC regulations regarding emissions of electromagnetic radiation as currently found in FCC Regulations, Title 47, Part 1, Section 1.1307 and all other relevant sections.
3. Any decision by the Commission to deny an application for a Special Permit under this Section shall be in conformance with SEC.332 [47 U.S.C. 332] (7)(B)(iii) of the Act, in that it shall be in writing and supported by substantial evidence contained in a written record.
- c. Approval Criteria for Personal Wireless Service Facility Antennas
1. In acting on the Site Plan Application for a Personal Wireless Service Facility antenna to be located on an existing structure, the Commission shall proceed in accordance with the procedures and time lines established for Site Plan approval.
 2. In addition to the findings required by Section 844 of the Hamden Zoning Regulations, the Commission shall make the finding that the proposal shall comply with the most current FCC regulations regarding emissions of electromagnetic radiation as currently found in FCC Regulations, Title 47, Part 1, Section 1.1307 and all other relevant sections.
 3. Any decision by the Commission to deny an application for Site Plan approval under this Section shall be in conformance with SEC.332 [47 U.S.C. 332] (7)(B)(iii) of the Act, in that it shall be in writing and supported by substantial evidence contained in a written record.

737-H Certification, Monitoring and Evaluation of Compliance

a. Compliance Certification

Prior to the activation of a new or modified PWSF, the owner(s) of the facility will certify to the Planning and Zoning Commission, the Quinnipiack Valley Health District, the Town Engineer, and the Building Inspector that the PWSF is in compliance with the most current FCC regulations regarding emissions of electromagnetic radiation as currently found in FCC Regulations, Title 47, Part 1, Section 1.1307 and all other relevant sections. Certification shall include site specific calculations showing expected worst case power density levels at the closest publicly accessible point to the PWSF, using the methodology described in FCC OST Bulletin #65 "Evaluating Compliance with FCC-Specified Guidelines for Human Exposure to Radio Frequency Radiation", (or other most current FCC Bulletin).

At least once every twelve months, starting from the date of activation, a follow up report of the certifying compliance (as described above) shall be submitted to the Planning and Zoning Commission, the Quinnipiac Valley Health District, the Town Engineer, and the Building Inspector,

b. Excessive Emissions

Should independent monitoring of a Facility Site by a licensed electrical engineer reveal that the site exceeds the most current FCC regulations regarding emissions of electromagnetic radiation, currently found in FCC Regulations, Title 47, Part 1, Section 1.1307 and all other relevant sections, then the owner(s) of all Facilities utilizing that Site shall be so notified. The owner(s) shall submit to the Commission and the Building Inspector a plan for the reduction of emissions to a level that complies with the FCC standard within 10 business days of notification of non-compliance. That plan shall reduce emissions to the standard within 15 days of initial notification of non-compliance. Failure to accomplish this reduction of emission within 15 business days of initial notification of non-compliance shall be a violation of the Special Permit or Site Plan approval and subject to penalties and fines as specified in Section 801 of the Hamden Zoning Regulations. Such fines shall be payable by the owner(s) of the Facilities with Antennas on the Facility Site, until compliance is achieved.

c. Structural Inspection

Tower owner(s) shall pay for an Independent Consultant a) licensed professional structural engineer), hired by the Town, to conduct inspections of the Tower's structural integrity and safety. Guyed towers shall be inspected every three years. Monopoles and non-guyed lattice towers shall be inspected every five years. A report of the inspection results shall be prepared by the Independent Consultant and submitted to the Planning and Zoning Commission, the Quinnipiac Valley Health District, the Town Engineer, and the Building Inspector. Any major modification of an existing facility which includes changes to tower dimensions or antenna numbers or type shall require a new structural inspection.

d. Unsafe Structures

Should the inspection of any tower reveal any structural defect(s) which, in the opinion of the Independent Consultant render(s) that tower unsafe, the following actions must be taken. Within 10 business days of notification of unsafe structure, the owner(s) of the tower shall submit a plan to remediate the structural defects(s). This plan shall be initiated within 10 days of the submission of the remediation plan, and completed as soon as reasonably possible. Failure to accomplish this remediation of structural defect(s) within 10 business days of initial notification shall be a violation of the Special Permit and subject to penalties and fines as specified in Section 801 of the Hamden Zoning Regulations. Such fines shall be payable by the owner(s) of the tower, until compliance is achieved.

737-I Removal Requirements

At least once every twelve months, starting from the date of activation, the owner of the Personal Wireless Service Facility must submit an affidavit to the Planning and Zoning Commission, stating whether or not the Personal Wireless Service Facility is still in operation. If all facilities on a tower have ceased to operate, the Tower shall be removed, and the site shall be re-vegetated. Existing trees shall only be removed if necessary to complete the required removal. The applicant, upon obtaining a Demolition Permit, shall obtain a financial surety to cover the cost of removal of the Personal Wireless Service Facility and the remediation of the landscape, should the Facility cease to operate. Cease to operate is defined as not performing the normal functions associated with the Personal

Wireless Service Facility and its equipment on a continuous and ongoing basis for a period of one year.

Upon approval of a Special Permit 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.

737J Additional Fees and Insurance

- a. Towers shall be insured by the owner(s) against damage to persons or property. The owner(s) shall provide a Certificate of Insurance to the Planning and Zoning Commission on an annual basis in which the Town of Hamden shall be an additional named insured.
- b. A schedule of fees for towers permitting and renewal, any monitoring of emissions and inspection of structures, and any other fees shall be established by the Commission. This schedule may be amended from time to time.

737K Satellite Communications

a. Exemptions

- 1. Any earth station antenna measuring two meters or less in diameter and located in a zone where commercial and industrial uses are generally permitted is exempt from all zoning regulations.
- 2. Any earth station antenna measuring one meter or less in diameter located on a residential property and intended for home use is exempt from all zoning regulations.

b. Prohibitions

No earth station antenna other than those exempted from local zoning regulations is permitted in any zone.

737L Replacement by State Regulations

In the event that the Connecticut State Statutes are amended to place any of the items covered in Section 737 under the jurisdiction of the Connecticut Siting Council or other State body, the provisions of this Section will remain in effect as standards that must be met in order to obtain a favorable recommendation to the State authority granting approval.

738 Adult-Oriented Establishments¹

738A 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 §210 and further defined in Hamden Town Ordinance affect the public health, morals, safety, and general welfare of the community and include, but as not limited, to one or more combination of the types of businesses are indicated in §7386. 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

¹ Adopted 9/14/99, Effective 10/7/99

contribute to the blighting or downgrading of the surrounding neighborhood. The primary purposes of this Section are to:

1. Protect and preserve the health, safety and welfare of the patrons of such establishments.
2. Prevent a concentration of these uses in one area of building.
3. Protect the public health, morals, safety and general welfare of the citizens of Hamden.
4. To 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.
5. Protect and preserve the quality of life for the citizens of Hamden, especially its children.

738-B Consistency with Federal and State Law

1. 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.
2. 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.

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.

738-C Relevant Definitions

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

In addition to the terms in Article II, the following definitions pertain specifically to Section 738:

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 newsracks, 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.

<u>Minor</u>	Shall be deemed to refer to a person under the age of eighteen (18) years;
<u>Operator</u>	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.”
<u>Specified Sexual Activities</u>	Shall mean: <ol style="list-style-type: none"> 1. Human genitals in a state of sexual stimulation or arousal; 2. Acts of human masturbation, sexual intercourse, or sodomy, and; 3. Fondling or erotic touching of human genitals, pubic region, buttock or female breasts.
<u>Specified Anatomical Areas</u>	Shall mean: <ol style="list-style-type: none"> 1. Less than completely and opaquely covered: <ol style="list-style-type: none"> a. Human genitals, pubic region; b. Buttocks c. Female breasts below the point immediately above the top of the areola; and 2. Human male genitals in a discernible turgid state, even if completely opaquely covered.
<u>Sexual Activities</u>	As used in this Regulation is not intended to included 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.
<u>Obscene Material or Performance</u>	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: <ol style="list-style-type: none"> 1. 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, 2. It is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material for minors, and 3. taken as a whole, it lacks serious literary, artistic, educational, political or scientific value for minors.
<u>Prohibited Sexual Act</u>	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”.

738-D Regulated Uses

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

1. Adult Bookstore
2. Adult Cabaret
3. Adult Entertainment
4. Adult Media Outlet
5. Adult Mini-Motion Picture Theater
6. Adult Motion Picture Theater
7. Adult Newsrack
8. Adult Novelty
9. Adult Personal Service
10. Adult Retail Establishment
11. Adult Video Arcade
12. And businesses a/k/a:
 - a. Encounter Studio
 - b. Exotic Dance Studio
 - c. Juice Bar
 - d. Modeling Studio
 - e. Rap Studio
 - f. Sensitivity Studio
 - g. Or any other term of like impact

738E Permitted

Adult-oriented establishments, whether as a primary use or an accessory use, as that term is defined in Article II, §210 and further defined in the Hamden Town Ordinance, which definition may be amended from time to time, shall be permitted in the Manufacturing (M-1) District 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 §820 shall apply:

1. Such establishments shall be a minimum of one hundred (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 district, municipal boundary lines, residentially zoned property, libraries and one thousand (1,000) feet from other adult-oriented establishments.

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.

2. Nor shall any such establishment be located within one hundred (100) feet of the property line of any church, convent, monastery, synagogue or similar place of worship, or cemetery.
3. Pursuant to §820, 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:
 - a. All exterior signs shall comply with §750 and no exterior sign shall contain any photographic or artistic representation of specified anatomical areas as defined in the Hamden Town Ordinance.
 - b. 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.
 - c. No adult-oriented use shall be established in any building of which any part is used for residential purposes.
 - d. No residential use shall be established in any building of which any part is used as an adult-oriented establishment.
 - e. Stairways, sloping or rising paths and building entrances and exists shall be well illuminated. Spotlight-type fixtures attached to the building shall be avoided.
 - f. Adequate site lighting shall be provided to ensure the safe movement of persons and vehicles and for security purposes.

738F 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.

1. Treatment by a licensed chiropractor, a licensed osteopath, a Connecticut licensed masseur or masseuse, a licensed practical nurse or a registered professional nurse.
2. Electrolysis treatment by a licensed operator of electrolysis equipment.
3. Hospitals, nursing homes, medical clinics or medical offices.
4. Barbershops or beauty parlors which offer massage to the scalp, face, the neck or shoulders only.

5. Athletic facilities of an educational institution including alumni club, or of a philanthropic or charitable institution.
6. 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.

738-G In accordance with Connecticut General Statutes §8-6, these regulations (§738 inclusive) shall not be varied by the Zoning Board of Appeals to permit an adult-oriented establishments.

738-H Required Registration

All adult-oriented establishments, shall be registered with the Planning and Zoning Administrator 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 (§738) 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 to the Hamden Planning and Zoning Administrator including the following information:

1. The correct street address of the premises.
2. 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.
3. The address and phone numbers of the owner or beneficial owners or owners in interest.
4. The trade name of the regulated adult-oriented establishment.
5. 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.
6. The date of the initiation of the regulated adult-oriented establishment.
7. The issuance date of the license to operate an adult-oriented establishment issued by the Hamden Police Chief or his designee.
8. If the building is leased, a copy of the said lease shall be furnished

738-I 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 designee.

738-J 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 Planning and Zoning Administrator in a conspicuous place on the premises.

738-K 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:

1. The renewal process shall consist of a Special Permit Renewal Application pursuant to Section 820 and shall be submitted prior to the expiration date.
2. Purchasers of buildings or structures that have had Special Permit approval for adult-oriented uses who want to continue the Special Permit which 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.
3. 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.

738-L 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:

1. Obtaining and maintaining a Special Permit approval from the Planning and Zoning Commission for the operation;
2. Obtaining and maintaining a license to operate such establishment from the Chief of Police or his designee; and
3. Obtaining and maintaining proper registration of such establishment from the Planning and Zoning Administrator.
 - a. Any person, partnership or corporation who is found to have violated this regulation (Section 738) shall be fined a definite sum not to exceed One Hundred Dollars (\$100.00) for each violation.
 - b. Each violation of this regulation (Section 738) 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.

739 Extended Stay Hotel¹

Extended Stay Hotels are permitted in the B-2 District, subject to Special Permit and Site Plan Approval and the following conditions:

- a. Extended Stay Hotels shall be located on Whitney Avenue between Dixwell Avenue and Colonial Drive.
- b. The minimum average size of each unit shall be no less than 320 square feet,

¹ Adopted 11/16/99, Effective 12/10/99

c. The maximum unit sizes shall be as follows:

2 bedroom units	1,100 square feet
1 bedroom suite	700 square feet
Efficiencies	450 square feet

d. The maximum height can be increased above that which is required in a B-2 District to the height of any structure existing on the same lot or on any lot adjoining said lot.

e. The units shall be designed in such a fashion that they reflect the intended use for transient lodgers and not for permanent accommodations.

740 Off-Street Parking and Loading Regulations

741 Applicability

Parking and loading facilities off the street 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 hereinafter specified, to accommodate the motor vehicles of occupants, employees, customers, suppliers and other persons normally visiting or servicing such buildings or premises at any one time.

742 Location of Parking and Loading Facilities

The parking and loading spaces required for all uses in any Residential zoning district shall be located on the same lot as the principal use. Parking spaces required for any use in a non-residential district shall be located on the same lot as the principal use or on a lot which is within 300 feet of the principal use, such distance to be measured along lines of public access to the lot.

Any parking space not located on the same lot as the use to which it is assigned, in order to be credited to such use within the provisions of the district regulations must be either:

- a. Owned by or under a 25 year lease to the owner of such structure with appropriate deed restrictions recorded on the Hamden land records, or
- b. Made available on a long-term basis by a public agent or agencies with written certification from such public agency or agencies as to such availability.

743 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 or 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 off-street parking and loading spaces which meet with the requirement of and are in compliance with these regulations. No sales or servicing or dead storage of automobiles, trucks or automotive equipment shall be carried on in any parking or loading space.

Use of Building or Property**Required Parking Spaces**

Automobile or Truck Sales or Rental	One (1) space for each five (5) cars offered for sale.
Churches, Theaters, Public Assembly Halls	One (1) space for every three (3) legal occupants
Convalescent Homes, Rest Homes, Nursing Homes (for the Aged, Orphans & Handicapped)	One (1) space for each two (2) employees, plus one (1) space for each four (4) beds.
Day Care Center/Nursery School	One (1) space per every two employees and one (1) space per eight licensed client capacity. Sufficient drop off and pick up stacking space must be provided.
Extended Stay Hotel ¹	One (1) space per unit
Funeral Homes	One (1) space for each three (3) legal occupants as defined by the Fire Marshall plus three (3) spaces for special vehicles.
Gas Stations, Service Stations & Repair Garages	Four (4) spaces for each service or repair bay.
Gas Stations without Service Bays	Two (2) spaces per each shift employee.
Gas Station/Convenience Store Combinations without Service Bays ²	Six (6) spaces per 1,000 square feet of convenience store square footage with a minimum of six spaces.
Group Homes, <u>Community Residences</u> ³	Two (2) spaces plus one (1) space for each two residents.
Home Occupations (other)	One (1) space in addition to the requirements for the dwelling unit
Hospitals & Cardiovascular Prevention & Rehabilitation Facilities	One (1) space for each two (2) employees and staff members, plus one (1) space for each four (4) beds.
Managed Residential Community ⁴	One (1) space for each two (2) employees, plus one (1) space for every two (2) two-bedroom units and one (1) space for every three (3) single or efficiency unit.
Manufacturing and Industrial	One (1) space for each two (2) employees during the largest daily work shift or one (1) space for each 500 space square feet of gross floor area, whichever is greater. Office area computed separately.
Medical Offices & Clinics ⁵	Five (5) spaces per one-thousand (1,000) square feet of gross area
Medical Office in Residence	Four (4) spaces in addition to the requirements for the dwelling unit

¹ Adopted 11/16/99, Effective 12/10/99

² Adopted 12/11/01, Effective 12/11/01

³ Adopted 12/11/84, Effective 1/4/85

⁴ Adopted 3/5/96, Effective 3/31/96

⁵ Adopted 12/11/01, Effective 12/11/01

Motels & Hotels ¹	One (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 Housing (elderly)	One (1) space per dwelling unit
Nightclubs ²	One (1) space for every three (3) legal occupants
Office Building ³ (except medical)	Three (3) spaces per one-thousand (1,000) square feet of gross leasable area
Office in Residence	Two (2) spaces in addition to the requirements for the dwelling unit
On-Campus Athletic Arenas ⁴	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 one (1) off-street parking space for every five (5) seats. The Commission may, at its discretion, allow for up to one-third of the parking spaces required under this regulation to be unpaved, environmentally sensitive parking spaces. Said spaces shall be designed and constructed to specifications acceptable to the Commission.
Other Uses:	As determined by Commission. Where two (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.
Places of Amusement & Recreation	One (1) space for each three (3) legal occupants facilities.
Restaurants ⁵	Sixteen (16) spaces per one-thousand (1,000) square feet of patron floor area
Rooming & Boarding Houses	One-and-one-half (1 ½) spaces for each room offered for rent
Scientific Research & Laboratory Facilities ⁶	One (1) space per 500 square feet leasable area of building.

¹ Adopted 9/9/03, Effective 11/01/03

² Adopted 9/25/96, Effective 10/25/96

³ Adopted 12/11/01, Effective 12/11/01

⁴ Adopted 1/28/03, Effective 1/28/03

⁵ Adopted 12/11/01, Effective 12/11/01

⁶ Adopted 4/11/00, Effective 5/1/00

Shopping Centers, Financial Institutions, Retail Stores, Personal Service Shops and Similar business buildings ¹	Four (4) spaces per one-thousand (1,000) square feet of gross leasable area
Take-Out Restaurants ²	Four (4) spaces per one-thousand (1,000) square feet of gross leasable area
Truck Terminals, Wholesale Establishments & Warehouses	One (1) space for each 200 square feet of office area within the building plus three (3) spaces for each loading bay or fifteen (15) running feet of loading platform.
Vocational, Trade, Business Schools & Colleges	One (1) space for each two (2) employees, plus one (1) space for each two (2) non-resident students, plus one (1) space for each four (4) resident students.

744 Required Truck Loading Spaces

In the case of hospitals, institutions, hotels, retail wholesale, and industrial buildings, truck loading and unloading spaces shall be furnished in accordance with the following table:

Type of Use	Gross Floor Area (square feet)	Required Loading Spaces
Uses such as retail, wholesale and manufacturing Establishments, which are primarily concerned With the handling of goods.	less than 3,000	0
	3,000 to 20,000	1
	20,001 to 50,000	2
	50,001 to 80,000	3
	Each add'l 45,000	1 add'l
Uses such as hotels, hospitals and institutions, Which are not primarily concerned with the Handling of goods.	less than 5,000	0
	5,001 to 75,000	1
	75,001 to 200,000	2
	200,001 to 350,000	3
	Each add'l 50,000	1 add'l

745 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.

745.1 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.

¹ Adopted 12/11/01, Effective 12/11/01

² Adopted 6/29/93, Effective 7/29/93

- d. Parking lots shall be designed to avoid creating large, open expanses of paving.

745.2 Surfacing and Drainage

All parking and loading areas shall be properly surfaced, graded and drained. 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.

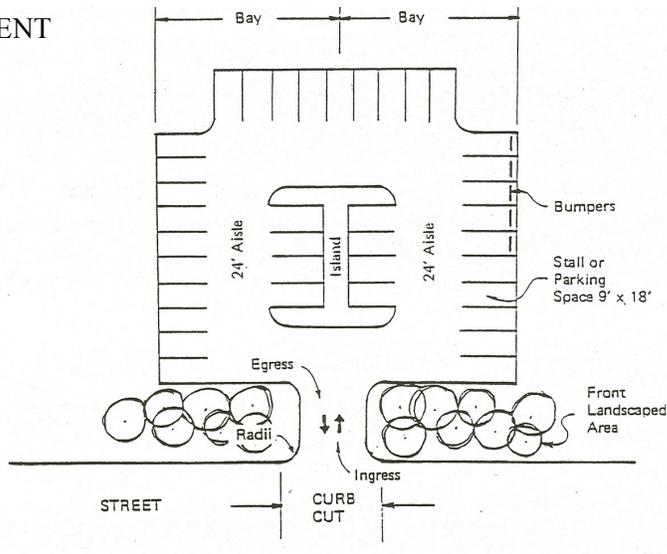
745.3 Curb Cuts, Ingress and Egress

- a. Ingress and egress location shall be reviewed by the Police Department and the Traffic Engineer.
- b. Curb cut widths and curb cut radii must be reviewed by the Town Engineering Department or the State Traffic Commission, where appropriate.
- c. The Commission shall be the final authority on determining curb cut width and radii whenever it determines need to be more restrictive for the radius or with allowed by the State Traffic Commission or Town Engineering Department, provided said restrictions meet with the approval of the State Traffic Commission.
- d. No curb cut radii shall be so designed or constructed as to force a vehicle to cross a traffic lane or to climb a curb.

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

Design Arrangement	One-way Aisle Width	Two-way Aisle Width
90° parking	24 feet	24 feet
60° parking	18 feet	24 feet
45° parking	13 feet	24 feet
30° parking	11 feet	24 feet
parallel parking ¹	24 feet	24 feet

TYPICAL ARRANGEMENT FOR 90° PARKING



¹ Adopted 6/29/93, Effective 7/29/93

Ninety degree parking shall be used unless there is positive control of the direction of all traffic. Traffic flow or direction shall be indicated by arrows painted on the surface of each aisle or driveway.

- 745.5 Parking Spaces. All parallel parking spaces shall measure at least nine feet by 22 feet (9 x 22) and all other parking spaces shall measure at least nine feet by eighteen feet (9 x 18) exclusive of driveways and aisles, except as provided below and shall have access to a street or alley by way of a driveway.¹

Except for one or two-family dwellings, all parking spaces shall have wheel stops, bumper guards or curbs to prevent damage to trees, shrubs, landscaping and lighting and to prevent interference with pedestrian use of sidewalks.

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

- 745.6 Small Car Spaces. Where a parking lot contains more than 30 car spaces, the applicant may provide up to 40% of his total required parking in small car spaces, subject to approval by the Commission. A small car space shall not be less than 8 1/2 feet in width and 16 feet in length. The small car spaces shall be laid out in a group and marked on the site. The applicant shall be encouraged to utilize the difference in area between each small car space and standard parking space for additional landscaping on the site.

- 745.7 Sidewalks. For parking lots for more than 30 cars, every other double bay shall provide for sidewalks in a raised curbed area of sufficient width to provide for car overhang and pedestrian walkway or equivalent planted area in a raised curbed area. 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.²

- 745.8 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.

- 745.9 Attended Parking for Events.³ The Town Planner may approve an attended parking area permit in an M-1 district. Attended parking areas will be required to meet the parking requirements in all other aspects.

Attended parking areas will accommodate overflow parking that occurs due to events such as banquets, conferences, fairs and similar occasions of public congregation. Event parking will require a parking attendant on duty one hour before the scheduled beginning time for the event and up until one hour after the ending time of the event.

Prior to approving a plan for an event parking permit the Town Planner shall obtain the views of the Fire Marshall.

746 Parking Structures

In the B-2, CDD1, CDD2, CDD3 and CDD4 Districts, if at least 50% of the required parking is provided in a garage or structure or is otherwise covered, the following regulations shall apply:⁴

¹ Adopted 6/29/93, Effective 7/29/93

² Adopted 7/5/94, Effective 7/8/94

³ Adopted 4/11/00, Effective 5/1/00

⁴ Adopted 2/14/84, Effective 3/1/84

- a. If the parking structure is constructed underground, the percentage of site coverage may be increased by half the permitted coverage.
- b. If the parking structure is constructed above ground, the area covered by such a structure shall not be included as part of the site coverage.
- c. If the parking is covered by a building containing the principal use of the property, the height of the parking above grade shall not be included in determining the maximum permitted building height.

750 Sign Regulations

751 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 by attractive well-designed signs.

752 Procedure

752.1 Permits. No sign, except as provided in Section 753.5 herein shall be constructed, erected, altered or otherwise changed unless approved by the Town Planner.

752.2 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.

753 General Requirements

753.1 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 travelled 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.

753.2 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.

753.3 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 therefrom.

- 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 roof line.

753.4 Free-standing Sign Standards

- a. Only one free-standing business sign shall be permitted on a lot except as provided in Section 757 herein. A free-standing business sign shall be limited to identifying the names and addresses of the business or businesses occupying the lot, except as provided herein.
- b. A free-standing sign shall be located entirely within the property lines of the lot and shall be screened from the view of adjoining residential districts on the street frontage on the same side of the street.
- c. No sign structure shall conflict with the corner visibility requirements in Section 314.3 of these regulations.
- d. No free-standing sign shall exceed a height of 20 feet as measured from the ground to the top of the sign, except as provided in Section 756-c herein.
- e. The bottom edge of all free-standing signs shall be at least 10 feet above ground level, except as provided in Section 755-f herein 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 free-standing sign shall be no less than four feet.
- g. No free-standing sign shall exceed a total surface area of 32 square feet, except as provided in Sections 715, 756-c and 757 herein.

753.5 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 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 seven days. No zoning permit is required. The signs must be removed immediately after the event.¹

753.6 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.

¹ Adopted 9/25/96, Effective 10/25/96

- 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 which 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.

754 Sign Prohibitions

The following signs shall be prohibited in any district:

- 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.¹
- 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.
- k. No sign shall be allowed to protrude or hang over any walkway.

755 Signs Permitted in Residence Districts

In all Residence Districts, signs are permitted as follows:

- a. A name plate or sign for permitted uses giving only the name of the occupant or the use of the premises. Said sign shall not exceed a total surface area of one and one-half sq. ft.
- b. A real estate sign or signs not exceeding six square feet of total area and set back from any street line at least five 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 six 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.

¹ Adopted 7/12/83, Effective 8/1/83

- 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 sq. ft. 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 free-standing sign shall be more than six feet in height.
- g. Exterior political signs, only on private property with the approval of the property owner, for a period of not more than two weeks prior to an election. Said signs shall be no larger than 2' x 2' and shall be removed within 24 hours after the election.¹

756 Signs Permitted in Non-Residential District

In all Non-residential Districts, signs are permitted as follows:

- a. Those signs permitted in Section 755 for the uses specified and subject to the same limitations.
- b. Business signs including wall and freestanding signs advertising a business or businesses located on a premise, subject to the following requirements:
 - (1) The total aggregate surface area of all business signs on a lot shall not exceed one square foot for each lineal foot of the face of the building along the street. If a lot is a corner lot, such measurement shall be taken along the face of the building where the principal entrance is located.
 - (2) In mixed use or multi-tenant buildings, the total sign area for said building shall be prorated on an equitable basis, such as the amount of gross floor area of each rental unit, the number of units or the facade area.
 - (3) 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.
- c. Advertising signs are permitted in the B-2 and M-1 Districts subject to approval of a Special Permit and the following conditions:
 - (1) Advertising signs shall be limited to one per lot provided that the lot has a minimum of 100 feet in width along the street line.
 - (2) Advertising signs shall not contain over two signs per facing.
 - (3) Advertising signs shall not exceed a length of 30 feet each. If there is only one sign per facing on the structure, the sign shall not exceed 55 feet in length.
 - (4) No advertising sign shall exceed a height of 32 feet above grade.

¹ Adopted 7/12/83, Effective 8/1/83

- (5) No advertising sign shall be permitted to project into a required front yard unless attached to a building wall already existing in such yard, and no part of an attached sign, other than illuminating apparatus, shall project more than 18 inches into a required side yard.
- d. Directional signs directing 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.
- e. Exterior political signs, only on private property with the approval of the property owner, for a period of not more than two weeks prior to an election. Said signs shall be no larger than 2' x 2' and shall be removed within 24 hours after the election.¹

757 Shopping Center Signs

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 755 and 756 for the uses specified and subject to the same limitations.
- b. A free-standing 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 free-standing 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.

¹ Adopted 7/12/83, Effective 8/1/83

760 Landscaping, Screening and Buffer Areas

761 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.

762 General Requirements

The following provisions shall apply to any use in all Zoning Districts:

- a. Landscaping, trees, and plants required by these regulations shall be planted in a growing condition according to accepted horticultural practices and they shall be maintained in a healthy growing condition. Any landscaping, trees, and plants which are in a condition that does not fulfill the intent of these regulations shall be replaced by the property owner during the next planting season for the particular plant material.
- b. A screening fence or wall required by these regulations shall be maintained by the property owner in good condition throughout the period of the use of the lot.
- c. All landscaping, trees and planting material adjacent to parking areas, loading areas or driveways shall be properly protected by barriers, curbs or other means from damage by vehicles.
- d. To the extent possible, existing trees, vegetation and unique site features such as stone walls shall be retained and protected. Existing healthy, mature trees, if properly located, shall be fully credited against the requirements of these regulations.
- e. Where lot size and shape or existing structures make it infeasible to comply with the requirements for a front landscaped area or landscaped parking area, 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.

763 Front Landscaped Area

A front landscaped area shall be required for all uses in all zoning districts. 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. The purpose of the landscaping is to enhance the appearance of the use on the lot but not to screen the use from view.

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

763.2 Non-Residential Districts. In all non-residential districts, there shall be a landscaped strip equal to at least 50% of the required front yard but not less than 10 feet wide along and contiguous to the front lot line of the property or an equal amount of landscaped area,

acceptable to the commission, on other locations of the site.¹

In all non-residential; districts, if a building is setback from the front lot line by 25 feet or more, there shall also be a landscaped area five feet wide abutting the front of the building.

764 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 non-residential lot abutting any lot in a Residential District. 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 Business, Manufacturing or Controlled Development District, however, the buffer area may be located on abutting property in a residential district provided:
 - (1) The owners of all abutting residential properties agree in writing.
 - (2) Said agreement is recorded on the land records and runs with the land.
 - (3) Said agreement is approved by the Commission with such stipulations regarding maintenance and upkeep as it deems necessary.
- b. The minimum width of buffer areas shall be as follows:

Special Permit Users in any Residential District	10 feet
All Business, CDD3 and CDD4 Districts ²	10 feet
M-1, CDD-1 and CDD-2 Districts	50 feet

In cases where a less restrictive use is permitted to extend into a more restrictive district, the minimum width of the buffer area shall be determined by the Commission.

- c. Where lot size and shape or existing structures make it not feasible to comply with the minimum widths required above, the Commission may modify the width requirements provided the buffer area meets the intent of these regulations.
- d. The buffer area shall be of evergreen planting of such type, height, spacing and arrangement as, in the judgment of the Commission, will effectively screen the activity on the lot from the neighboring residential area. As a minimum, the planting shall consist of a double row of trees six feet in height planted at intervals of 10 feet on center. Non-evergreen planting may be included to supplement evergreen planting, but not to take its place.
- e. An earthen berm, wall, or fence of location, height, design and materials approved by the Commission may be substituted for any portion of the required planting and/or buffer area.
- f. Where the existing topography and/or landscaping provides adequate screening, the Commission may modify the planting and/or buffer area requirements.

¹ Adopted 1/5/89, Effective 2/1/89

² Adopted 2/14/84, Effective 3/1/84

765 Landscaped Parking Area

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

- a. All uses required to provide 30 or more off-street parking spaces shall have at least 10 square feet of interior landscaping within the paved portion of the parking area for each parking space and at least one tree for every 10 parking spaces or fraction thereof.

Each separate landscaped area shall contain a minimum of 120 square feet, shall have a minimum dimension of at least 8 feet, shall be planted with grass or shrubs, and shall include at least one tree of not less than two inch caliper.¹

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.²

- b. A landscaped area shall be provided along the perimeter of any parking area except that portion of the parking area which is functionally integrated with an adjoining parking area on an abutting lot. The landscaped area shall have a minimum dimension of five (5) feet, shall be planted with grass or shrubs and shall include at least one tree of not less than two (2) inch caliper for every 50 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.
- c. Trees used in parking lots shall be Thornless Honey Locust, Pine, Oak or other similar fast growing hardy varieties, or existing trees where appropriately located.

770 Student Housing³

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:

770.1 Owner Occupied Buildings

770.1.1 Up to two 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 or side yard.
3. Initial and thereafter renewal registration and certification of owner occupancy. Renewal registration and certification must be received by August 1st of each year.

¹ Adopted 1/24/91, Effective 1/31/91

² Adopted 1/5/89, Effective 2/1/89

³ Adopted 9/25/01, Effective 10/25/01

4. Zoning Permit

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.

770.1.2 Three or four students per dwelling unit as renters in an existing two or three 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. Building Official approval for current building code compliance
2. Health Official approval for current housing code compliance
3. Fire Marshall approval for fire safety code compliance
4. No structural exterior changes to existing buildings unless required for compliance with building, housing or fire code
5. Demonstrated provision for parking at one space per student
6. No parking in any required front or side yard
7. Compliance with following density:
Maximum of 4 students per dwelling unit provided compliance with housing code for minimum square footage.
8. Submission of floor plans and thereafter any proposed modifications thereto
9. Initial and thereafter renewal registration and certification of owner occupancy. Renewal registration must be received by August 1st of each year
10. Zoning Permit
11. 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.

770.2 Non Owner Occupied One, Two and Three Dwelling Unit Buildings

770.2.1 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. Building Official approval for current building code compliance
2. Health Official approval for current housing code compliance
3. Fire Marshall approval for fire safety code compliance
4. No exterior changes to existing buildings unless required for compliance with building, housing or fire code.
5. Demonstrated provision for off street parking at one space per student

6. No parking in any required front or side yard
7. Parking will be prohibited within 10 feet of the rear yard line
8. Landlord shall be responsible for providing trash receptacles and recyclable bins and posting instructions regarding Town of Hamden pick up schedules.
9. Submission of floor plans and thereafter any proposed modifications thereto
10. 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.
11. Compliance with following density:
Maximum of 4 students per dwelling unit provided compliance with housing code for minimum square footage
12. Zoning Permit
13. 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.

770.3 Student Housing in Multiple Dwelling Unit Buildings

- 770.3.1 Existing multiple dwelling unit buildings as of effective date of this section. 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 770 or 771 unless they are converted to either a multiple unit student housing building in which more than 50 percent of the units are occupied by students or are converted to a dormitory.
- 770.3.2 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 percent of the units are occupied by student shall comply with the following conditions:
 1. Current building, housing, and fire code compliance as of the date of the conversion
 2. 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
 3. Side and rear yards shall be adequately screened from adjoining properties by a suitable landscape buffer of at least 10 feet
 4. Off street parking must be provided in amounts sufficient to meet student demand i.e. one space per student
 5. Submission of floor plans and thereafter any proposed modifications thereto
 6. Special permit, site plan and zoning permit

7. 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.

770.3.3 New Construction Multiple Unit Student Housing Buildings

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

1. 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 zoning district, and the provisions of Section 718, 719, 720 in addition to the provisions of Section 770. In the case of conflicts, the more restrictive provision shall apply
2. All buildings shall be served by fire sprinklers.
3. Submission of floor plans and thereafter any proposed modifications thereto.
4. 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.
5. Special Permit for and site plan approval for building
6. Zoning Permit for building
7. 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.

ARTICLE VIII ADMINISTRATION AND ENFORCEMENT

800 Zoning Enforcement

801 Authority

These regulations shall be enforced by the Zoning Enforcement Officer or other authorized official subject to appropriate supervision. 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.

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, shall be fined the sum of \$90.00. Each day during which said violation continues shall constitute a separate violation. This penalty shall be in addition to any civil remedies and sanctions pursuant to state law.¹ 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.

802 Zoning Permit²

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.

802.1 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.

802.2 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.

¹ Adopted 9/13/88, Effective 10/1/88

² Adopted 1/14/86, Effective 2/1/86

803 Certificate of Compliance¹

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 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 which must be approved by the Town Planner or Commission as required prior to issuance of such certificate by the ZEO.

Applications for Certificate of Compliance shall be accompanied by a certified 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 Compliance shall be issued by the ZEO until all zoning requirements and conditions have been met.

810 Zoning Amendments

811 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.

812 Application

Anyone desiring an amendment to the Zoning Regulations and/or Zoning Map may submit an application proposing such amendment to the Commission. Before the Commission shall consider any such petition, the following requirements shall be met and information submitted by the applicant.

812.1 Zoning Map Amendments. All proceedings to amend the boundaries or classification of a zoning district shall be instituted by application in writing on forms provided by the Commission. Applications shall be signed by the party proposing the amendment or by the agent for such party. The application shall include a meets and bounds description of the land to be included in the amendment. Reasons for the proposed amendment shall also be stated. The application shall also include:

- a. 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.²

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.

- b. A list of all property owners required to be notified in Section 814, together with stamped envelopes appropriately addressed.

¹ Adopted 1/14/86, Effective 2/1/86

² Adopted 6/29/93, Effective 7/29/93

812.2 Amendments to Regulations. All proceedings to amend these Regulations, including any change in punctuation or wording, shall be instituted by written application, in 15 copies, to the Commission setting forth the specific provisions to be amended and the proposed language thereof. Applications shall be signed by the party proposing the amendment or by the agent for such party. Reasons for the proposed amendment shall also be stated in the application.

812.3 Fees

All applications and appeals shall be accompanied by a fee, as determined from time to time by the Commission, to cover the cost of administration. Said fee shall be paid at the time of filing the application.

812.4 Referrals

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.

813 Public Hearing and Notice

The Commission shall hold a public hearing on all proposed amendments to the Zoning Regulations or Zoning Map and shall publish a notice of said hearing in a newspaper of general circulation in accordance with the General Statutes of the State of Connecticut.

814 Additional Notice¹

In addition, for (any) proposed Zoning Map amendments, the Commission shall give notice of any such hearing at least (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.

815 Exemptions

The provisions of Sections 812 and 814 shall not apply to proposed amendments initiated by the Commission.

816 Adoption of Amendment

Where a protest is filed with the Commission at a public hearing on a proposed amendment signed by the owners of 20 percent or more of the area of the lots included in such proposed amendment, or of the lots within 500 feet in all directions from the lots included in the proposed amendment, or when the Planning Section of the Commission recommends denial, such amendment shall not be adopted except by a vote of two-thirds of the entire membership of the Commission.

817 Effective Date of Amendments

Zoning Regulations, boundaries of zoning districts, and any amendments thereto shall become effective at such time as may be fixed by the Commission, provided notice shall have been published prior to said effective date in a newspaper having a substantial circulation in the Town.

¹ Adopted 2/28/89, Effective 4/1/89

820 Special Permit Procedure

821 Authority¹

In all cases where these regulations require approval by Special Permit, no Zoning Permit shall be issued by the ZEO except after public notice and hearing in accordance with the General Statutes of the State of Connecticut and upon authorization of the Commission, except as follows:

- a. Minor amendments to approved Special Permits and attendant Site Plans may be approved without a public hearing by the Town Planner or the Commission, as required, if such changes are the result of site conditions, or a change in circumstances, if such changes are deemed to be in the public interest.

822 Applications

- a. A statement describing the existing and proposed use or uses;
- b. A Site Plan in accordance with Section 840;
- c. A list of all property owners required to be notified in Section 825, together with stamped envelopes appropriately addressed;
- d. Such other information as the Commission may require to determine compliance with the intent and purpose of these regulations.
- e. All applications shall be accompanied by a fee, as determined from time to time by the Commission, to cover the cost of administration. Said fee shall be paid at the time of filing the application.
- f. 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.
- g. 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 ten (10) calendar days prior to the public hearing on the proposed application.²

823 Conformance to Requirements

Unless otherwise specified, a Special Permit use shall conform to all requirements of the district in which it is located and the applicable provisions of Section 700.

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.

824 Public Hearing and Notice

The Commission shall hold a public hearing on all applications for a Special Permit, and shall publish a notice of said hearing in a newspaper of general circulation in accordance with the General Statutes of the State of Connecticut.

¹ Adopted 1/14/86, Effective 2/1/86

² Adopted 1/22/91, Effective 1/25/91

825 Additional Notice¹

In addition to published notice, the Commission shall give notice of any such hearing at least ten (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 the property on which the Special Permit use is proposed to be established.

826 Special Permit Threshold Decision²

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 844. Any permit granted under this Section shall be subject to any and all conditions and safeguards imposed pursuant to Section 827.

827 Conditions and Safeguards³

The Commission may, if it finds that a Special Permit is appropriate under Section 826, include reasonable conditions and safeguards related to the factors set forth in Section 826. 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.

828 Revocation

Any authorized Special Permit shall be subject to revocation by the Commission 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.

¹ Adopted 1/22/91, Effective 1/25/91

² Adopted 1/24/84, Effective 2/15/84

³ Adopted 1/24/84, Effective 2/15/84

829 Amendments or Modifications¹

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; except that amendments which are found to be of a minor nature or which do not materially alter the Special Permit may be authorized by the Town Planner or the Commission, without another public hearing.

830 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.

831 Continuance

Notwithstanding any other provision of these regulations, when an amendment is adopted in these zoning regulations or boundaries of zoning districts, 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 zoning districts.
- c. If the applicant and/or owner does not adhere to these conditions, the Special Permit shall be reconsidered by the Commission and declared void. Notification thereof shall be filed with the Town Clerk.

840 Site Plan Review and Approval

841 Authority

For all uses in any Business, Manufacturing, or Controlled Development District 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

¹ Adopted 1/14/86, Effective 2/1/86

842 Site Plan Procedure

- 842.1 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.¹
- 842.2 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.
- 842.3 Performance Bond.² 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.
- 842.4 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.
- 842.5 Amendments. Application for amendments to an approved Site Plan shall be made in the same manner as the original application.
- 842.6 Certificate of Compliance. No Certificate of Compliance shall be issued until the applicant submits an as-built plan by a land surveyor and/or professional engineer registered in the State of Connecticut (whichever is applicable) certifying in writing that the site work has been completed in accordance with the approved Site Plan. When the site work cannot be completed because of weather or other pertinent reason, a conditional Certificate of 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.
- 842.7 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.

843 Site Plan Information³

For all uses requiring Site Plan approval, a Site Plan application shall include nine (9) sets of the following information, maps and plans.

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.

¹ Adopted 6/29/93

² Adopted 9/13/88, Effective 10/1/88

³ Adopted 2/28/89, Effective 4/1/89

843.1 General Information

- a. Name and address of the applicant and owner of record as listed on the Town's; and records.
- b. A written description of the proposed use or uses.

843.2 Site Plan Map. The Site Plan map shall illustrate the existing and proposed development of the property and shall include the following information:

a. General Information

- (1) Name and address of the applicant and owner of record as listed on the Town's land records.
- (2) Date, north arrow, and numerical and graphical scale.
- (3) A key map showing the subject property in relationship to adjoining and nearby streets.
- (4) 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.

b. The Property

- (1) The boundaries and area of the property.
- (2) Location, width, and purpose of all existing and proposed easements and rights-of-way on the property,

c. Buildings and Uses

- (1) Location, dimensions, area, height and setbacks of all existing and proposed buildings, signs, fences and walls.
- (2) Location of all existing and proposed uses and facilities not requiring a building such as swimming pools, tennis courts, light standards, tanks, transformers and dumpsters.

d. Parking, Loading and Circulation

- (1) Location, arrangement, and dimensions of automobile parking spaces, aisles, vehicular drives, fire lanes, entrances, exits and ramps.
- (2) Location, arrangement, and dimensions of loading and unloading areas.
- (3) Location and dimensions of pedestrian walkways, entrances and exits,

e. Signs and Lighting

- (1) Location, size, height, orientation and plans of all signs.

(2) Location, size, height, orientation and design of any outdoor lighting,

f. Utilities

Location and design of all existing and proposed sanitary sewer, storm drainage, water supply facilities, and refuse collection areas, as well as other underground and above ground utilities. All public utilities shall be placed underground. The Commission may waive this requirement if engineering data substantiates that such underground placement of utilities is impractical.

843.3 Topographic Map. The Topographic map shall illustrate the existing and proposed conditions of the property and shall illustrate the following information:

- a. The boundaries and area of the property.
- b. Location, width and purpose of all existing and proposed easements and rights-of-way on the property.
- c. Existing and proposed contours with intervals of five feet, referred to USGS MSL datum including all provisions for erosion control.
- d. 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.

843.4 Open Space and Landscaping Plan. The Open Space and Landscaping Plan shall illustrate the existing and proposed landscape development of the property and shall include the following information:

- a. Size, arrangement, uses, and dimensions of all open spaces on the site.
- b. Location, general layout, type and size of buffer or landscape area, plant material, fencing, screening devices, decorative paving, or other materials proposed.
- c. Location of existing trees with a trunk caliper of more than 6 inches except indensely wooded areas where the foliage line shall be indicated.
- d. Location of all existing watercourses, wetlands, rock outcrops, and other significant physical features.

843.5 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.¹

843.6 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.

¹ Adopted 9/26/84, Effective 10/15/84

- 843.7 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.
- 843.8 Exceptions. The Town Planner, with the consent of the Commission Chairman, may make exceptions to the site plan information required in this Section 843 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.
- 843.9 Revisions and Additional Information¹

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 ten (10) calendar days prior to the Commission meeting at which the Site Plan is to be considered.

844 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.

- 844.1 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.
- 844.2 Public Safety. That all buildings, structures, uses, equipment, or material are readily accessible for fire and police protection.
- 844.3 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.
- 844.4 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.
- 844.5 Landscaping and Screening. That the general landscaping of the site complies with the purpose and intent of Section 760 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.

¹ Adopted 1/22/91, Effective 1/25/91

- 844.6 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. 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.
- 844.7 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.
- 844.8 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.
- 844.9 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 650 - Performance Standards.
- 844.10 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.
- 844.11 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.

845 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.

846 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.¹

850 Coastal Site Plan Review

851 Purpose

The purpose of Coastal Site Plan Review is to assure that development within the Coastal Area is accomplished in a manner which 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.

¹ Adopted 9/26/84, Effective 10/15/84

852 **Location**

The Coastal Area shall be defined as that area of Hamden which 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" 1979, 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.

853 **Permitted Uses**

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

854 **Authority**

No activity for which a Coastal Site Plan is required shall be begun until the Coastal Area Site Plan has been approved by the Commission as outlined in Section II (b) of the Coastal Area Management Act.

855 **Exceptions**

A Coastal Site Plan shall be required for any activity or project as defined in Section 11 (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 which does not exceed ten percent of the first floor area or one-thousand square feet whichever is less, and which does not require more than a ten percent 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 as 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.

856 **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 district, with Section 840, with all other pertinent requirements of these zoning regulations, and with all provisions of Sections 11 and 12 of the Coastal Management Act.

857 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 of the proposed activity is consistent with the goals and policies set forth in these regulations and in Section 22a-92 of the Connecticut Statutes.

858 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.

859 Commission Action and Referral

- a. The Commission or board 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: (1) is consistent with all applicable goals and policies in Section 22a-92 of the General Statutes, as amended; and (2) 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.
- b. 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 840 of these regulations and with Section 22a-92 of the Connecticut General Statutes.

860 Zoning Board of Appeals

861 Powers and Duties

The Zoning Board of Appeals shall have the following powers and duties:

- 861.1 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. Such appeals shall be made within fifteen days of the decision of the Zoning enforcement Officer by the person, firm, corporation or entity to whom said decision has been directed.
- 861.2 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 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 district 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.

861.3 Use Variances¹

A. 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.

B. 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 district;
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.
8. That the applicants request for a variance is consistent with the Comprehensive Plan of Development.

C. Uses shall not be permitted by variance in districts in which such uses are not otherwise allowed by Zoning Regulations.

D. All uses not permitted in the Zoning Regulations shall not be permitted by variance.

861.4 Approve Location of Uses. To hear and decide upon all requests to locate gas stations and other motor vehicle uses as specified hi the Connecticut General Statutes.

861.5 Grant Temporary Permits. To hear and decide upon requests for temporary permits, not to exceed one year, for the establishment of a small office on undeveloped property to be used for the sale of such undeveloped property. Said permit may be renewed by the Board for a period of one additional year. If such a structure is permitted on a site for a period of more than 180 days, and is in a Flood Hazard Area or Flood Plain Zone, it must be anchored in accordance with standards set forth by FEMA for mobile homes or manufactured homes.²

¹ Adopted 10/19/99

² Adopted 3/8/88, Effective 4/1/88

861.6 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.¹

862 Procedures

862.1 Application. All applications and appeals to the Zoning Board of Appeals shall be filed in a form prescribed by the Z.B. A. 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 862.3, together with stamped envelopes appropriately addressed.²

862.2 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.

862.3 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 ten days prior to the date of the hearing and shall include the location and general description of the type of variance being requested.³

862.4 Board Action and Referral. Action on all requests, applications or appeals shall be taken by the Zoning Board of Appeals in compliance with the time limits set forth in the Connecticut General Statutes. The Board may attach reasonable conditions to the granting of variances to ensure compliance with the intent of the Zoning Regulations.

¹ Adopted 3/8/88, Effective 4/1/88

² Adopted 3/8/88, Effective 4/1/88

³ Adopted 3/8/88, Effective 4/1/88

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ARTICLE IX VALIDITY, REPEALER AND EFFECTIVE DATE

900 Validity

If any section, paragraph, subdivision, clause or provision of the regulations shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or such section so adjudged and the remainder of these regulations shall be deemed valid and effective.

910 Repealer

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.

920 Effective Date

The effective date of these Regulations is November 1, 1982.

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APPENDIX A 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

A610.1 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

A611.1 To preserve and create useable open space for the residents of Hamden as well as creating developments that are aesthetically attractive and economically feasible.

A612 Qualifying Standards

A612.1 No tract of land will be considered for a planned unit development unless it contains the minimum acreage required for each separate zone.

A612.2 No tract of land will be considered for a planned unit development unless it is within a residential zone.

A612.3 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.

A612.4 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

A613.1 Any use permitted in any residential zone. Commercial uses are permitted in the R4, R5 and R6 zones only.

A613.2 Commercial uses permitted within the planned unit development are those which are authorized in the B-2 Zone and intended for the use and convenience of the occupants of the development. All such uses shall:

- a. Be located within the boundaries of the development,
- b. Conform to all the regulations of the B-1 Zone.

- c. Have a total floor area which does not exceed five per cent (5%) of the gross flood area of all dwellings within the development.

A614 Procedure

A614.1 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

A615.1 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.¹

A615.2 There shall be a filing fee of \$100.00 payable to the Treasurer of the Town of Hamden.

A615.3 The Commission shall make the proper arrangements for a public hearing.

A615.4 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.

A615.5 The maps which are part of the outline development plan may be in general schematic form, and must contain the following information:

- a. The existing topographic character of the land.
- b. Existing and proposed land uses and the approximate location of buildings and other structures.
- c. The character and approximate density of dwellings.
- d. The approximate location of all thoroughfares.
- e. Public uses, including parks, playgrounds and other open space.

A615.6 The written statement to accompany the outline development plan must contain the following information:

- a. 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.
- b. A statement of proposed financing.
- c. A statement of the present ownership of all the land included within the planned unit development.
- d. A general indication of the expected schedule of development.

¹ The following regulations are Effective 10/1/69

A615.7 The applicant shall file three copies of his outline development plan and written statement.

A616 Approval of Outline Development Plan

A616.1 Legal Procedure

- a. A public hearing shall be held within 60 days from the time of application to the Town Plan and Zoning Commission Office.
- b. All owners of property adjacent to the planned unit development shall be notified of said hearing by mail.
- c. The hearing shall be legally advertised according to the procedure specified by State Law for a change in zoning regulations.
- d. The results of the decision of the Town Plan and Zoning Commission shall be legally advertised within 7 days of said decision.
- e. 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.
- f. 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

A617.1 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.

A617.2 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 twenty percent 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.

A617.3 The preliminary development plan must include all of the following information:

1. A map showing street systems, plot lines and plot designs.
2. Areas proposed to be conveyed, dedicated, or reserved for parks, streets, playgrounds, public buildings and similar public and semi-public uses.

3. 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.
4. 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.
5. 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.
6. Agreements, provisions or covenants which govern the use, maintenance and continued protection of the planned development and any of its open areas.
7. 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:
 - a. An off-street parking and loading plan.
 - b. 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.
 - c. A landscaping and tree planting plan,
 - d. An economic feasibility report or market analysis.

A617.4 Map Standards for Preliminary Development Plans:

- a. Drawn to a scale of 1" = 50'.
- b. Survey Information: distances with angles and bearings by a registered surveyor or professional engineer
- c. Contours at 5 foot intervals or less,
- d. Proposed contour at 5 foot intervals or less,
- e. Sanitary sewer and drainage or sewerage treatment systems designed by a registered professional engineer,
- f. Adjacent streets, names and widths,
- g. North point, scale and date.
- h. Adjacent property owners and use of adjacent property,
- i. Limit of easements, right of way and areas for open spaces dedication,

- j. Lot lines, areas and numbers.
- k. Street locations, names, widths, radii, curve lengths, grades.
- l. Sidewalks,
- m. Name of owner.
- n. Location of watercourses, trees, wet area and rock outcroppings.
- o. Title of Development,
- p. Total area of development,
- q. Total area of land left in open space,
- r. Total number of dwelling units with breakdown of different types, where applicable.
- s. Total area to be used for roads
- t. 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

- A618.1 If any outline plan has been submitted and approved, the applicant shall file the preliminary development plan with the Commission.
- A618.2 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.
- A618.3 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

- A619.1 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.
- A619.2 The Commission shall give notice and provide an opportunity to be heard on the final development plan to:
 - a. Any person who appeared of record at the hearing on the outline development plan, if any.
 - b. Any person who has indicated to the Commission in writing his wishes to be notified.
- A619.3 The Commission shall act within 60 days after filing of the final development plan.

A619.4 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

A622.1¹ 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:

- a. Minor changes in the location, siting and height of buildings and structures may be authorized by the Planning Director, 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%.
- b. 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.

1. Increase the total number of dwelling units within the planned unit development;
2. Increase the total area of lot coverage within the planned unit development; and
3. Decrease the total area of open space within the planned unit development.

A622.2 Any changes which are approved for the final plan must be recorded as amendments to the recorded copy of the final plan.

¹ Adopted 10/19/99, Effective 10/26/99
NOTE: Section A622.1c deleted 3/13/01

A623 Phasing of Construction and Guarantee of Performance

A623.1 The construction and provision of all of the open spaces and public recreational facilities which 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 which 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

A624.1 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:

- a. 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.
- b. 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

A625.1 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

- A626.1 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.
- A626.2 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.
- A626.3 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:
 - a. 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 percent.
 - b. 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.
 - c. 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.
 - d. Changes in the use of open space may be authorized by an amendment to the final development plan.
 - e. 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.
- A626.4 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

A627.1 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

A627.2 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.

A627.3 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.

A627.4 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%

A627.5 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	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 ²	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.

¹ With 5 to 15 acres

² With 15 acres or more

R-6 ¹	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.

A627.6 Lot Width²

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.

A627.7 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.

A627.8 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.

A627.9 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.

A627.10 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.

A627.11 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 one (1) foot in addition to the side or rear yards required.

A627.12 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.

¹ Effective 9/01/67

² Effective 9/01/67

A628 Planned Unit Development in More than One District

If the planned unit development is in more than one residential zoning district, 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

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 & R-6	All land not devoted to structures, required yards, parking spaces, streets and driveways.

A629.1 No open space may be accepted as open space under the provisions of these regulations unless it meets the following standards:

- a. The location, shape, size and character of the open space must be suitable for the planned unit development.
- b. 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.
- c. 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.
- d. 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.
- e. 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.

- A629.2 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.
- A629.3 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.
- A629.4 Conveyance and Maintenance of Open Space
- a. All land shown on the final development plan as open space may be conveyed under one of the following options:
 1. 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.
 2. 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 Plan 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.
 - b. 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.
 - c. If the open space is not conveyed to the Town of Hamden, either one of the following methods of enforcement must be provided:
 1. 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.
 2. 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.
 - d. 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.
- A629.5 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.

A629.6 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

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-5.¹

¹ Adopted 3/13/01, Effective 3/13/01