

DRAFT

OUTLINE FOR REGULATIONS

ARTICLE I INTRODUCTION

Section 1.1 Authority (100)

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

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

Section 1.2 Jurisdiction

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

Section 1.3 Purpose (100)

The intent of these Zoning Regulations is to enable, encourage and qualify the implementation of the following policies:

1.3.1 Health, Safety and Welfare

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

1.3.2 Environment & Natural Resources

- A. Facilitate adequate provisions for water, sewerage, schools, parks and other public requirements;
- B. Conserve and protect the natural resources of the Town, the value of land and buildings and encourage the most appropriate use of land throughout the town;
- C. Regulate and limit the height and bulk of buildings hereafter erected;
- D. Regulate and determine the area of yards and other open spaces for buildings hereafter erected;
- E. Protect existing and potential public surface, groundwater and drinking water supplies in recognition of their importance to the health, safety and general welfare of the Town and its larger environs;
- F. Encourage 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;
- G. Regulate development such that it is consistent with soil types, terrain and infrastructure and insure that proper provisions are made for Soil Erosion and Sediment Control for any project for which a permit is required or sought from the Town;
- H. Use green corridors to define and connect the urbanized areas.
- I. Distribute open space including parks, squares and playgrounds within neighborhoods and urban center zones.

1.3.3 Growth & Development

- A. Retain the natural infrastructure and visual character of the Town derived from topography, woodlands, farmlands, and riparian corridors.
- B. Use growth strategies that encourage infill and redevelopment to a greater extent than new community construction.
- C. Structure development contiguous to urban areas in the neighborhood pattern and integrated with the existing urban pattern.
- D. Organize development non-contiguous to urban areas in the pattern of clusters, traditional neighborhoods or villages and regional centers.
- E. Distribute affordable housing through out the Town to match job opportunities and to avoid concentrations of poverty.
- F. Neighborhoods should be compact, pedestrian-oriented and mixed-use.
- G. Regional centers should be compact, pedestrian-oriented and mixed-use.
- H. Neighborhoods should be the preferred pattern of development and that districts specializing in single-use should be the exception.
- I. Regional centers should be the preferred pattern of development and that districts specializing in single-use should be the exception.
- J. Provide a range of housing types and price levels within neighborhoods to accommodate diverse ages and incomes.
- K. Embed civic, institutional, commercial activity and public gathering places in downtown and design district cores so as to reinforce community identity. These uses should not be isolated in remote single-use complexes.
- L. Develop architecture and landscape from local climate, topography, history and building practice.
- M. Situate civic buildings so they are distinctive and appropriate to a role more important than the other buildings that constitute the fabric of the Town.

- N. Protect the character and the historic, social and economic stability of all parts of the Town and ensure that development is orderly and beneficial; Preservation and renewal of historic buildings should be facilitated to affirm the continuity and evolution of the Town.
- O. Secure the harmonious and orderly evolution of urban areas through graphic codes that serve as guides for change.
- P. Guide the future growth and development of the Town in accordance with the Plan of Conservation and Development;
- Q. Provide a guide for public policy and action for the efficient provision of public facilities; serve private enterprise in building development, investment and other economic activity relating to uses of land and buildings throughout the Town;
- R. Prevent the overcrowding of land and avoiding undue concentration of population;
- S. Control development in residential areas to an amount commensurate with the capacity of the land and the availability and capacity of public facilities and services;
- T. Regulate and restrict the location of trades and industries and the location of buildings designed for specified uses; consider the compatibility of adjacent uses.
- U. Bring about the gradual conformity of the uses of land and buildings to the Comprehensive Zoning Plan set forth in these Regulations and minimize conflicts among the uses of the land and buildings.
- V. Transect Zone descriptions on Table ____ shall constitute the intent of these regulations with regard to the general character of every zone other than R1, R2, R3, R4 and R5.

1.3.4 Circulation

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

Section 1.4 Application of Regulations

1.4.1 Conformity Required (110)

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

1.4.2 Consistency with Subdivision Regulations

The existing Subdivision Regulations shall continue to be applicable to issues not covered by these Regulations except where the existing Subdivision Regulations would be in conflict with the Intent Section 1.3, in which case the conflict shall be resolved in favor of these Zoning Regulations.

1.4.3 Major Amendments, Minor Amendments and Variances

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

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

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

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

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

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

Section 1.5 Zoning Map and Districts (301)

For the purpose of these Regulations the Town of Hamden is divided into the following Zones.

1.5.1 Customary Zones

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| <u>A. Residential Zones</u> | <u>Zone Name</u> | <u>General Description</u> |
|--|----------------------|--|
| R-1 | Residential – 1 | Lowest density single family 2 acre lots |
| R-2 | Residential – 2 | Low density single family 1 acre lots |
| R-3 | Residential – 3 | Single family ½ acre lots with public utilities |
| R-4 | Residential – 4 | Moderate density ¼ acre lots with public utilities |
| R-5 | Residential – 5 | Higher density 1/8 acre lots with public utilities |
| | | |
| <u>B. Transect Zones</u> | <u>Transect Name</u> | |
| T-1 | Natural | Natural landscape with some agricultural uses |
| T-2 | Rural | Primarily agricultural with some natural landscape |
| T-3 | Sub-Urban | Landscaped yards around single-family homes |
| T-4 | General Urban | Mixed housing types some commercial, pedestrians |
| T-5 | Urban Center | Shops, mixed housing types, offices & pedestrians |
| | | |
| <u>C. Special Districts</u> | | |
| Business | | Retail, services, offices & small businesses |
| Manufacturing & Transfer Station | | Isolation of Industrial & commercial uses |
| State Street Corridor | | Mixed uses & environmentally sensitive areas |
| Town Green District | | Public open space |
| | | |
| <u>D. Overlay Zones</u> | | |
| Coastal Area Management (CAM) | | Areas subject to special protections |
| Flood Plain and Special Flood Hazard Areas | | Areas subject to special protections |
| Open Space Development (OSD) | | Flexible & innovative residential density & design |

1.5.2 Neighborhoods

| | | |
|----------------------|----------------|---|
| Upper Whitney Avenue | | Primarily residential with some mixed use |
| Quinnipiac | T1, T3, T4 | Primarily residential with some mixed use |
| Spring Glen | T3, T4 | Primarily residential with some mixed use |
| Whitneyville | T1, T4, SD | Primarily residential with some mixed use |
| Leeder Hill | T1, T3, T4, SD | Primarily residential with some mixed use |
| Newhall | T3, T4, SD | Primarily residential with some mixed use |
| Mount Carmel | T1, T3, T4 | Significant retail, office and civic uses |

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| | | |
|---------------------------|--------------------|---|
| Centerville (Town Center) | T3, T4, T5 | Significant retail, office and civic uses |
| Upper Dixwell | T3, T4 T5 | Significant retail, office and civic uses |
| Magic Mile | T3, T4, T5 | Significant retail, office and civic uses |
| Middle Dixwell | T1, T3, T4 | Significant retail, office and civic uses |
| Lower Dixwell | T1, T4, T5, SD | Significant retail, office and civic uses |
| State Street | T1, T3, T4, T5, SD | Adjacent to transit with higher density development |

Section 1.6 Interpretation of Zoning Boundaries (302, 303)

- A. The boundaries of these Zoning Districts are hereby established, as shown on a map entitled, "Zoning Map and Neighborhood Plans of the Town of Hamden, CT.," as amended, which, with all explanatory matter thereon, including the referenced sectional maps, is hereby adopted and made a part of these Regulations. A copy of this map, henceforth known referred to as "the zoning map" indicating the latest amendments, shall be kept up to date in the Planning and Zoning Office for the use and benefit of the public.
- B. Where uncertainty exists with respect to the boundaries of any of the zoning districts shown on the aforesaid map, the following rules shall apply:
 - 1. Unless otherwise indicated on the zoning map or Neighborhood Plan, 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.
 - 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 these Regulations or any amendment thereto changing the zoning district boundary affecting such property.
- C. Where the boundary of a zone divides a lot, the existence of which lot is recorded by deed in the land records of the Town of Hamden on or before the effective date of these regulations or amendment thereto, a use permitted in one 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 Article 10. **Tim: Let's discuss – is there Statutory authority for this?**
- D. Neighborhood Plans adopted by the Commission shall guide further development. Neighborhood Plans shall be prepared in a process of public consultation subject to approval by the Planning and Zoning Commission.

Section 1.7 Interpretation of Regulations

- A. Any principal use of land, buildings or structures not expressly permitted by these Regulations in the various zoning districts is prohibited.
- B. Any activity not expressly permitted in the Regulations is prohibited.
- C. For a principal use permitted by these Regulations, accessory uses that are customarily incidental and are actually subordinate thereto are permitted.
- D. No accessory use shall be established on a property until a principal use has first been established.

Section 1.8 Bonus Provision

The Planning and Zoning Commission by Special Permit in Transect Zones T4 and T5 may approve a bonus floor provided that the building meets the criteria for LEED (Leadership in Energy and Environmental Design) Gold Standard or _____ for LANDCode. See Table 14k. Where the Commission approves a bonus floor a bond shall be approved by the Town Planner and Town Engineer in an amount deemed sufficient to cover the removal of the bonus floor or the retrofit of a non-LEED or LANDCode compliant building prior to the issuance of a zoning permit.

Section 1.9 Validity (900)

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.

Section 1.10 Repealer (910)

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

Section 1.11 Effective Date (920)

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

ARTICLE II DEFINITIONS

Section 2.0 Use of Terms (New)

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

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

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

Section 2.1 Specific Terms (New)

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

The word "shall" is always mandatory.

The word "should" is recommended.

The word "may" is optional.

The words "occupied" or "used" include the words "designed, arranged or intended to be occupied or used".

The words "zone", "zoning district", and "district" have the same meaning.

The word "person" also includes a partnership, association, trust, corporation or other legal entity.

The word "lot" includes the words "plot" or "parcel".

The words "arranged," "intended," "designated," "used", and "occupied" shall be synonymous in these Regulations.

Section 2.2 Undefined Terms (New)

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

The State Building Code, as amended;

The Connecticut General Statutes, as amended;

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The Illustrated Book of Development Definitions (Rutgers University, Center for Urban Policy Research (Piscataway, NJ), as amended;

Black's Law Dictionary; and

A comprehensive general dictionary.

Section 2.3 Defined Terms

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

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

Adult Day Care

Adult-Oriented Establishment: See Section 9.5 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 that is an integral part of a principal one-family dwelling but subordinate in terms of size and location.

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

Aquifer: 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 site updated map, on file in the Planning & Zoning Office. ADD: Aquifer Protection Regulations are separate regulations from the zoning regulations.

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

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

Bed & Breakfast

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.

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Billboard: See Sign, Advertising, Section 8.6.

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

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

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

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

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

Building, Principal: A building in which 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.

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Medical Facility: A facility, either privately or publicly operated, in which diagnostic, therapeutic and rehabilitative programs are conducted, and which may have short-term residential facilities.

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

Cemetery: Property used for the interring of the dead.

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

Child Day Care Center: See Nursery School.

Civic 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 guests, 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.

ADD: Clear Cutting – [check DEP jurisdiction]

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.

ADD: Coastal Area Management

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

Commission: The Hamden Town Planning and Zoning Commission, the Planning Section of the Planning and Zoning Commission, or the Zoning Section of the Planning and Zoning Commission, whichever has jurisdiction over the particular subject matter thereof.

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

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

Contiguous: See Abut.

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

Convalescent Home: See Nursing Home.

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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.

Day Care Center: See Nursery School.

ADD: Detention Center licensed by the State of Connecticut

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.

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

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 that 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.

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

Dwelling, Multi-Family: Any building designed, constructed, and used as a residence building for four or more dwelling units; the term includes town houses and apartments.

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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: 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: 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.

Family: One or more persons related by blood, marriage or adoption; or a group of not more than four persons who need not be so related and who are living together in a dwelling unit and maintaining a common household. Foster children or wards of the state are included as members of a family.

Unrelated individuals occupying a dwelling unit and meeting the definition of students will be classified as a student-housing unit.

Family Day Care Home: An establishment licensed by the State of Connecticut, caring for not more than 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.

Farm, Commercial: 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.

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

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

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

Floor Area, Gross (GFA): The sum of the gross horizontal areas of the several floors of a building, measured from the exterior faces of exterior walls (and from the center lines of party walls if the portions of the building separated by such party walls are to be treated separately), including (a) basement space, (b) attic space, whether or not floor has been laid, over which there is structural head room of 6½ feet or more, and (c) enclosed porches, interior balconies and mezzanines and penthouses, 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 6½ 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.

Floor Area, Livable: 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.

Frontage: See Lot Line, Front.

Fur-Bearing Animal: 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.

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

Gasoline Station: 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.

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

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

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

Group Day Care Home: See Nursery School.

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

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

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

Hazardous Wastes: Solid or liquid wastes in the following classifications: Explosives, Pathogenic Wastes, Radioactive Wastes, Hospital Operating Room Wastes, and Chemical Wastes which either create an immediate safety hazard to persons disposing of the waste or which by virtue of their chemistry and/or the method of disposal present a threat to the quality of ground or surface waters or any other natural resources.

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

Hospital: A facility licensed by the State Department of Health providing health services and medical or surgical care to persons, primarily in-patients. Hospitals, Nursing Homes Facilities (711) [Define Hospitals and Nursing Homes as having overnight accommodations. **ADD**: Include rehab and diagnostic facilities that do not have overnight accommodations to Medical Facilities Section]

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

Hotel/Motel: See Article VI [SmartCode]Housing Unit for the Elderly: A dwelling unit specifically designed for the needs of an elderly person or persons, and conforming to the eligibility requirements of State and/or Federal programs providing for housing for the elderly.

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

Ingress: A vehicular entrance.

ADD: Inn [see amendment of May 2008 and SmartCode]

Inspection: The periodic review of sediment and erosion control measures shown on a certified plan.

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

Kenel: 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.

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

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

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

Lot, Corner: 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.

Lot Coverage: The portion or percentage of the lot that is covered by buildings and/or structures over 4 feet in height.

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

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

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

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

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

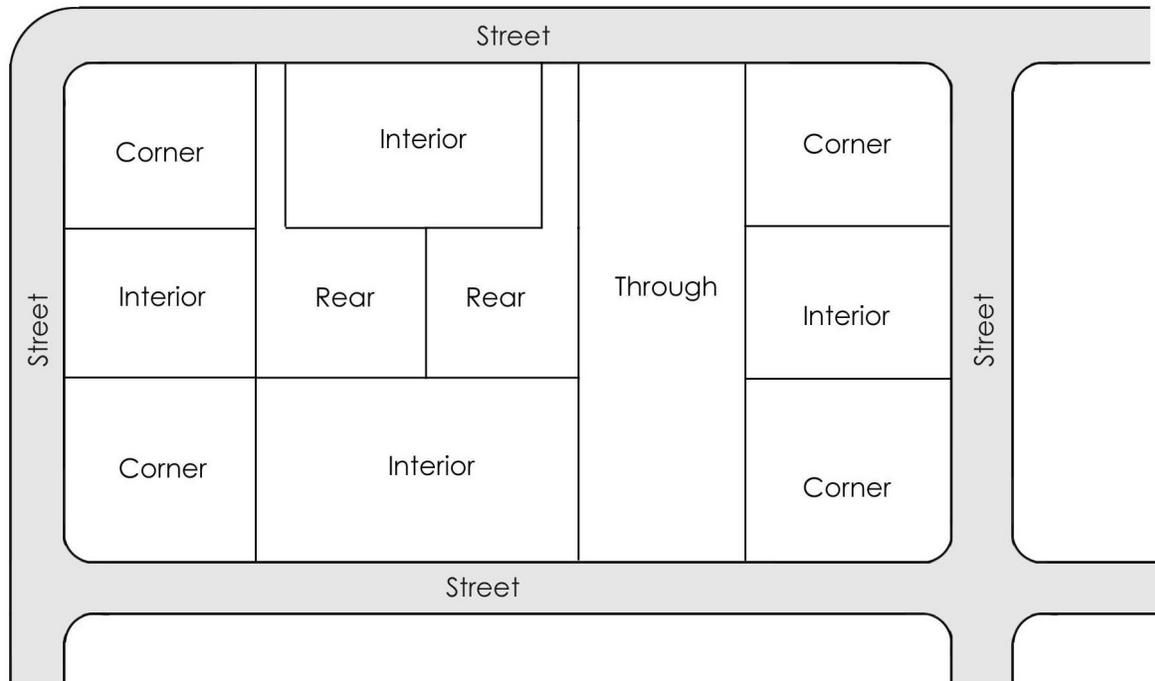
Lot Line, Side: The lot line generally extending from the street or front lot line and connecting the front and rear lot lines.

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

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

Lot Width: The horizontal distance between side lot lines measured parallel to the street line and along the minimum required front setback line.

Various Lot Definitions



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

Manufactured Home: 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.

Motel: See Hotel/Motel

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

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

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Night Clubs: A commercial establishment, 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.

Nonconforming Building or Structure: 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. [Review]

Nonconforming Lot: A lot legally existing on the effective date of these Regulations or any applicable amendment thereto but which fails by reason of such adoption, revision or amendment to conform to the present district regulations for any prescribed lot requirement. [Review]

Nonconforming Use: A use, whether of a building, structure or lot, or combination thereof, legally existing on the effective date of these Regulations or any applicable amendments thereto but which fails by reason of such adoption, revision or amendment to conform to the present use regulations of the zoning district in which it is located. [Review]

Nursery School: 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.

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

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

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

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

Open Space, Useable: Space on a lot or parcel that is (a) unoccupied by principal or accessory buildings above the finished grade; (b) unobstructed to the sky; (c) not devoted to service driveways, service areas, off-street parking at finished grade or loading areas; (d) devoted to landscaping, active or passive recreation and other like uses; (e) made available in the same proportion to all occupants of the building or buildings on 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.

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

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

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

Parking Lot Aisle: An area in a parking lot intended or designed for self-parking of motor vehicles and access to such parking spaces, but not including lanes of ingress or egress from a street.

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

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

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

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

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

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

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

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

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

ADD: Right-of-way

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

Rooming House or Boarding House: 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.

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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.

Service Establishment, Personal and Business: Establishments engaged in providing services for the home or business, as well as services of a personal nature.

Setback: 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.

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

ADD: Signs – See Section # _____

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.

Solid Waste Facility: 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.

Solid Waste, Municipal: Non-bulky residential, commercial, and institutional trash and garbage that 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.

Story: 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.

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

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

ADD: Street, Accepted: One that has been formally accepted by resolution by the Legislative Council OR one which has been impliedly accepted by the Town due to public maintenance or use over a period of time.

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

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

Structure: 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 6 feet in height other than retaining walls.

ADD: Structure, Detached Accessory: [such as storage sheds, and garages – does not include structured parking garages]

Student: 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.

Student Housing: 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.)

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

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

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.

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

Transfer Station: 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.

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.

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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) that can transmit infectious diseases from one person or animal to another person or animal.

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

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

Vehicle, Recreational: A vehicular type portable structure without permanent foundation, 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.

Volume Reduction Plant: 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.

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

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

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

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

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

DEFINE:

pilasters

belt courses

columns

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sills

cornices

Check Chart 8.3.3 terms

7.3.2 Related Definitions

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

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

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

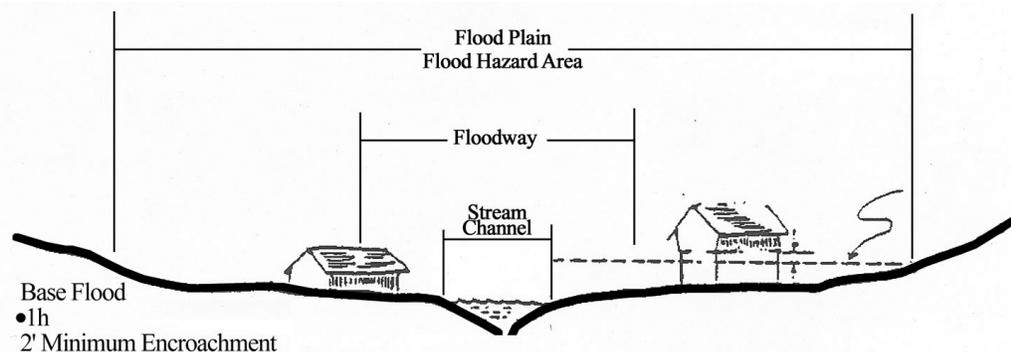
Flood Hazard Area: See Special Flood Hazard Area

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

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

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

Floodplain Cross Section



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

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

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

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

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

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

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

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

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

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

Lighting-Related Definitions

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

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

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

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

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

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

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

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

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

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

Sign Related Definitions

Sign: 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.

A-Frame: [ADD Definition & Diagram]

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

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Animated, Flashing or Moving: 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.

Sign Area: The number of square feet contained within a single continuous perimeter of the simplest regular geometric shape enclosing the extreme limits of the actual sign surface including any framing, trim or molding. 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.

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

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

Construction Sign: 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.

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

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

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

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

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

Related Definitions

Certification: 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.

Disturbed Area: An area where the cover is destroyed or removed, leaving the land subject to accelerated erosion.

Sediment: Solid material, either mineral or organic, that is in suspension, is transported, or has been moved from its site of origin by erosion.

Soil: Any unconsolidated mineral and organic material of any origin.

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Soil Erosion and Sediment Control Plan: A scheme that minimizes soil erosion and sedimentation resulting from development and includes, but is not limited to, a map and narrative.

ARTICLE III RESIDENTIAL ZONES R1 – R5

Section 3.1 Purpose (400)

The purpose of the **Residential R-1 Zone** is to encourage development of lowest-density residential uses generally in areas with difficult topographic or soil conditions and without public water and sewer facilities 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.

The purpose of the **Residential R-2 Zone** is to 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.

The purpose of the **Residential R-3 Zone** is to provide for one-family dwellings on individual lots 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.

The purpose of the **Residential R-4 Zone** is to provide for moderate density one-family dwellings on individual lots 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.

The purpose of the **Residential R-5 Zone** is to provide for higher density residential development on lots where public water supply and public sewage disposal facilities are generally utilized. Subject to special conditions, higher 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.

Section 3.2 Permitted Uses

Permitted uses in Residential Zones are listed in the Table 3.1, and all other uses are prohibited except as stated herein. Special Permit uses are also subject to Site Plan Approval. Table 4.2 also lists Special Conditions as they may be applicable to the listed uses.

Section 3.3 Area, Density and Dimensional Requirements

ADD: **Diagram** showing footnote “c” Corner Lot conditions

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

[**Incorporate** impervious surface maximums per lot.]

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[Need numbers for R-4 & R-5 below in Min. Front Yard column.]

| Table 3.2 Residential Area, Height, Yard and Coverage Requirements | | | | | | | | |
|--|----------------|------------------------|------------|--------------------|---|---------------|---------------|---------------------------------------|
| Zone | Min Area | Min Width ^a | Max Height | Max % Lot Coverage | Min Front Yard ^b | Min Side Yard | Min Rear Yard | Minimum Square Dimension ^f |
| R-1 | 80,000 sq. ft. | 200 ft. | 35 ft. | 15% | 50 ft. ^c 85 ft. ^d | 30 ft. | 50 ft. | 125 ft. x 125 ft |
| R-2 | 40,000 sq. ft. | 120 ft. | 35 ft. | 15% | 40 ft. ^c 75 ft. ^d | 20 ft. | 40 ft. | 80 ft. x 80 ft |
| R-3 | 20,000 sq. ft. | 100 ft. | 35 ft. | 20% | 40 ft. ^c 75 ft. ^d | 15 ft. | 40 ft. | 70 ft. x 70 ft |
| R-4 | 10,000 sq. ft. | 80 ft. | 35 ft. | 25% | 25 ft. ^c XX ft. ^d | 12 ft. | 25 ft. | 55 ft x 55 ft |
| R-5 ^e | 6000 sq. ft. | 60 ft. | 35 ft. | 30% | 20 ft. ^c XX ft. ^d | 10 ft. | 25 ft. | 40 ft x 40 ft |

^a Measured at the required front yard setback

^b On a corner lot, one front yard is required on the primary street frontage, and one side yard is required on the other yard adjacent to secondary street. The yard opposite the designated front yard shall be deemed to be a rear yard and the remaining yard a side yard. The front yard shall be as required by the applicable district.

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

^c Where street lines have been established

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

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

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

| | RESIDENTIAL ZONES R1 - R5 | | | | |
|-----------------------------------|---------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| | R1 | R2 | R3 | R4 | R5 |
| RESIDENTIAL DENSITY | | | | | |
| Minimum | 1 du / 80,000 sf | 1 du / 40,000 sf | 1 du / 20,000 sf | 1 du / 10,000 sf | 1 du / 6,000 sf |
| Maximum | 1 du / 80,000 sf | 1 du / 40,000 sf | 1 du / 20,000 sf | 1 du / 10,000 sf | 1 du / 6,000 sf |
| Maximum with Bonus | 1 du / 80,000 sf | 1 du / 40,000 sf | 1 du / 20,000 sf | 1 du / 10,000 sf | 1 du / 6,000 sf |
| BLOCK SIZE | | | | | |
| Block Perimeter | no maximum | no maximum | 3000 ft. max. | 2400 ft. max. | 2000ft. max. |
| THOROUGHFARES | | | | | |
| HW | not permitted | not permitted | permitted | permitted | not permitted |
| BV | not permitted | not permitted | permitted | permitted | permitted |
| AV | not permitted | not permitted | not permitted | not permitted | permitted |
| CS | not permitted | not permitted | permitted | permitted | permitted |
| DR | not permitted | not permitted | permitted | permitted | permitted |
| ST | permitted | permitted | permitted | not permitted | permitted |
| RD | permitted | permitted | permitted | permitted | not permitted |
| Rear Lane | not permitted | not permitted | permitted | required | not permitted |
| Rear Alley | permitted | permitted | permitted | permitted | required |
| Path | not permitted | not permitted | permitted | permitted | not permitted |
| Passage | permitted | permitted | permitted | not permitted | permitted |
| Bicycle Trail | permitted | permitted | permitted | permitted | not permitted |
| Bicycle Lane | permitted | permitted | permitted | permitted | not permitted |
| Bicycle Route | permitted | permitted | permitted | permitted | permitted |
| CIVIC SPACES | | | | | |
| Park | permitted | permitted | permitted | | |
| Green | not permitted | not permitted | permitted | permitted | permitted |
| Square | not permitted | not permitted | not permitted | permitted | permitted |
| Plaza | not permitted | not permitted | not permitted | not permitted | permitted |
| Playground | permitted | permitted | permitted | permitted | permitted |
| LOT OCCUPATION | | | | | |
| Lot / Façade Width | 200 ft min / | 120 ft min / | 100 ft min / | 80 ft min / | 60 ft min / |
| Lot Coverage | 20% max | 30% max | 40 % max | 50% max | 60 % max |
| Minimum Building Square | 125 ft x 125 ft | 80 ft x 80 ft | 70 ft x 70 ft | 55 ft x 55 ft | 40 ft x 40 ft |
| SETBACKS - PRINCIPAL BLDG. | | | | | |
| Front Setback - Principal | 50 ft / 85 ft | 40 ft / 75 ft | 40 ft / 75 ft | 25 ft / XX ft | 20 ft / XX ft |
| Front Setback - Secondary | 30 ft min. | 20 ft min. | 15 ft min. | 12 ft min. | 10 ft min. |
| Side Setback | 30 ft min. | 20 ft min. | 15 ft min. | 12 ft min. | 10 ft min. |
| Rear Setback | 50 ft min. | 40 ft min. | 40 ft min. | 25 ft min. | 25 ft min. |
| Frontage Buildout | n/a | n/a | 40% min. | 60% min. | 80% min. |
| SETBACKS - OUTBUILDINGS | | | | | |
| Front Setback | 12 ft min + bldg setback | 12 ft min + bldg setback | 12 ft min + bldg setback | 12 ft min + bldg setback | 12 ft min + bldg setback |
| Side Setback | 3 ft min. | 3 ft min. | 3 ft min. | 3 ft min. | 3 ft min. |

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| | | | | | |
|----------------------------|----------------------|------------|------------|------------|------------|
| Rear Setback | 5 ft min. | 5 ft min. | 5 ft min. | 5 ft min. | 5 ft min. |
| BUILDING LOCATION | | | | | |
| Edgeyard | n/a | n/a | n/a | n/a | n/a |
| Sideyard | n/a | n/a | n/a | n/a | n/a |
| Rearyard | n/a | n/a | n/a | n/a | n/a |
| Courtyard | n/a | n/a | n/a | n/a | n/a |
| PRIVATE FRONTAGES | | | | | |
| Common Yard | n/a | n/a | n/a | n/a | n/a |
| Porch & Fence | n/a | n/a | n/a | n/a | n/a |
| Terrace or Dooryard | n/a | n/a | n/a | n/a | n/a |
| Forecourt | n/a | n/a | n/a | n/a | n/a |
| Stoop | n/a | n/a | n/a | n/a | n/a |
| Shopfront & Awning | n/a | n/a | n/a | n/a | n/a |
| Gallery | n/a | n/a | n/a | n/a | n/a |
| Arcade | n/a | n/a | n/a | n/a | n/a |
| BUILDING HEIGHT | | | | | |
| Principal Building | 35 ft max. | 35 ft max. | 35 ft max. | 35 ft max. | 35 ft max. |
| Principal with Bonus Story | n/a | n/a | n/a | n/a | n/a |
| Outbuilding | 15 ft max. | 15 ft max. | 15 ft max. | 15 ft max. | 15 ft max. |
| BUILDING USE | | | | | |
| Residential | See Table XXX | | | | |
| Lodging | | | | | |
| Office | | | | | |
| Retail | | | | | |

ARTICLE IV SMART GROWTH DISTRICTS (SGD), NEIGHBORHOOD PLANS AND SMARTCODE

Section 4 PURPOSE

- A. Neighborhood Plans adopted by the Commission shall guide further development.
- B. Neighborhood Plans shall regulate an area at least one-quarter mile in radius. The Commission shall designate a Neighborhood District based on existing conditions and intended evolution in the area. The Neighborhood District shall be consistent with the most recently adopted Plan of Conservation and Development, as it may have been amended.
- C. Neighborhood Plans shall consist of one or more maps showing the following:
 - a. The boundaries of the Neighborhood District.
 - b. Transect Zones and Civic Zones within each, assigned according to an analysis of existing conditions and future needs
 - c. A thoroughfare network, existing or planned (Table 3A, Table 3B and Table 4C)
 - d. Special Districts, if any (Section 4.5)
 - e. Special Requirements, if any (Section 4.7)
- D. The owner of a parcel, or abutting parcels, consisting of 10 acres or more of contiguous lots within an area subject to a Neighborhood Plan may apply for a map amendment. These regulations may be amended to assign new Transect Zones, Civic Zones, Thoroughfares, Special Districts (if any) and Special Requirements (if any) with appropriate transitions to abutting areas, subject to approval by the Planning and Zoning Commission.
- E. The owner of a parcel, or abutting parcels, consisting of 30 acres or more of contiguous lots, whether inside or outside an area already subject to a Neighborhood Plan, may initiate the preparation of a New Neighborhood Plan. [SEE SECTION X FOR MAP AMENDMENT PROCEDURES]

Section 4.1 NEIGHBORHOOD DISTRICTS [NEED MAPS]

Neighborhood Plans shall encompass one or more of the following Neighborhood District types:

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

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- 4.1.1.3 Quinnipiac
- 4.1.1.4 Spring Glen
- 4.1.1.5 Upper Whitney
- 4.1.1.6 Whitneyville
- 4.1.2 Regional Center Development (RCD)
 - a. An RCD should be assigned to downtown areas that include significant Office and Retail uses as well as government and other civic institutions of regional importance. An RCD shall be mapped as at least one complete , which may be oriented around an important mixed-use corridor or center.
 - b. The edges of an RCD should blend into adjacent neighborhoods without buffers.
 - 4.1.2.1 Mount Carmel
 - 4.1.2.2 Centerville
 - 4.1.2.3 Upper Dixwell
 - 4.1.2.4 Magic Mile
 - 4.1.2.5 Middle Dixwell
 - 4.1.2.6 Lower Dixwell
- 4.1.3 Transit-Oriented Development (TOD) – State Street
 - a. Any TND or RCD on an existing or projected rail or bus network may be designated, in whole or in part, as a TOD and permitted the higher density represented by the effective parking allowance in Section 5.9.2d.
 - 4.1.3.1 State Street

Section 4.2 TRANSECT ZONES

- 4.2.1 Transect Zone standards for Neighborhood Plans should be calibrated by means of a survey of exemplary existing and intended conditions, and subject to the approval of the Planning and Zoning Commission. Measurements shall be recorded on [**Table 14 – confirm citation**].
- 4.2.2 A Transect Zone shall include elements indicated by [**Article 3, Article 5, and Article 6 – confirm citation**].

Section 4.3 CIVIC ZONES

- 4.3.1 General
 - a. Plans should designate Civic Space Zones (CS) and Civic Building Zones (CB).
 - b. A Civic Zone may be permitted by Site Plan approval if it does not occupy more than 20% of an ; otherwise it is subject to the creation of a Special District. See Section 4.5.
 - c. Parking provisions for Civic Zones shall be determined by the Commission.
- 4.3.2 Civic Space Zones (CS)
 - a. Civic Spaces shall be generally designed as described in Table 13, their type determined by the surrounding or adjacent Transect Zone, subject to the approval of the Planning and Zoning Commission.

4.3.3 Civic Building Zones (CB)

- a. Civic Buildings shall be permitted by Special Permit in any Transect Zone or by Site Plan approval in Civic Zones reserved in the Neighborhood Plan.
- b. Civic Buildings shall not be subject to the Requirements of Article 5. The particulars of their design shall be determined by the Commission.

Section 4.4 SPECIAL DISTRICTS – Town Green District, Transfer Station, State Street Corridor, Manufacturing, and Business

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

4.4.1 Business Zone

4.4.1.1 Purpose

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

Permitted uses in Business District are listed in the Table **XXX**, and all other uses are prohibited except as stated herein. Special Permit uses are also subject to Site Plan Approval. Table **XXX** also lists Special Conditions as they may be applicable to the listed uses.

4.4.1.2 Lot Area

The minimum lot area allowed in a Business Zone 5,000 square feet.

ADD: Accessory Dwelling Unit allowed by Special Permit in a B-zone and Not Permitted in an M-zone per Section 9.3 (add to top of list under ‘accessory’ instead of ‘dwelling’).

ADD: Separate row for Inns per May 2008 text amendment

4.4.2 Manufacturing Zone

4.4.2.1 Purpose

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

4.4.2.2 Lot Area

The minimum lot area allowed in a Manufacturing Zone 20,000 square feet.

4.4.3 State Street Corridor

4.4.4 Town Green District

4.4.4.1 Purpose (616)

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 is intended to allow for the following public and civic amenities:

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.

4.4.4.2 Special Standards

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

4.4.4.3 Uses Permitted Subject to Site Plan Approval (617)

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

Community events;

Active recreational uses;

Passive recreational uses;

Walking and biking trails and paths;

Historical structures, monuments, flag poles and public art;

Museums;

Wildlife and bird sanctuary; and

Customary accessory uses.

4.4.4.4 Special Permit Uses

Town Park

Town Green

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Outdoor Cafe

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:

The building footprint and the parking area of the facility, taken together, will not exceed 20% of the District;

The facility is served by public water and public sanitary sewers;

The facility will have a front yard minimum setback of 100 feet from the street;

The building will not exceed 40 feet in height; and

The facility shall have a vehicular access, traffic and parking pattern including provision for student pick-up and drop-off by bus and parent so designed as to represent an effective access, traffic and parking pattern that properly addresses the needs of public safety.

4.4.4.5 Zoning Permit Uses

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

Lot and Building Requirements, Town Green District

| Table 5.12 Town Green District Area, Height, Yard and Coverage Requirements | | | | | | | |
|--|----------|------------------------|------------|--------------------|----------------|---------------|---------------|
| Zone | Min Area | Min Width ^a | Max Height | Max % Lot Coverage | Min Front Yard | Min Side Yard | Min Rear Yard |
| TG | | | | | | | |
| | | | | | | | |

Section 4.5 NON-CONFORMING CONDITIONS

4.5.1 Existing buildings and appurtenances that do not conform to the provisions of these Regulations may continue in the same use and form until a substantial modification occurs or is requested, at which time the Planning and Zoning Commission shall determine the provisions of this Section that shall apply.

4.5.2 The modification of existing buildings is permitted by Site Plan Approval if such changes result in increased compliance with the specifications of these regulations.

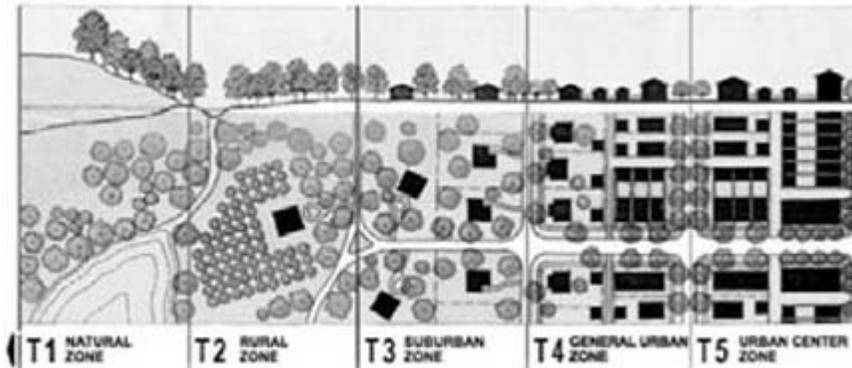
- 4.5.3 Where buildings exist on adjacent lots, the Planning and Zoning Commission may require that a proposed building match one or the other of the adjacent setbacks and heights rather than the provisions of these regulations, subject to Site Plan approval.
- 4.5.4 Any addition to or modification of a building that has been designated on a local, state or national historic register, shall be subject to Special Permit approval.
- 4.5.5 The restoration or rehabilitation of an existing building shall not require the provision of:
- a. Parking in addition to that existing, or;
 - b. On-site stormwater retention/detention in addition to that existing.
- Existing parking requirements that exceed those for these Regulations may be reduced as provided by Tables 10 and 11.

Section 4.6 SPECIAL REQUIREMENTS

A Neighborhood District may mandate any of the following Special Requirements:

- 4.6.1 Shopfront: Requiring or recommending that a building provide a shopfront at sidewalk level along the entire length of its private frontage with a openable door provided on average every 30' along the frontage. The shopfront shall be no less than 70% glazed in clear glass and shaded by an awning overlapping the Sidewalk as generally illustrated in Table 7 and specified in Article 5. The first floor shall be confined to retail use for a minimum depth of 20 feet from the frontage line within the first story. Lobbies for hotels, offices and multiple family dwellings may be considered as part of the required retail frontage provided that any such lobby occupies no more than 50% of said building.. (Table 17d.)
- 4.6.2 Gallery Frontage: Requiring or recommending that a building provide a permanent cover over the sidewalk, either cantilevered or supported by columns. The gallery frontage designation may be combined with a shopfront designation.
- 4.6.3 Arcade Frontage: Requiring or recommending that a building overlap the sidewalk such that the first floor facade is a colonnade. The arcade frontage designation may be combined with a shopfront designation.
- 4.6.4 Terminated Vista Locations: Requiring or recommending that a building be provided with architectural articulation of a type and character that responds visually to the location, as approved by the Planning and Zoning Commission.
- 4.6.5 Cross Block Passages: Requiring that a minimum 8-foot-wide pedestrian access be reserved between buildings.

ARTICLE V TRANSECT ZONES T1 - T5



Section 5 PURPOSE

- a. Lots and buildings within a Neighborhood District shall be subject to the requirements of this Article.
- b. Owners and developers may have the plans required under this Article prepared on their behalf. Such plans require the appropriate approval by the Planning and Zoning Commission per Section 9?.
- c. e. Bonus Floor request including all relevant plans and calculations (See Section 1.9), and all applicable architectural standards per Section _____.

Section 5.1 Non-Conforming Conditions (See Section 4.6)

Section 5.2 Special Requirements (See Section 4.7)

Section 5.3 Civic Zones

Section 5.4 SPECIFIC T1 NATURAL ZONE

Buildings in the T1 Natural Zone are permitted by zoning amendment only. The Planning and Zoning Commission shall grant permission to build in T1 and the standards for Article 5 concurrently as zoning amendments.

Section 5.5 BUILDING LOCATION

5.5.1 Specific to zones T2, T3, T4, T5

- a. Newly platted lots shall be dimensioned according to Table 14f and Table 15.
- b. Building location shall be as shown in Table 9.
- c. Buildings shall be located in relation to the boundaries of their lots according to Table 14g and Table 15.
- d. One principal building at the frontage, and one outbuilding to the rear of the principle building, may be built on each lot as shown in Table 17c.

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- e. Lot coverage by building shall not exceed that recorded in Table 14f and Table 15.
- f. Facades shall be built parallel to a rectilinear roadway, as specified on Table 14g and Table 15.
- g. Setbacks for principal buildings shall be as shown in Table 14g and Table 15. In the case of an infill lot, setbacks shall match one of the existing adjacent setbacks.
- h. Rear setbacks for outbuildings shall be a minimum of 12 feet measured from the centerline of the Rear Alley or Rear Lane easement. In the absence of Rear Alley or Rear Lane, the rear setback shall be as shown in Table 14h and Table 15.

Section 5.6 BUILDING MASSING

5.6.1 General to zones T2, T3, T4, T5

- a. The private frontage of buildings shall conform to and be allocated in accordance with Table 7 and Table 14i.
- b. Buildings on corner lots shall have two private frontages as shown in Table 17. Prescriptions for the second and third layers pertain only to the principal frontage. Prescriptions for the first layer pertain to both frontages.
- c. The first story of all facades shall be glazed with clear glass no less than 30%.
- d. Building heights and expression lines shall conform to Table 8 and Table 14k.
- e. Stories may not exceed 14 feet in height from finished floor to finished ceiling, except for a first floor commercial use, which shall be a minimum of 11 feet and may be a maximum of 25 feet. A single floor level exceeding 14 feet, or 25 feet at ground level, shall be counted as two (2) stories. Mezzanines extending beyond 33% of the floor area shall be counted as an additional story.
- f. In a parking structure or garage, each level counts as a single story regardless of its relationship to habitable stories.
- g. Height limits do not apply to attics or raised basements, masts, belfries, clock towers, chimney flues, water tanks, or elevator bulkheads.
- h. All rooftop mechanical units shall be screened from view from the ground and adjacent buildings of equal or lower height.

5.6.2 Specific to zones T2, T3, T4, T5

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

5.6.3 Specific to zone T3

- a. No portion of the private frontage may encroach the sidewalk.
- b. Open porches may encroach the first layer by 50% of its depth. (Table 17d)
- c. Balconies and bay windows may encroach the first layer by 25% of its depth.

5.6.4 Specific to zone T4

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- a. Balconies, open porches and bay windows may encroach the first layer by 50% of its depth. (Table 17d)

5.6.5 Specific to zones T5

- a. Awnings, arcades, and galleries may encroach the sidewalk to within two feet of the curb but must clear the sidewalk vertically by at least 8 feet.
- b. Stoops, lightwells, balconies, bay windows, and terraces may encroach the first layer 100% of its depth. (Table 17d)
- c. Loading docks and service areas shall be permitted on frontages only by variance.
- d. In the absence of a building facade along any part of a frontage line, a streetscreen shall be built co-planar with the facade.
- e. Streetscreens should be between 3.5 and 8 feet in height. The streetscreen may be replaced by a hedge or fence. Streetscreens shall have openings no larger than necessary to allow automobile and pedestrian access.
- f. A first level residential or lodging use shall be raised a minimum of 2 feet from average sidewalk grade.
- g. There shall be provided one zero-step entrance to each building from an accessible path for visitability.

Section 5.7 BUILDING USE

5.7.1 General to zones T2, T3, T4, T5

- a. Building uses in each Transect Zone shall conform to the uses on Table 10 and Table 12 and Table 14k.

5.7.2 Specific to zones T2, T3

- a. Accessory uses of restricted lodging or restricted office shall be permitted within an outbuilding. See Table 10.

5.7.3 Specific to zones T4, T5

- a. Accessory uses of limited lodging or limited office shall be permitted within an outbuilding. See Table 10.

5.7.4 Specific to zones T5

- a. First story commercial uses shall be permitted.
- b. Manufacturing uses within the first story may be permitted by Special Permit.

Section 5.8 PARKING AND DENSITY CALCULATIONS

5.8.1 Specific to zones T2, T3

- a. Density on a lot shall be determined by the actual parking provided within the lot as applied to the uses permitted in Table 10.

5.8.2 Specific to zones T4, T5

- a. Density on a lot shall be determined by the sum of the actual parking calculated as that provided (1) within the lot (2) along the parking lane corresponding to the lot frontage, and (3) by purchase or lease from a civic parking reserve within the Neighborhood District, if available.

- b. The actual parking may be adjusted upward according to the shared parking factor of Table 11 to determine the effective parking. The shared parking factor is available for any two uses within any pair of adjacent blocks.
- c. Based on the effective parking available, the density of the projected use may be determined according to Table 10.
- d. Within a Transit-Oriented Development (TOD) the effective parking may be further adjusted upward by 30%.
- e. The total density within each Transect Zone shall not exceed that specified by an approved Neighborhood Plan based on Article 3 or Article 4.
- f. Accessory units do not count toward density calculations.
- g. Liner buildings [needs revised definition] along a parking structure and less than 30 feet deep and no more than two stories shall be exempt from parking requirements.

Section 5.9 PARKING LOCATION STANDARDS

5.9.1 General to zones T2, T3, T4, T5

- a. When designated on the Neighborhood Plan, Parking shall be accessed by rear alleys or rear lanes.
- b. Surface parking lots shall be masked from the frontage by a building or streetscreen.

5.9.2 Specific to zones T2, T3

- a. Surface parking lots shall be located at the second and third lot layers, however, driveways, drop-offs and unpaved parking areas may be located at the first lot layer. (Table **17d**)
- b. Garages shall be located at the third layer, however, side- or rear-entry garages may be allowed in the first or second layer by Special Permit.

5.9.3 Specific to zones T3, T4

- a. Driveways at frontages shall be no wider than 12 feet in the first layer. (Table **3B-f**)

5.9.4 Specific to zone T4

- a. All parking areas and garages shall be located at the second or third layer.

5.9.5 Specific to zones T5

- a. All parking lots, garages, and parking structures shall be located at the second or third layer. (Table **17d**)
- b. Vehicular entrances to parking lots, garages, and parking structures shall be no wider than 30 feet at the frontage. (Table **3B-f**)
- c. Pedestrian exits from all parking lots, garages, and parking structures shall be directly to a frontage line (i.e., not directly into a building) except underground levels that may be exited by pedestrians directly into a building.
- d. A minimum of one bicycle rack place shall be provided within the public or private frontage for every ten vehicular parking spaces.

Section 5.10 LANDSCAPE STANDARDS

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5.10.1 General to zones T2, T3, T4, T5

- a. Impermeable surface shall be confined to the ratio of lot coverage specified in Table 14f.

5.10.2 Specific to zones T2, T3, T4

- a. The first layer may not be paved, except for driveways as specified in Section 5.10.2 and Section 5.10.3. (Table 17d)

5. 10.3 Specific to zone T3

- a. A minimum of two trees shall be planted within the first layer for each 30 feet of frontage line or portion thereof. (Table 17d)
- b. Trees may be of single or multiple species as shown on Table 6.
- c. Trees shall be naturalistically clustered.

5. 10.4 Specific to zone T4

- a. A minimum of one tree shall be planted within the first layer for each 30 feet of frontage line or portion thereof. (Table 17d)
- b. Trees shall be a single species to match the species of street trees on the public frontage, or as shown on Table 6.

5. 10.5 Specific to zones T5

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

Section 5.11 SIGNAGE STANDARDS

5.11.1 General to zones T2, T3, T4, T5

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

5. 11.2 Specific to zones T2, T3

- a. Signage shall not be illuminated.

5. 11.3 Specific to zones T4, T5

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

5. 11.4 Specific to zones T2, T3, T4

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

5. 11.5 Specific to zones T5

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

ARTICLE VI STANDARDS & TABLES FOR ALL DISTRICTS

- 6 Purpose
- 6.1 Vehicular Lane Dimensions
- 6.2 Vehicular Land & Parking Assemblies
- 6.3 Thoroughfare Assemblies – Dixwell Avenue
- 6.4 Thoroughfare Assemblies – Whitney Avenue

ARTICLE VII OVERLAY DISTRICTS

Section 7 Purpose

The purpose of an overlay zone is to impose additional requirements on a an area beyond those of the underlying zone.

Section 7.1 Aquifer Protection Zone (APZ) (See Separate Regulations)

Section 7.2 Coastal Area Management (CAM) (850)

7.2.1 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.

7.2.2 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.

7.2.3 Permitted Uses

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

7.2.4 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.

7.2.5 Exceptions

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

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 10% of the first floor area or

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one-thousand square feet whichever is less, and which does not require more than a 10% addition to the number of off-street parking spaces in order to comply with the parking requirements.

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.

Construction of an individual, conforming, single-family residential structure except in or within one hundred feet of tidal wetlands.

Activities conducted for the specific purpose of conserving or preserving soil, vegetation, water, fish, shellfish, wildlife and other Coastal land and water resources.

Gardening, grazing and the harvesting of crops.

7.2.6 Application

An application for approval of a Coastal Site Plan shall be filed with the Commission and shall comply with all provisions of the applicable district, with Section 10.5, with all other pertinent requirements of these zoning regulations, and with all provisions of Sections 11 and 12 of the Coastal Management Act.

7.2.7 Impact Analysis

The Commission or its designated agent may, in appropriate situations, require the applicant to provide an impact analysis to demonstrate that any potential adverse impacts 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.

7.2.8 Public Hearing

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

7.2.9 Commission Action and Referral

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.

Section 7.3 Flood Plain Zones and Special Flood Hazard Areas

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

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Appeals shall refer review of the Coastal Site Plan to the appropriate section of the Planning and Zoning Commission so as to assure compliance with Section 10.5 of these regulations and with Section 22a-92 of the Connecticut General Statutes.7.3 Flood Plain / Special Flood Hazard Areas Regulations (630)

7.3.1 Applicability

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

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

7.3.2 Permitted Uses

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

7.3.3 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:

7.3.3.1 General Standards

All new construction and/or substantial improvements shall be constructed:

- a. With materials resistant to flood damage, and
- b. Using methods and practices that minimize flood damage.
- c. 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.

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;

In any portion of a watercourse which is altered or re-located the flood carrying capacity shall be maintained;

Accessory structures shall be subject to all general and specific standards contained in Section 7.2.4.

All storage of petroleum liquids or hazardous materials are to be aboveground and above base flood elevation. Storage tanks should be situated on a curbed impervious surface capable of containing at least 110% of the volume of the tank(s). A roof should be provided to prevent precipitation accumulation.

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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.

7.3.3.2 Specific Standards:

- a. Residential Construction** - New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated at least two feet above the base flood elevation.
- b. Manufactured Homes** - Manufactured homes shall be placed on a permanent foundation, at least two feet of elevation above base flood level, which itself is securely anchored and to which the structure is securely anchored so that it will resist flotation, lateral movement, and hydrostatic and hydrodynamic pressures. Anchoring may include, but not be limited to, the use of over-the-top or frame ties.
- c. Recreation Vehicles** - Recreation vehicles placed on sites within Zone A and Zone AI-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 AI-30, AE and AH shall have the lowest floor, including basement, elevated at least two feet above the level of the base flood elevation.

7.3.3.3 Utilities

All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from the system into floodwaters.

On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them.

7.3.3.4 Floodways

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

Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris and potential projectiles and have erosion potential, no encroachments, including fill, new construction, substantial improvements and other developments shall be permitted unless certification (with supporting technical data) by a registered professional engineer is provided demonstrating that encroachments shall

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result in no increase in flood levels during occurrence of the base flood discharge. Fences located in the floodway must be aligned with the flow and be of an open design.

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

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

Base flood elevation data shall be provided by the applicant with any application for activity in an A Zone after which the Town Planner shall review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source including data developed pursuant to Section 7.2.4 as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the Town of Hamden's Flood Insurance Rate Map meet the specific standards of these Regulations.

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

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

7.3.3.6 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.

7.3.4 Flood Plain Development Permit

A Development Permit shall be required in conformance with the provisions of Section 7.2, after Commission approval and prior to issuance of Zoning Permit. When no Commission approval is required, a Development Permit may be issued prior to the issuance of the Zoning Permit. The authority for a Development Permit is the Town Planner.

7.3.5 Application

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

Elevation in relation to mean sea level of the proposed lowest floor (including basement) of all structures;

The elevation and area flooded from the runoff of a 100-year design storm utilizing the "Rational" method or other method approved by the Town Engineer and assuming residential development upstream.

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Description of the extent to which any watercourse will be altered or relocated as a result of proposed development;

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 F.E.M.A., the D.E.P., adjacent communities and the Regional Planning Agency must be notified of any alteration.

A statement as to whether or not the proposed alterations to an existing structure meet the criteria of the substantial improvement definition;

A statement as to whether there will be dry vehicular access to residential structures during the 100-year storm event;

Certification by a professional engineer that the standards of Section 7.2.4 are met; and

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.

7.3.6 Application Stages

In the administration of Section 7.2, the Town Planner shall:

Review all permit applications to determine whether proposed building sites will be reasonably safe from flooding.

Review all development permits to assure that requirements of Section 7.2 have been satisfied.

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.

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.

Maintain all records pertaining to the provisions of Section 7.2.

7.3.7 Construction Stage

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

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

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7.3.8 Disclaimer of Liability

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

Section 7.4 Open Space Development (620)

7.4.1 Purpose

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

Maximum reasonable conservation of land and creation of useable open space and recreation areas;

Variety in type and cost of residential development, thus increasing the choice of housing types available to town residents;

Preservation of trees and outstanding natural features and prevention of soil erosion; and

A shorter network of streets and utilities and more efficient use of energy than would be possible through strict application of standard zoning.

7.4.2 Applicability

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

A minimum of 10 acres shall be required to enable a site to qualify for an OSD.

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.

The amount of common area and/or open space to be created shall be a minimum of 30% of the total development site. Said common areas and/or open space shall have a suitable number of pedestrian accessways and shall have shape, dimensions, character and location to accomplish the purpose and intent of this section.

The Commission shall make a finding that the application of standard zoning to the subject site will not be consistent with the objectives set forth in this section. Specifically, the Commission shall find that the overall layout of the subdivision as permitted under this section allows for superior utilization of passive and/or active open space areas, superior protection of natural resource areas, and more functional house sites than possible under a standard subdivision layout.

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7.4.3 Determination of Density and Zoning Modifications

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

A conventional subdivision plan conforming to all applicable requirements of the Zoning Regulations and Subdivision Regulations. The Commission shall use said conventional plan as a basis for determining the maximum number of dwelling units to be permitted in the OSD. In no case shall the total number of dwelling units to be approved exceed the number permitted by the existing zoning of the site.

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 District no reduction of lot sizes or standards will be permitted.

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.

A statement specifically setting forth the nature of the requested modifications, changes or supplementations of existing zoning provisions, the location of the open space, building lots, streets, site easements and recreational facilities, and any other additional information and requirements as determined necessary by the Commission.

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

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

7.4.4 Common Areas and Open Space

The Commission shall establish such conditions on the ownership, use, and maintenance of common areas, including open space, as it deems necessary to assure the preservation of such areas for their intended purpose. 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.

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

A homeowners' association approved as to form by the Town Attorney and by the Commission as to substance; or

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Any other arrangement so approved by the Town Attorney as to form and the Commission as to substance as satisfying the intent of this section.

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

The homeowners' association shall be incorporated as a not-for-profit corporation under the laws of the State of Connecticut.

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

Permit the development owner to convey title to the common areas to the homeowners at an approved time.

Prior to recording an approved OSD in the office of the Town Clerk, the owner shall file with the Commission a performance bond to insure the proper installation of all improvements shown on the subdivision plan or site plan and a maintenance of all common areas and open space until the homeowners' association or other acceptable organization is established. The 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.

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:

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.

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

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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.

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

ARTICLE VIII PERFORMANCE STANDARDS

Section 8 Purpose

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

The Zoning Enforcement Officer is authorized to make surveys and take measurements to determine compliance. No Application for a Certificate of 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.

Section 8.1 General Requirements

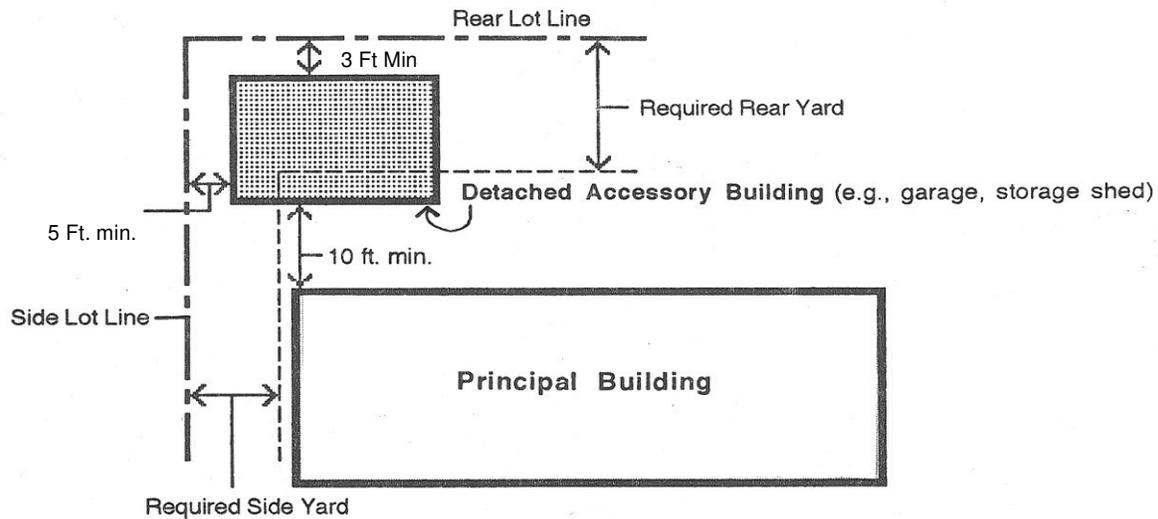
The following general regulations relating to lots, yards, visibility at intersections, height limits and dwellings are applicable to all zoning districts and are to be applied in addition to the specific requirements of the applicable zoning district.

Section 8.2 Accessory Buildings (314.4)

8.2.1 Detached accessory buildings:

- a. May not be more than 15 feet in height
- b. May not be used for human habitation or for the housing of animals or fowl.
- c. May be located in the rear yard not less than 5 feet from any side lot line or 3 feet from any rear lot line provided that said structure shall have a pitched roof with a minimum pitch of 4/12.
- d. No swimming pool, tennis court, or other recreational structure including related improved areas shall be permitted in any required side or front yard of any residential district.

Figure 8.1 Location of Accessory Structures



Section 8.3 Affordable Housing

(See Multi-Family Housing Article IX)

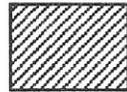
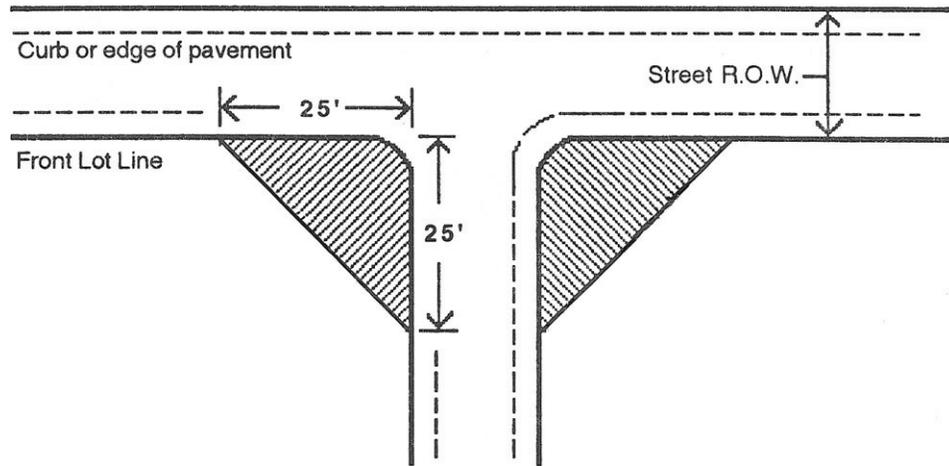
Section 8.4 Air Pollution

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.

Section 8.5 Corner Lots and Visibility (314.3)

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

Figure 8.2 Visibility at Street Intersections



Area to be kept clear of plantings, fences, walls or other barriers to vision between the elevations of 3' and 7' above the top of the curb.

Section 8.6 Coverage

8.6.1 Pervious versus Impervious Surfaces (See Table XXX)

Section 8.7 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.

Section 8.8 Density Calculations (See Table XXX)

Section 8.9 Dumpster & Solid Waste Disposal Location and Design

All dumpsters/trash compactors shall be appropriately screened and maintained and placed on concrete pads. Dumpsters shall not be located within yard setbacks.

Section 8.10 Fences and Walls (314.5)

Fences shall be erected so that the outer, decorative surface faces away from the property on which the fence is erected. Fences located within the required front yard shall not exceed 4'-0". Fences within required side and rear yards shall not exceed 6'-0". No fence shall be erected or maintained that unreasonably or dangerously interferes with the visibility to or from a driveway.

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Section 8.11 Frontage Requirements (See Table XXX)

Section 8.12 Front Yards / Build-To Lines (314.1)

It is the purpose of this section to create a uniform location for new buildings in developed areas by requiring a build-to line. **[DEFINE “developed” as a parcel that has a building on the site – does not need to have the maximum frontage built out to count at a parcel that is 100% developed]**

This section shall apply to developed Special Districts and Residential areas except in the R1 and R2 zones where a minimum of 50% of the block frontage (excluding corner lots) has been developed.

Each lot shall be required to locate the proposed primary structure at the average setback line along a developed block frontage. 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. **[ADD: Diagram]**

Section 8.13 Grading and Drainage

8.13.1 Grading Standards (318)

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 10%. Paved driveway grades may not exceed 12%. Driveways require a blend, or vertical transition curve, not to exceed 6%. Lots recorded on the land records prior to the adoption of this section of the Zoning Regulations may exceed the above percentages with the approval of the Town Engineer.

No more than ____% of lot area, excluding steep slopes and wetlands may be regarded.

8.13.2 Retaining Walls

No retaining wall may exceed 6’-0” in height. A minimum of 5’-0” must be left between the closest faces of terraced retaining walls **[ADD: Diagram showing terraced retaining walls]**

8.13.3 Zero net increase in peak run-off

8.13.4 Control of run-off onto adjacent properties

Section 8.14 Height Limitations (315)

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

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

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

Section 8.15 Hours of Outdoor Construction

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

Section 8.16 Infrastructure

8.16.1 Utilities

8.16.1.1 General Requirements

- A. No development plan shall be approved unless:
 - 1. Adequate public utilities, public sanitary sewers or Health Department approved on-site septic systems, and storm drainage are provided by the developer(s).
 - 2. Clear evidence has been furnished of safe and satisfactory means of supplying potable water, on-site septic and fire protection.

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3. The proposed utilities, sewers, drainage, and potable water supply have been shown to be adequate to accommodate reasonably anticipated future development.

The developer(s) shall provide fire hydrants at appropriate locations when public water is available. All Town specifications for furnishing and installing water systems and hydrants must be met.

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

8.16.1.2 Individual Services

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

8.16.1.3 Storm Drainage

Design of the storm water management system shall:

1. Be in accordance with the 2004 Connecticut Stormwater Quality Manual;
2. Be consistent with good engineering practices (sealed by a licensed professional civil engineer); and based on environmentally sound site planning and engineering techniques.
3. Utilize zero net increase of peak stormwater discharge to the Town's storm drainage system for 2, 10, 25 and 100-year storms, unless it can be demonstrated that there will be no deleterious downstream effects from an increase in stormwater discharge flow. The impacts of increase in post-development stormwater runoff volume must also be determined and mitigated. Potential impacts to receiving water bodies and adjacent parcels must be assessed and mitigated.

- E. Utilize the best available technology to treat stormwater quality prior to off-site discharge. Stormwater shall be treated as recommended in the 2004 Connecticut Stormwater Quality Manual (or later version).
- F. Include rights to drain onto adjoining property may be required.
- G. Provide for attractively designed and landscaped stormwater detention basins when visible from a street

8.16.1.4 Water Supply

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

8.17.1 Above Grade Utility Boxes

Section 8.18 Land in Two Municipalities

Section 8.19 Landscaping, Screening and Buffer Areas (760)

8.19.1 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.

8.19.2 General Requirements

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

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

The property owner shall maintain a screening fence or wall required by these regulations in good condition throughout the period of the use of the lot.

All landscaping materials, trees and plants adjacent to parking areas, loading areas or driveways shall be properly protected from damage by vehicles by barriers, curbs or other means.

To the extent possible, existing trees, vegetation and unique site features such as stonewalls shall be retained and protected. Existing healthy, mature trees, if properly located, shall be fully credited against the requirements of these regulations.

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ALL CROSS-REFERENCES ARE SUBJECT TO CONFIRMATION AND CHANGE

Where it is not feasible to comply with the requirements for a front landscaped area or landscaped parking area due to lot size and shape or existing structures, the Commission may approve the substitution of planters, plant boxes or pots containing trees, shrubs, and/or flowers to comply with the intent of these regulations.

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.

8.19.3 Front Landscaped Area

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

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.

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.*

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.

8.19.4 Buffer Area

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

The buffer area shall be located within the boundaries of the subject property within the Manufacturing or T4 or T5 Zone; however, the buffer area may be located on abutting property in a residential district provided:

The owners of all abutting residential properties agree in writing.

Said agreement is recorded on the land records and runs with the land.

The Commission approves said agreement with such stipulations regarding maintenance and upkeep, as it deems necessary.

The minimum width of buffer areas shall be as follows:

| | |
|--|---------|
| Special Permit Users in any Residential District | 10 feet |
| T4, T5, Town Green District | 10 feet |
| Manufacturing, State Street Corridor, Transfer Station | 50 feet |

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

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

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

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

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

Section 8.20 Lot Area Adjustments (310.1)

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

| | | | |
|----------|----------------------------------|---|-----------------------|
| Example: | Total Land Area | | 80,000 sq. ft. |
| | Minus Wetlands | - | 10,000 sq. ft. |
| | Minus Slopes exceeding 20% grade | - | <u>10,000 sq. ft.</u> |
| | Area of lot for minimum lot size | = | 60,000 sq. ft. |

Section 8.21 Lot Requirements, Shopping Center (310)

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.

Section 8.22 Lot Splits and Lot Line Revisions

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

Section 8.23 Natural Resource Removal, Re-grading & Filling, Accessory Use

8.23.1 General Requirements

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 8.2**.
- 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 8.2**.
- c. Commercial excavation / gravel mining operations are prohibited.

Applicants under **8.2.1.A.2** must meet all of the following qualifying standards:

- a. Site is one acre or more in size;
- b. Site is located on and has access to a major thoroughfare as designated on the Town Road classification map;
- c. Structures to be crushed are at least 5,000 square feet in dimension; and
- d. Crushing activity is limited to no more than four months.

8.23.2 Exceptions

- a. Excavation, removal, re-grading or filling in conjunction with an approved Site Plan provided that no more than 2,000 cubic yard of material are deposited or removed.
- b. Excavation, removal, re-grading or filling in conjunction with an approved Subdivision grading plan provided that no more than 10,000 cubic yards of material are deposited or removed.
- c. Excavation, removal, re-grading 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.

- d. Incidental excavation, removal, re-grading or filling in connection with maintenance or landscaping, provided that no more than 50 cubic yards of material is deposited or removed per calendar year.
- e. Agricultural excavation, re-grading or filling operations provided that no more than 250 cubic yards of material are deposited or removed.
- f. Excavation, removal, re-grading 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.

8.23.3 Application

A Site Plan shall be submitted complying with the requirements of **Section 10.5** and containing the following additional information:

- a. Existing contours in the area to be excavated, re-graded or filled and proposed contours after completion of excavation, re-grading or filling. Contours shall be prepared from an actual field survey, based on benchmarks noted and described on the map;
- b. Proposed vehicular access to a street;
- c. An estimate of the number of cubic yards of material to be filled, excavated, graded, or removed and an estimate of the time necessary to complete the operation;
- d. An estimate of the number and types 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;
- e. Hours of operation and number of calendar days anticipated to complete filling, excavating, grading, re-grading or removal; and
- f. Details of proposed blasting and storing of explosives.

8.23.4 Other Requirements

To reasonably review an application, the Commission may require the submission of additional information regarding soil conditions, locations and depth of rockledge, ground water conditions and other such information. The Commission may request such information for both pre- and post-development conditions.

8.23.5 Standards

The Commission may grant a Special Permit for a limited period, not exceeding two years, if it finds that such excavation, re-grading, removal or filling will not result in the creation of any sharp declivities, pits, or depressions, or create any drainage or sewage problems or other conditions which would impair the use of the property in accordance with the Zoning Regulations and that such excavation, re-grading, removal or filling will be in harmony with the general purpose and intent of the Zoning Regulations. A Special Permit shall be granted only with 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 application in accordance with **Paragraph 8.2.1.A.2**.
- b. No building shall be erected on the premises except as temporary shelter for machinery and/or for a field office. Any building erected for such purpose shall be removed on or before the date 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 resulting slopes or banks shall 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 fill to a minimum depth of four inches in accordance with the approved contour plan. No excavated rock will be stockpiled on the premises, except that to be used on-site for erosion control or landscape purpose.
- g. When the excavation, re-grading, removal or filling operations have been completed, the excavated, re-graded, or filled area and other vegetated areas destroyed by the excavation, re-grading, or filling process shall be seeded with a perennial rye grass or similar planting.
- 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 site shall be arranged as to minimize danger to traffic, and nuisance to surrounding properties. Access to the premises shall be **provided** with a dustless surface.
- j. The completed excavation, re-grading 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, re-graded or filled in conformity with the plan as approved.
 - l. All materials used as fill shall be noncombustible. Broken blocks, bricks, concrete, rocks and similar debris is allowable as fill when mixed with enough gravel or filler to create fill that is void of air pockets.

8.23.6 Procedures

The Commission may refer any application to the Quinnipiac Valley District, the Department of Environmental Protection or any other department or agency the Commission deems appropriate and may request any such department or agency to submit a report to the Commission on matters that are of concern to it in connection with its own responsibility.

The Commission shall hold a public hearing on the application in compliance with requirements of the Connecticut General Statutes and these Regulations regarding Special Permits.

The Commission may, after the public hearing, grant a Special Permit for a period not to exceed two years. The Commission may renew a Special Permit at the time of expiration if the owner of the property or his authorized agent files with the Commission a report by a civil engineer or surveyor licensed to practice in the State of Connecticut certifying that the excavation, re-grading or filling already completed conforms to the approved plans. A renewal may be granted by the Commission in accordance with the procedures and standards of these Regulations, based upon updated maps and data.

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, re-grading, 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, re-grading 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.

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, re-grading, removal or filling operation shall begin until the Commission receives such bond.

8.23.7 Hours of Operation

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

Section 8.24 Noise (See Ordinance 100.02 enforced by the Hamden Police Department)

Section 8.25 Non-Conforming Conditions

8.25.1 Nonconforming Signs (330)

Refer to **Section 8.6** for standards and procedures relating to signs.

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.

No nonconforming sign shall be enlarged or relocated except in greater conformity with these Regulations.

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8.25.2 Nonconforming Uses, Buildings, Structures and Lot (320)

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

8.25.3 Ownership (321)

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

8.25.4 Zoning Permit (322)

No nonconforming 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 nonconforming 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.

8.25.5 Discontinuance (323)

No nonconforming use that has been discontinued shall thereafter be resumed. The term discontinued as used herein, shall mean the voluntary discontinuance of a use, when accompanied by intent not to re-establish such use.

8.25.6 Commencement of Construction (324)

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.

8.25.7 Reconstruction (325)

Nothing in these Regulations shall prevent the reconstruction of a nonconforming 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.

8.25.8 Enlargement (326)

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No nonconforming use of land shall be enlarged, extended or altered, and no building or other structure or part thereof devoted to a nonconforming 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.

8.25.9 Repair (327)

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.

8.25.10 Movement (328)

No nonconforming use of land shall be moved to another part of a 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 make the nonconforming use conforming.

8.25.11 Change in Use (329)

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

- a. The proposed use will not have an increased impact upon the surrounding area, and
- b. The number of required parking and loading spaces will not increase.
- c. Once changed to a conforming use, no use shall be changed again to any nonconforming use.

8.25.12 Non-conforming Lots (331)

These Regulations shall not prohibit the construction of an otherwise permitted structure on, or an otherwise permitted use of, any lot, the area or width of which does not meet the minimum area or does not meet the minimum width requirements of the 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. 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
- c. The owner of the lot presents satisfactory evidence of compliance with this section.

Section 8.26 Outdoor Lighting

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ALL CROSS-REFERENCES ARE SUBJECT TO CONFIRMATION AND CHANGE

8.26.1 Purpose

These regulations are intended to provide specific standards regarding lighting, in order to maximize the effectiveness of site lighting to enhance public safety and welfare, avoiding unnecessary upward illumination and illumination of adjacent properties, as well as reducing glare.

8.26.2 Illumination Standards

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

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

8.26.3 Fixture Standards

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

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

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

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

8.26.4 Glare & Heat

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

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8.26.5 Prohibited Lighting

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

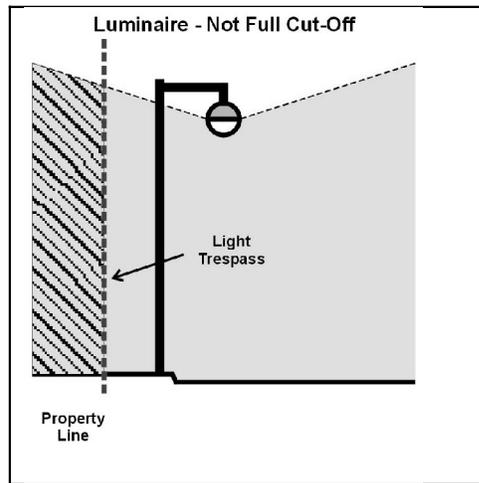
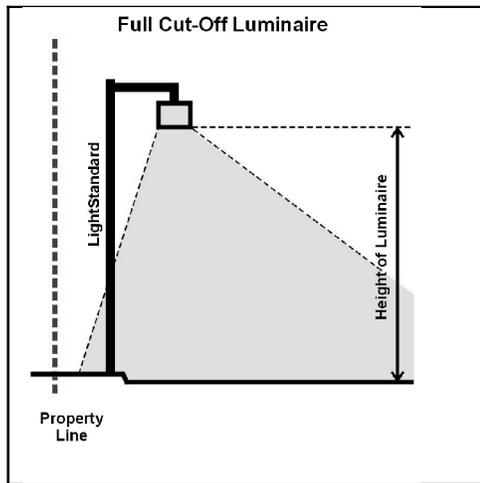
8.26.6 Hours of Operation

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

8.26.7 Footcandle Standards

| | Exterior Footcandles (max.) |
|--------------------------------------|-----------------------------------|
| One-family dwelling | 0.2 |
| Two-family dwelling | 0.2 |
| Three-family dwelling | 0.2 |
| Truck garden | 0 |
| Customary accessory buildings & uses | 0.2 |
| Accessory apartments | 0.2 |
| Commercial farm | 0.2 |
| Family day care home | 0.2 |
| Home occupation | 0.2 |
| The keeping of animals | 0.1 |
| Personal Wireless Service Facilities | 0.1 |
| Roomers & boarders | 0.2 |
| Vehicle storage | 20 |
| Wind energy conversion systems | 0.1 |
| Student housing | 0.2 |
| Adaptive re-use to multi-family | 2.4 - 0.6 |
| Cemeteries | 0.1 |
| Places of Worship | 0.8 - 0.2 |
| Civic Club, Lodge or Association | 0.8 - 0.2 |

| | |
|--|-----------|
| Group home, community residence | 2.4 - 0.6 |
| Hospitals, nursing homes and cardiovascular prevention and rehab. Facilities | 5 |
| Kennels & stables | 0.2 |
| Libraries & museums | 0.8 - 0.2 |
| Managed residential community | 2.4 - 0.6 |
| Non-profit schools & colleges | 2.4 - 0.6 |
| Nursery school or day care center | 0.2 |
| Office building, limited | 2.4 - 0.6 |
| Open space development | 0.2 |
| Public uses and or public utilities | 0.2 |
| Towers supporting personal wireless service facilities | 0.1 |
| Veterinary hospitals | 0.2 |
| Restricted Commercial Development | 2.4 - 0.6 |
| Multi-family dwelling | 2.4 - 0.6 |
| Multiple Unit Student Housing Buildings | 2.4 - 0.6 |



INSERT TABLE 5 from SmartCODE – Public Lighting

Section 8.27 Parking & Loading Requirements

8.27.1 Off-Street Parking and Loading Regulations (740)

8.27.2 Applicability

Off-street parking and loading facilities shall be provided and used to serve all buildings erected, moved, altered, or enlarged and all premises otherwise developed. Such facilities shall be provided, in accordance with the standards 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.

8.27.3 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.
- b. 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.
- c. Parking spaces within or below a structure or otherwise covered, shall not be counted when computing required landscaped areas or number of trees pursuant to this section.
- d. A landscaped area shall be provided along the perimeter of any parking area except that portion of the parking area that is functionally integrated with an adjoining parking area on an abutting lot. The landscaped area shall have a minimum dimension of 5 feet, shall be planted with grass or shrubs and shall include at least one tree of not less than 2-inch caliper for every 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.
- e. 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. **(See Table XXX in Section 8.34 for appropriate street trees)**

8.27.4 Location of Parking and Loading Facilities

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:

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- 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.

8.27.5 Required Parking and Loading Spaces

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

| Table 8.3.3 Required Parking Spaces | |
|---|--|
| Use of Building or Property | Required Parking Spaces |
| Automobile or Truck Sales or Rental | 1 space for each 5 cars offered for sale. |
| Place of Worship, Theaters, Public Assembly Halls | 1 space for every 3 legal occupants |
| Convalescent Homes, Rest Homes, Nursing Homes | 1 space for each 2 employees, plus 1 space for each 4 beds. |
| Day Care Center/Nursery School | 1 space per every two employees and 1 space per eight licensed client capacity. Sufficient drop off and pick up stacking space must be provided. |
| Dwelling Unit | 2 spaces per unit |
| | |
| Funeral Homes | 1 space for each 3 legal occupants as defined by the Fire Marshall plus 3 spaces for special vehicles. |
| Gas Station/Convenience Store Combinations without Service Bays | 6 spaces per 1,000 square feet of convenience store square footage with a minimum of six spaces. |
| Gas Stations without Service Bays | 2 spaces per each shift employee. |
| Gas Stations, Service Stations and Repair Garages | 4 spaces for each service or repair bay. |
| Group Homes, <u>Community Residences</u> | 2 spaces plus 1 space for each two residents. |
| Home Occupations | 1 space in addition to the requirements for the dwelling unit |
| Hospitals and Cardiovascular Prevention and Rehabilitation Facilities | 1 space for each 2 employees and staff members, plus 1 space for each 4 beds. |
| Managed Residential Community | 1 space for each 2 employees, plus 1 space for every 2 two-bedroom units and 1 space for every 3 single or efficiency unit. |

| Table 8.3.3 Required Parking Spaces | |
|--|---|
| Use of Building or Property | Required Parking Spaces |
| Manufacturing and Industrial | 1 space for each 2 employees during the largest daily work shift or 1 space for each 500 space square feet of gross floor area, whichever is greater. Office area computed separately. |
| Medical Office in Residence | 4 spaces in addition to the requirements for the dwelling unit |
| Medical Offices and Clinics | 5 spaces per 1,000 square feet of gross area |
| Places of Lodging | 1 space for each room offered for rent. The regulation applies to the ratio of parking spaces required for the number of hotel/motel bedrooms. Additional parking spaces may be required under the zoning regulations for other uses associated with hotels and motels. |
| Multi-Family Dwelling, efficiency or 1-bedroom | 1.5 spaces per dwelling unit plus guest parking @ 1 space per 4 units |
| Multi-Family Dwelling, 2-bedroom | 2 spaces per dwelling unit plus guest parking @ 1 space per 4 units. |
| Multi-Family Dwelling, elderly | 1 space per dwelling unit plus guest parking @ 1 space per 4 units |
| Nightclubs [NOT ALLOWED IN R-1 – R-5] | 1 space for every 3 legal occupants |
| Office Building (except medical) | 3 spaces per 1,000 square feet of gross leasable area |
| Office in Residence | 2 spaces in addition to the requirements for the dwelling unit |
| On-Campus Athletic Arenas | <p>Indoor Athletic Arenas, with a seating capacity of 3,000 to 7,000 owned and operated by a College or University and located on a campus of said institution, shall provide 1 off-street parking space for every 5 seats.</p> <p>The Commission may, at its discretion, allow for up to one-third of the parking spaces required under this regulation to be unpaved, environmentally sensitive parking spaces. Said spaces shall be designed and constructed to specifications acceptable to the Commission.</p> |
| Other Uses | <p>As determined by Commission.</p> <p>Where 2 or more uses are on the same premises, the minimum number of parking spaces shall be the total of the minimum number of parking spaces for each use as required in these specifications. This requirement may be modified by the Commission where it is demonstrated that parking demand for the various uses occur at differing times of the day.</p> |
| Places of Amusement and Recreation | 1 space for each 3 legal occupants facilities. |
| Restaurants | 16 spaces per 1,000 square feet of patron floor area |
| Rooming and Boarding Houses | 1 ½ spaces for each room offered for rent |
| Scientific Research and Laboratory Facilities | 1 space per 500 square feet leasable area of building. |
| Shopping Centers, Financial Institutions, Retail Stores, Personal Service Shops and similar business buildings | 4 spaces per 1,000 square feet of gross leasable area |
| Student Housing | 1 space per student |

| Table 8.3.3 Required Parking Spaces | |
|--|--|
| Use of Building or Property | Required Parking Spaces |
| Take-Out Restaurants | 4 spaces per 1,000 square feet of gross leasable area |
| Truck Terminals, Wholesale Establishments and Warehouses | 1 space for each 200 square feet of office area within the building plus 3 spaces for each loading bay or 15 running feet of loading platform. |
| Vocational, Trade, Business Schools and Colleges | 1 space for each 2 employees, plus 1 space for each 2 non-resident students, plus 1 space for each 4 resident students. |

8.27.6 Required Truck Loading Spaces

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

8.27.7 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.

8.27.7.1 General Design

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.

No parking lot shall be designed or constructed that requires vehicles to back onto a street.

Buildings shall be arranged on the lot so as to permit vehicular access to the rear of the lot.

Parking lots shall be designed to minimize large, open expanses of paving.

8.27.7.2 Drive-Thru Window Service and Queue Space Requirements

8.27.7.2.1 General

- A. Drive-thru window services shall be designed and located to minimize conflict between pedestrian traffic and vehicular traffic.
- B. Standards: Drive-thru window services shall comply with the following standards:
 - 1. Drive-thru windows shall be located in the rear of the building. The Commission may waive this requirement when the configuration of the lot or building warrants a different location, or in instances where abutting residential property would be better buffered.
 - 2. All drive-thru lanes shall be 9 feet wide.

3. All drive-thru lanes shall be designed to allow vehicle queuing on site and shall be physically separated from entrances and exits so as not to obstruct vehicular access/egress.
4. If the site allows, the Commission may require that a landscaped area be placed between the drive-thru lane(s) and the general access lane(s) and parking area.
5. The drive-thru shall be clearly defined by pavement markings and directional signage.

8.27.7.2.2 Queue Space Standards

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

Table 9.13 - Required Queue Spaces

| Use | Required Queue Spaces |
|---|--|
| Automatic Teller Machine (ATM), Drive-up type | 2 per machine |
| Bank Drive-up Window | 8 for each window in a separate lane for each window |

[Need Pharmacy, Food Service and “Other” Drive-through services.]

8.27.7.3 Surfacing and Drainage

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

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

8.27.7.4 Curb Cuts, Ingress and Egress

The Police Department and the Traffic Engineer shall review ingress and egress locations.

The Town Engineering Department or the State Traffic Commission shall review curb cut widths and curb cut radii, where appropriate.

No curb cut radii shall be designed or constructed so as to force a vehicle to cross a traffic lane or to climb a curb.

Where feasible, new curb cuts shall be aligned with existing curb cuts on the opposite side of the street.

8.27.7.5 Parking Aisles

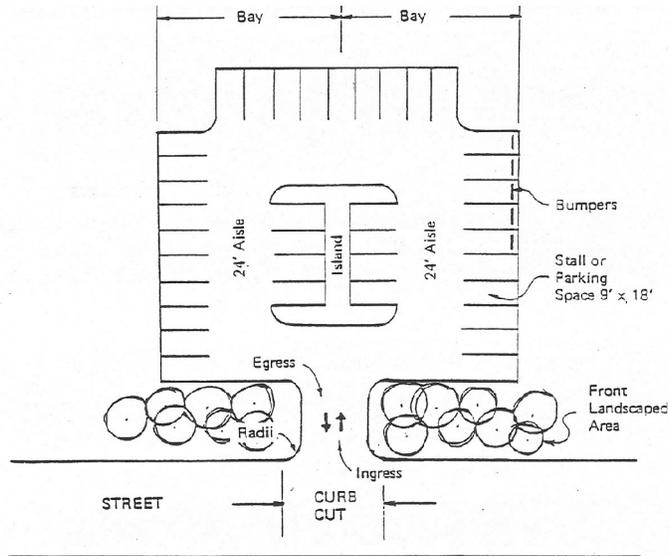
REPLACE with Table 3b from SmartCode

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

| Table 8.3.5 Parking Aisle Width | | |
|---------------------------------|---------------------|---------------------|
| Design Arrangement | One-Way Aisle Width | Two-Way Aisle Width |
| 90° parking | 24 feet | 24 feet |
| 60° parking | 18 feet | 24 feet |
| 45° parking | 13 feet | 24 feet |
| 30° parking | 11 feet | 24 feet |
| Parallel parking | 24 feet | 24 feet |

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

Figure 8.3.5 Typical Arrangement for 90° Parking



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

Spaces
 spaces shall by 22 feet
 spaces shall by 18 feet

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

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

8.27.7.7 Small Car Spaces

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

8.27.7.8 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.

8.27.7.9 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.

8.27.7.10 Attended Parking for Events

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

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

8.27.7.11 On-street Parking Contribution

8.27.7.12 Shared Parking

8.27.7.13 Parking Structure Design Guidelines

Section 8.28 Preservation of Special Features

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

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

1. Avoiding cuts or fills that result in potential soil erosion and excessive tree removal or that disturbs water resources;
2. Avoiding relocation of or encroachment upon natural wetlands, watercourses and their buffer areas;
3. Avoiding removal of mature trees, desirable woods and other vegetation, particularly those existing plant materials that serve as wind barriers in the winter or offer passive cooling of buildings in the summer;
4. Minimizing driveway and road width and curbing to reduce necessary clearing and retain the natural landscape.

These special features shall be identified on the topographic maps submitted in accordance with Article X of these Regulations.

8.28.1 Alternative Preservation Plans

Should the applicant propose to remove, alter, or in any way change these features, documentation shall be submitted, acceptable to the Commission that demonstrates that plans to preserve special features are not reasonable.

Section 8.29 Rear Lots (311)

No building or structure shall be built on any lot unless the lot has a frontage of at least 25 feet on a public street or in an approved subdivision, unless otherwise authorized by the Town Engineer under Chapter 154 of the Code of Ordinances regarding building on unaccepted streets. The Commission may approve a shared access-way where there is an environmentally sensitive crossing. The maximum number of abutting access ways shall not exceed two.

Access to the rear lot shall be provided by an access way that shall:

- a. Not exceed a length of 400 feet,
- b. Not be less than 25 feet wide at any point,

- c. Not be included in the minimum required lot area, and
- d. Contain a driveway from the public street to the building or structure.
- e. Contain only one driveway and provide access for one lot only.

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

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

Section 8.30 Refuse and Pollution

No refuse or other waste materials shall be dumped on any lot except as provided in **Section 8.2** 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.

Section 8.31 Sediment and Erosion Control Regulations (660)

8.31.1 Purpose

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

8.31.2 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; and
- c. Agricultural activities.

8.31.3 Application

- A. 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 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 10.4.3 and 10.5 of these regulations, as part of a Natural Resources proposal as set forth in section 8.2, or as a separate plan under this section. Said plans shall be submitted in six copies and shall contain, but not be limited to:
 - a. A narrative describing the development; a schedule for grading and construction activities including start and completion dates, sequence of grading and construction activities, sequence for installation and/or application of soil erosion and sediment control measures, and the sequence for final stabilization of the project site.
 - b. The design criteria, construction details, installation and/or application procedures, and operations and maintenance program for proposed soil erosion and sediment control measures and storm water management facilities.
- B. A site plan complying with Section 10.5.3 and containing the following additional information:
 - a. The proposed area alterations including cleared, excavated, filled or graded areas;
 - b. The location of and design details for all proposed soil erosion and sediment control measures and storm water management facilities;
 - c. The sequence of grading and construction activities;
 - d. The sequence for installation and/or application of soil erosion and sediment control measures; and
 - e. The sequence for final stabilization of the development site.
- C. Any other information deemed necessary and appropriate by the applicant or requested by the Commission or its designated agent.

8.31.4 Standards

- A. 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.
 - e. [ADD: Language stating dealing with avoiding increase in stormwater run-off onto adjacent properties.]
- B. No increase in stormwater peak flows will be allowed unless downstream increases are compatible with an overall flood plain management system. The following items shall be considered in determining whether increased peak flows are compatible with an overall flood plain management system:
- a. Timing of peak flows from sub-watersheds
 - b. Increased duration of high flow rates
 - c. Stability of the downstream channels
 - d. Distance downstream that the peak discharges are increased
 - e. When storm water detention structures are required, they shall be designed so that the peak flow after development shall not exceed or shall be substantially less than the pre-construction peak
 - f. Run-off prior to development from the 2 year to the 100 year flood events.

8.31.5 Procedures

Soil Erosion and Sediment Control Plans that 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 10.4.3 and 10.5** 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 (and who might this be?)**.

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.

8.31.6 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; and
- c. Progress reports from the applicant assuring installation and maintenance of controls.

8.31.7 Inspections

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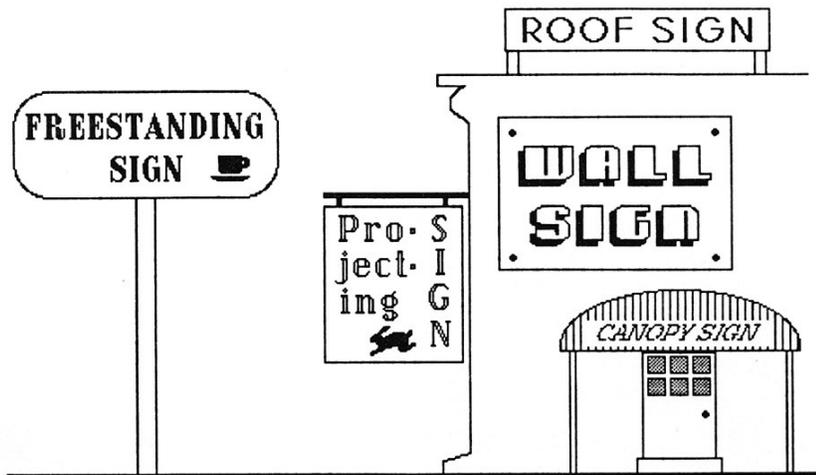
Inspections shall be made by the Commission and/or its **designated agent** during development to ensure compliance with the certified plan and that control measures and facilities are properly performed or installed and maintained.

Section 8.32 Sign Regulations (750)

8.32.1 Purpose

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

8.32.2 Examples of Signs



8.32.3

No sign, provided

8.6.4.E shall be constructed, erected, altered or otherwise changed unless approved by the Town Planner. Political signs and traffic control and direction signs are exempted from these provisions.

Procedures 8.32.3.1 Permits

except as in Section

8.32.4 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.

8.32.5 General Requirements (753)

8.32.6 Illumination

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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.

When a sign is illuminated from an external source, the light source shall be effectively shielded so as to prevent beams or rays of light from being directed onto adjoining properties or traveled roadways.

Self-illuminated signs shall be such that all direct light sources are completely covered.

The installation, alteration, repairing, maintenance and inspection of lighted signs shall conform to requirements of local codes and ordinances.

8.32.7 Maintenance

All signs, together with their supports, braces, guys and anchors shall be kept in good repair and in safe condition.

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.

8.32.8 Wall Sign Standards

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.

Theater marquee signs may extend the full length of the marquee, but shall not project beyond the end of the marquee.

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.

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.

No sign shall extend above the lowest point of the main roofline.

8.32.9 Blade Signs

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

8.32.10 Free-Standing Sign Standards

- a. Only one freestanding business sign shall be permitted on a lot except as provided in **Section 8.6.8**. A freestanding business sign shall be limited to identifying the names and addresses of the business or businesses occupying the lot, except as provided herein.
- b. A freestanding sign shall be located entirely within the property lines of the lot and shall be screened from the view of adjoining residential 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 3.2** of these regulations.

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- d. No freestanding sign shall exceed a height of 20 feet as measured from the ground to the top of the sign.
- e. The bottom edge of all free-standing signs shall be at least 10 feet above ground level, except as provided in **Section 8.6.5.6** or in such cases where it can be established that no obstruction to street or access-egress traffic visibility will result.
- f. The smallest dimension of a freestanding sign shall be no less than 4 feet.
- g. No freestanding sign shall exceed a total surface area of 32 square feet, except as provided in **Section 8.6.8**.

8.32.11 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.
- d. [ADD A-Frame signs with height and size limit and restriction that it can't obstruct sidewalk.]

8.32.12 Measurement of Area

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

8.32.13 Sign Prohibitions (754)

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;
- 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.

8.32.14 Signs Permitted in Residential Districts

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

8.32.15 Signs Permitted in Special Districts

In all Special Districts, signs are permitted as follows:

Those signs permitted in **Section 8.6.6** for the uses specified and subject to the same limitations.

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

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

8.32.16 Shopping Center Signs

This section shall apply only to the existing buildings in shopping centers that have received a Certificate of Zoning Compliance on or before DATE OF ADOPTION OF THESE REGS. Shopping centers built or substantially altered after _____ shall be subject to the sign regulations for the appropriate T-zone.

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

- a. Those signs permitted in **Sections 8.6.6 and 8.6.7** for the uses specified and subject to the same limitations.
- b. A freestanding sign for the purpose of identifying the shopping center complex, located at the main entrance and not to exceed 100 square feet in area or a height of 20 feet.
- c. If a shopping center has more than one main entrance, a second freestanding sign of 50 square feet shall be permitted.
- d. If a free-standing building separate from the shopping center complex exists on the site, such building or buildings shall be permitted one free-standing identification sign, each face of which shall not exceed a maximum of 24 square feet and a maximum of 15 feet in height.
- e. Each tenant or owner of a business within a shopping center is entitled to no more than two exterior store identification signs, except that one additional wall identification sign shall be permitted at a secondary business entrance facing a parking lot. Said identification sign shall not exceed two square feet in area and shall be exempt from the total allowable sign area.
- f. Department stores having a retail sales area of not less than 25,000 sq. ft. may have two identification signs on any two of the exterior walls in addition to those permitted in e above.
- g. Department stores having exterior entrances not facing the enclosed mall may have identification signs at each entrance to said department store.

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- 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.

8.32.17Billboard Prohibition

8.32.18Sponsor Signs/Banners at public ball fields

Section 8.33 Streetscape Requirements

8.33.1 Sidewalk Standards

8.33.2 Landscape Standards

8.33.3 Approved Street and Park Trees

| | |
|--|--------|
| Town of Hamden | Nov-03 |
| Trees for Street and Park Planting* | |
| *List compiled by Clean & Green Commission of Hamden | |

| <u>Location</u> | <u>Variety</u> | <u>Mature size</u> | <u>Preferred for:</u> | <u>Possible negatives</u> | <u>Best cultivars</u> |
|-----------------|--|--------------------|--|-------------------------------|--------------------------------------|
| street | Trident Maple (Acer buergerianum) | 25-35 ft | fall color, bark, drought tolerant, less wire interference | availability | |
| street | Hedge Maple (Acer campestre) | 25-35 ft | tolerant to stress, less wire interference | availability | Queen Elizabeth |
| street & park | Japanese Maple (Acer Palmatum) | 20-25 ft | Red foliage, fall color, less wire interference | | Bloodgood |
| street & park | Paperbark Maple (Acer griseum) | 20-30 ft | Bark, fall color, tolerance of soil conditions | availability | |
| street | Crimson King Norway Maple (Acer Platanoides) | 40 ft | Red foliage, slower growing | | |
| street | Sycamore Maple (Acer pseudoplatanus) | 60 ft | salt/soil tolerance | | October Glory, Red Sunset |
| street | Red maple (Acer rubrum) | 40-60 ft | fall color, columnar and spreading cultivars available | | Green Mountain, Monumentale-columnar |
| park | Sugar Maple (Acer saccharum) | 60-75 ft | fall color, columnar and spreading cultivars available | stress tolerance | A.laevis, A. x grandiflora |
| park | Downy Serviceberry (Amelanchier arborea) | 15-25 ft | white flowers in spring, edible fruit | fruit | |
| park | River birch (Betula nigra) | 40-50 ft | interesting bark, not susceptible to bronze birch borer | leaf spot, leaf drop | Heritage |
| street | American Hornbeam (Carpinus caroliniana) | 20-30 ft | fall color, less wire interference | | Forest Pansy, Oklahoma |
| street & park | Eastern Redbud (Cercis canadensis) | 20-30 ft | flowers, highly tolerant | leaf spot, seed pods | |
| street | Katsuratree (Cercidiphyllum japonicum) | 40-60 ft | fall color | trunk splitting (young trees) | |
| park | Fringetree (Chionanthus retusus) | 15-25 ft | flowers, highly tolerant | fruit (female plants) | |
| street & park | Dogwood (Cornus florida) | 25-30 ft | flowers (white/pink) in spring | dogwood borer, anthracnose | Cherokee Chief/Princess, Cloud Nine |
| street & park | Kousa Dogwood (Cornus Kousa) | 20-30 ft | flowers later, more disease/insect resistant | | C. kousa, Rutgers hybrids |

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ALL CROSS-REFERENCES ARE SUBJECT TO CONFIRMATION AND CHANGE

| | | | | | |
|---------------|---|-----------|--|----------------------------------|--|
| street | Turkish Filbert (<i>Corylus columna</i>) | 40-50 ft | pyramidal habit, drought tolerant | availability, nuts | |
| park | Dove tree (<i>Davidia involucrata</i>) | 20-30 ft | "dove-like" flowers | hardiness, availability | |
| park | European Beech (<i>Fagus sylvatica</i>) | 50-60 ft | good for large area planting, interesting bark | | purple, copper varieties |
| park | Franklinia | 10-20 ft | summer flowers, fall color | soil tolerance | |
| street | Green Ash (<i>Fraxinus pennsylvanica</i>) | 50-60 ft | tolerant to stress, fall color | borer and scale | Patmore, Summit |
| street | Ginkgo (<i>Ginkgo biloba</i>) | 50-80 ft | fall color | wet soil, plant only male trees | |
| street | Honey Locust (<i>Gleditsia triacanthus</i> var. <i>inermis</i>) | 30-70 ft | fall color, open habit | bean pod fruit | Shademaster |
| street & park | Flowering crabapple (<i>Malus</i>) | 15-25 ft | spring flowers of white, red, pink depending on type | disease-rusts, scab | various |
| park | Sourwood (<i>Oxydendrum arboreum</i>) | 25-30 ft | summer flowers, fall color | may be difficult to transplant | |
| park | Amur Corktree (<i>Phellodendron amurense</i>) | 30-45 ft | Bark, interesting structure | stress/soil tolerance, fruit | |
| street | London Planetree (<i>Platanus x acerifolia</i>) | 70-100 ft | highly tolerant, interesting bark | anthracnose disease susceptible | Bloodgood |
| street & park | Sargent Cherry (<i>Prunus sargentii</i>) | 20-30 ft | spring flowers, longer lasting vs other prunus | | Columnaris |
| street & park | Japanese Flowering Cherry (<i>Prunus serrulata</i>) | 20-35 ft | spring flowers, less wire interference | spreading habit, life expectancy | Kwansan |
| street & park | Flowering Pear (<i>Pyrus calleryana</i>) | 30-35 ft | spring flowers, pyramidal growth habit | life expectancy, breakage | Chanticleer, Aristocrat |
| street & park | Sawtooth Oak (<i>Quercus acutissima</i>) | 35-45 ft | better transplanter vs many <i>Quercus</i> , longevity | availability, acorns | |
| street & park | Shingle Oak (<i>Quercus imbricaria</i>) | 50-60 ft | highly tolerant, longevity | acorns, size | |
| street | Pin Oak (<i>Quercus palustris</i>) | 60-70 ft | easy to transplant, pyramidal habit, fall color | acorns, size | |
| street & park | English Oak (<i>Quercus robur</i>) | 40-60 ft | easy to transplant, tolerant | acorns, mildew problems | Fastigiata (upright) forms for street planting |
| park | Japanese Stewartia (<i>Stewartia pseudocamellia</i>) | 20-40 ft | summer flowers, interesting bark, fall color | heat tolerance?? | |
| street | Linden (<i>Tilia cordata</i>) | 40-70 ft | highly tolerant, pyramidal habit | | Greenspire |
| street | Chinese Elm (<i>Ulmus parvifolia</i>) | 40-50 ft | bark, resistant to Dutch Elm disease, highly tolerant | availability | Allee |
| street | Japanese Zelkova (<i>Zelkova serrata</i>) | 50-80 ft | resemblance to elm, highly tolerant | | Green Vase, Village Green |

Section 8.34 Traffic Management

8.34.1 Bicycle Lane Dimensions & Assemblies

8.34.2 Vehicular Lane Dimensions

8.34.3 Vehicular Lane / Parking Assemblies

8.34.4 Visibility at Intersections

Section 8.35 Trailer, Boat & Oversized Vehicle Storage

Section 8.36 Temporary Structures

8.36.1 Construction Office Trailer

In any District a permit for a construction storage or construction office trailer may be granted by the Zoning Enforcement Officer when found to be in compliance with the following provisions:

Trailer(s) must be located on the project site.

Application must be accompanied by a drawing to a scale of not more than 40 feet to an inch showing all existing and proposed structures, proposed location of trailer(s) and the location of buildings on neighboring lots.

No trailer shall be placed in a manner which would create a hazardous or unsafe condition.

No construction trailer shall be placed at an approved location prior to 2 weeks before the start of construction or site development nor shall it remain for a period greater than 2 weeks after completion of construction or site development.

The Zoning Enforcement Officer may require the relocation or removal of a trailer(s).

In no case shall a construction storage/construction office trailer be used for human habitation.

Section 8.37 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.

Section 8.38 Yard Projections

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

ARTICLE IX SPECIAL PROVISIONS

9 Purpose

9.1 Site Plan & Special Permit Uses (700)

Each of the following uses is permitted in each district to the extent indicated for that use and district in Table 4.2 Permitted Uses Residential Districts and Table 5.2 Permitted Uses B- and M- Districts, 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.

9.2 Accessory Apartments & Dwelling Units (701) (706)

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

- a. Each lot shall have a minimum front lot line length of 80 feet.
- b. 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.
- c. An Accessory Apartment shall have a minimum floor area of 300 square feet and a maximum floor area of 600 square feet, and a maximum of two bedrooms.
- d. One of the occupants of the dwelling shall be the owner of record.
- e. No accessory Apartment shall be located in a basement or garage unless one wall opens to grade.
- f. An Accessory Apartment shall be self-contained, with separate entrance, cooking, sanitary and sleeping facilities for the exclusive use of the occupant.
- g. No exterior change shall be made to the existing front of the principal dwelling except for dormers or windows.
- h. No accessory building shall be used or created for the purpose of accommodating an Accessory Apartment.
- i. The principal dwelling and Accessory Apartment shall conform to all requirements of the applicable building, health, fire, sanitary and zoning codes.
- j. Expansion of a principal dwelling shall be permitted to accommodate an Accessory Apartment via dormer(s) or an addition beyond the existing foundation.

9.2.1 General Requirements

A dwelling unit, when accessory to a retail, service or office use, is permitted subject to Special Permit and Site Plan approval and the following conditions:

- a. The application shall include all contiguous property under the same name or all property deemed by the Commission to be part of the same development.
- b. 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. An accessory dwelling unit shall conform to all requirements of the applicable building, health, housing, fire and sanitary codes.
- e. The building shall be served by public sewer and water supply,
- f. The required floor area per accessory dwelling unit shall be:

| Table 9.3.1 Required Floor Area Accessory Dwelling Units | |
|---|---|
| Unit | Minimum Floor Area (square feet) |
| 1 room | 350 |
| 2 rooms (1 bedroom) | 425 |
| 3 rooms (1 bedroom) | 500 |

9.2.2 Accessory Dwelling Units in Business Districts

A dwelling unit, when accessory to a retail, service or office use, is permitted in a Business District subject to all conditions of Section 9.3.1 and the following condition:

- a. No building shall contain more than 10 dwelling units.

9.2.3 Accessory Dwelling Units in Residential Districts

A dwelling unit, when accessory to a retail, service or office use, located in an R-4 Zone is permitted subject to all conditions of Section 9.3.1 and the following condition:

- a. No building shall contain more than 4 dwelling units.

9.3 Accessory Buildings & Uses

- 9.3.1 Accessory Buildings in non-Residential zones shall require Site Plan Approval.
Accessory Buildings in Residential areas shall require Zoning Permit Approval.

9.3.2 Accessory Uses in all zones shall require Site Plan Approval

9.4 Adult Oriented Establishments (738)

9.4.1 Purpose

The intent of this Section is to regulate adult-oriented establishments that are customarily not open to the public generally, but only to one or more classes of the public, thereby excluding any minor by reason of age. These establishments as defined in Section 9.5.3 and further defined in Hamden Town Ordinance affect the public health, morals, safety, and general welfare of the community and include, but are not limited to, one or more combination of the types of businesses are indicated in Section 9.5.3. Considering the potentially serious objectionable operational characteristics of adult-oriented establishments, special regulations of these uses are necessary to ensure that no adverse effects will contribute to the blighting or downgrading of the surrounding neighborhood. The primary purposes of this Section are to:

Protect and preserve the health, safety and welfare of the patrons of such establishments;
Prevent a concentration of these uses in one area of building;

Protect the public health, morals, safety and general welfare of the citizens of Hamden;
Regulate and prohibit the carrying on within the Town of Hamden of any trade, manufacture, business or profession, which is or may be, so carried on as to become prejudicial to public health, conducive to fraud and cheating, or dangerous to, or constituting an unreasonable annoyance to those living or owning property in the Town of Hamden; and

Protect and preserve the quality of life for the citizens of Hamden, especially its children.

9.4.2 Consistency with Federal and State Law

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.

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.

9.4.3 Relevant Definitions (738-C)

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

In addition to the terms in Article 2, the following definitions pertain specifically to Section 9.5:

Adult-Oriented Entertainment shall include, whether as a primary use or an accessory use, without limitation, adult bookstore, adult cabaret, adult media outlet, adult-motion picture theater, adult mini-motion picture theater, adult news racks, adult novelty, adult personal service, adult retail establishment, and adult video arcade, and further means any premises to which the public, patrons or members are invited or admitted, and which are so physically arranged as to provide booths, cubicles, rooms, studios, compartments or stalls separate from the common areas of the premises, for the purpose of viewing adult-oriented motion pictures, or any premises wherein an entertainer provides adult entertainment to a member of the public, a patron or a member, when such adult entertainment is held, conducted, operated or maintained for a profit, direct or indirect, and from which minors are excluded by virtue of age. An "Adult-Oriented Establishment" further includes, without limitation, premises that are so physically arranged as above and used as such whether advertised or represented as an adult entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, modeling studio, juice bar or any other term of like import.

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

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

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

Adult Mini-Motion Picture Theater shall mean an enclosed building or portion of said building, with a capacity of 50 or less persons, having as a principal activity, whether as a primary use or accessory use, the presenting of material characterized by emphasis on

portrayals of human genitals and pubic regions or actions of human masturbation, sexual intercourse, or sodomy, for observation by patrons therein in individual viewing booths, and from which minors are excluded by virtue of age.

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

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

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

Adult Video shall mean any place to which the public is permitted or invited wherein coin or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depicting, describing or relating to "Specific Sexual Activities" or "Specified Anatomical Areas," and whereby excludes minors by virtue of age.

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

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

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

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

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

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

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

Specified Sexual Activities shall mean:

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

Specified Anatomical Areas shall mean:

Less than completely and opaquely covered:

Human genitals, pubic region;

Buttocks;

Female breasts below the point immediately above the top of the areola; and

Human male genitals in a discernible turgid state, even if completely opaquely covered.

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

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

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

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

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

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

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

Regulated Uses

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

Adult Bookstore

Adult Cabaret

Adult Entertainment

Adult Media Outlet

Adult Mini-Motion Picture Theater

Adult Motion Picture Theater

Adult Newsrack

Adult Novelty

Adult Personal Service

Adult Retail Establishment

Adult Video Arcade

And businesses a/k/a:

Encounter Studio

Exotic Dance Studio
Juice Bar
Modeling Studio
Rap Studio
Sensitivity Studio
Or any other term of like impact

Permitted

Adult-oriented establishments, whether as a primary use or an accessory use, as that term is defined in Section 9.5.3 and further defined in the Hamden Town Ordinance, which definition may be amended from time to time, shall be permitted in the Manufacturing (M-) 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 Section 10.4 shall apply: Such establishments shall be a minimum of 100 feet from public, parochial or private schools, daycare centers, public parks, including the Farmington Canal Greenway, playgrounds, recreational lands, or other areas where numbers of minors regularly travel or congregate in any district, municipal boundary lines, residentially zoned property, libraries and 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.

Nor shall any such establishment be located within 100 feet of the property line of any church, convent, monastery, synagogue or similar place of worship, or cemetery. Pursuant to Section 10.4, such establishments shall be subject to Special Permit and Site Plan approval by the Planning and Zoning Commission, for a limited period of time, not to exceed one year with annual renewal required. The following site specific criteria shall apply:

All exterior signs shall comply with Section 8.6 and no exterior sign shall contain any photographic or artistic representation of specified anatomical areas as defined in the Hamden Town Ordinance.

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.

No adult-oriented use shall be established in any building of which any part is used for residential purposes.

No residential use shall be established in any building of which any part is used as an adult-oriented establishment.

Stairways, sloping or rising paths and building entrances and exists shall be well illuminated. Spotlight-type fixtures attached to the building shall be avoided.

Adequate site lighting shall be provided to ensure the safe movement of persons and vehicles and for security purposes.

Exemptions

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

Treatment by a licensed chiropractor, a licensed osteopath, a Connecticut licensed masseur or masseuse, a licensed practical nurse or a registered professional nurse;

Electrolysis treatment by a licensed operator of electrolysis equipment;

Hospitals, nursing homes, medical clinics or medical offices;

Barbershops or beauty parlors which offer massage to the scalp, face, the neck or shoulders only;

Athletic facilities of an educational institution including alumni club, or of a philanthropic or charitable institution; and

Health establishments including commercial and non-commercial clubs which are equipped and arranged to provide instruction, services or activities which improve or affect a person's physical condition by physical exercise or by massage. Physical exercise programs include aerobics, martial arts, boxing, or the use of exercise equipment.

Variances

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

Required Registration

All adult-oriented establishments shall be registered with the Zoning Enforcement Officer at the time of Special Permit application. Any unlawful preexisting adult-oriented establishments, whether as a primary use or an accessory use, in operation prior to the effective date of this regulation (Section 9.5) shall be registered within 30 days of the effective date of said regulations.

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

The correct street address of the premises;

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;

The address and phone numbers of the owner or beneficial owners or owners in interest;

The trade name of the regulated adult-oriented establishment;

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;

The date of the initiation of the regulated adult-oriented establishment;

The issuance date of the license to operate an adult-oriented establishment issued by the Hamden Police Chief or his/her designee; and

If the building is leased, a copy of the said lease shall be furnished.

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

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

Required Renewals

The Planning and Zoning Commission requires the renewal of adult-oriented establishment special permits in January of each calendar year which shall conform to the following standards:

The renewal process shall consist of a Special Permit Renewal Application pursuant to Section 10.4 and shall be submitted prior to the expiration date.

Purchasers of buildings or structures that have had Special Permit approval for adult-oriented uses who want to continue the Special Permit that has not expired, shall obtain a Zoning Permit and demonstrate that all conditions prerequisite to obtaining the relevant permit have been met prior to the continued operation of the adult-oriented use.

Any such renewal shall be referred to the Planning and Zoning Commission for consideration. The Planning and Zoning Commission, in its sole discretion, may require a new application and a demonstration of compliance with all conditions necessary for Special Permit prior to the continued operation of the adult-oriented uses.

Violations

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

Obtaining and maintaining a Special Permit approval from the Planning and Zoning Commission for the operation;

Obtaining and maintaining a license to operate such establishment from the Chief of Police or his/her designee; and

Obtaining and maintaining proper registration of such establishment from the Zoning Enforcement Officer.

Any person, partnership or corporation who is found to have violated this regulation (Section 9.5) shall be fined a definite sum not to exceed \$100.00 for each violation.

Each violation of this regulation (Section 9.5) shall be considered a separate offense, and any violation continuing more than one hour of time shall be considered a separate offense for each hour of violation.

9.5 Agriculture

9.5.1 Commercial Farm (708)

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

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

- d. 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 are permitted subject to Site Plan approval and the following conditions:
- f. The building or produce stand is accessory to the primary use of the property.
- g. The produce stand does not exceed a gross floor area of 500 square feet.
- h. The building or produce stand meets the yard requirements of the applicable district for a principal building.

9.5.2 Truck Farm

9.6 Animals

9.6.1 Day Care

9.6.2 Grooming

9.6.3 Keeping of Animals (713)

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

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

9.6.4 Kennels & Stables (714)

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

- a. Each lot shall have a minimum area of 200,000 square feet.
- b. Buildings and open exercise areas containing animals shall be a minimum of 100 feet from any lot line.
- c. Open exercise areas shall be properly enclosed by a fence of sufficient height to assure containment of the animals and such areas shall be maintained in a sanitary and odor-free condition at all times.

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

9.6.5 Veterinary Hospitals (734)

- a. In any Residential Zone, T-4 or T-5 Zone the minimum lot size shall be 20,000 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.

9.7 Business & Personal Service

9.8 Cemeteries (703)

Cemeteries are permitted subject to the following conditions:

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

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

- 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.

9.10 Community Residences (709)

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

- a. Each lot shall have a minimum area of 20,000 square feet or as required by the applicable district, whichever is greater.

- b. Not more than 15% of the area of the lot shall be occupied by buildings.
- c. The group home shall have an approved license from the State of Connecticut prior to issuance of a Certificate of Compliance.
- d. If residents are not permitted to own or operate a motor vehicle, the Commission may reduce or waive the parking requirements in **Section XXX**.

9.10.1 Sober Houses & Drug Treatment Facilities

9.11 Conference Center Development (735)

- a. Each lot shall have a minimum area of 5 acres.
- b. Restaurants, Dining rooms and Banquet facilities are permitted as accessory uses.
- c. 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.
- d. 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.

9.12 Day Care (722)

9.12.1 Purpose

Regularly organized day care centers are permitted in any Residential District and T2, T3, T4 & T5 Zones subject to Special Permit and Site Plan approvals.

9.12.2 Adult Day Care

ADD: Adult Day Care Facility including performance standards. Check State Statutes to see if there are any regulations, licensing or performance standards to incorporate or refer to.

9.12.3 Child Day Care

9.12.4 Day Care Center

- a. If the use is an accessory to a dwelling, not more than 25% of the existing floor area of the dwelling unit shall be used for day care purposes.
- b. No outdoor apparatus shall be located in any required front or side yard. Either a fence or foliage screen shall screen outdoor apparatus. This screening shall be of such type and location as to provide privacy to adjoining properties, but shall not be so constructed or located as to constitute an unsafe situation for the users of the outdoor apparatus.
- c. The day center shall have an approved license from the State of Connecticut prior to issuance of a Certificate of Compliance.

- d. Public water service and sanitary sewers are required. The Commission may waive either or both of these utility requirements, subject to a technical report from a qualified staff authority that on-site systems for sewage disposal and/or potable water supply are adequate.
- e. The day care center shall not create any excessive noise, dust, smoke, odor or unsightly condition that would constitute a public nuisance to adjoining properties.
- f. No overnight stays are allowed.

9.12.5 Nursery Schools

The following conditions shall apply to these uses:

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

9.12.6 Family Day Care Home (707)

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

9.12.7 Group Day Care Home

Group day care homes are permitted in any Residential District subject to Special Permit and Site Plan approval.

The following conditions shall apply to these uses:

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

9.13 Food Service

9.13.1 Bars and Nightclubs

9.13.2 Catering Facility

9.13.3 Grocery Store

9.13.4 Outdoor Café

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

- g. The outdoor eating area shall be accessible from the restaurant building only;
- h. The outdoor eating area shall not exceed 20% of the indoor eating area;
- i. The outdoor eating area shall be largely open to the elements and shall not be permanently enclosed with a roof or walls;
- j. All food and beverages shall be served at the table;
- k. 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;
- l. Restaurants with an outdoor café shall be served by sanitary sewers and public water supply;
- m. The outdoor eating area shall be landscaped with planters, window boxes, planted pots and/or planted beds containing appropriate trees, shrubs and/or flowers to provide privacy and ambience for diners;

- n. There shall be no live or recorded music played or projected outside the restaurant building without the prior issuance of a Zoning Permit.

9.13.5 Restaurant

9.13.6 Take-Out Food Service

9.14 Health Care Facilities (711)

Hospitals, Nursing Homes Facilities (711) [Define Hospitals and Nursing Homes as having overnight accommodations. ADD: Include rehab and diagnostic facilities that do not have overnight accommodations to Medical Facilities Section]

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

- a. There shall be a minimum lot are of 40,000 square feet, or 1,500 square feet for each patient bed, or as required by the applicable 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.

9.14.1 Medical Offices

9.14.2 Rehabilitation Facility – Out-Patient

9.15 Heliports (747)

9.15.1 Purpose

- a. Heliports are accessory to the primary land use, not commercial in nature, not held out or open to the general public, nor allowed to charge a fee at any time.
- b. There will be no overnight storage of helicopters as a normal operation, no fueling or storage of maintenance materials.
- c. The facility will have a favorable FAA airspace determination that is current and complies fully with all recommendations and/or conditions made by the FAA. A copy of the full FAA form 7480 application and response from the FAA will be part of the application package. The facility will be limited to the size of the helicopters that it was designed for and that will be specifically stated in the application and zoning permit.
- d. The facility will comply with all the applicable licensing guidelines and regulations for such facilities as defined by the State of Connecticut Department of Transportation (DOT). The written acknowledgement from that department that it meets such requirements is needed as part of the application package.

- e. The facility will be listed with the FAA when activated and this listing will be kept current as required.
- f. The facility will be approved by the Hamden Fire Department with all of their recommendations and conditions being complied with.
- g. The heliport flight paths, while legally under the sole jurisdiction of the FAA, should be designed to use natural sound corridors and roads to enhance the compatibility with the surrounding community.
- h. Permission is granted as a part of the approval for the Hamden Public Safety Departments, i.e. Fire or Police, to use and access the heliport in the event of a local emergency and to allow appropriate emergency helicopters to serve the public need. The facility will also allow for any needed emergency service (MedEvac, State Police, etc.) helicopter to use the heliport within its weight and size notations.
- i. The facility will be used only by the owner and his/her guests.
- j. If the primary land use ceases at the location, the facility will no longer be approved as an accessory use.
- k. A trip shall be defined as one landing and one take-off.
- l. There will be no helicopter operations, except for emergencies, during the hours of 11:00 p.m. and 6:00 a.m.

9.16 Home Occupation (710)

Customary home occupations are permitted accessory uses subject to Site Plan approval and the following conditions:

- a. The home occupation or office shall:
 - 1. Not occupy more than 25% of the existing floor area of the dwelling or 600 square feet, whichever is less.
 - 2. Not change the exterior residential character or appearance of the dwelling in any visible manner.
 - 3. 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.
 - 4. Not involve the sale of any commodity or article.
- b. Other than artists, craftsmen or bakers, the home occupation shall not include any manufacturing, processing or assembling.
- c. No materials or products related to the home occupation shall be stored outside of any building.
- d. No parking area shall be permitted in any required front or side yard.
- e. The home occupation shall not create any excessive noise, traffic, odor, dust, vibration, smoke, gas fumes, radiation, electromagnetic interference, or unsightly condition that would constitute a public nuisance to adjoining properties or the neighborhood.

- f. Depending on the nature of the home occupation, sanitary sewers may be required.
- g. 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.

9.17 Libraries & Museums (715)

Libraries and museums are permitted, provided each lot has a minimum area of 40,000 square feet or as required by the applicable zone, whichever is greater.

9.18 Lodging

- 9.18.1 Bed & Breakfast
- 9.18.2 Hotel
- 9.18.3 Inn
- 9.18.4 Rooming & Boarding House (728)

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

- a. The roomers or boarders shall reside within the principal dwelling unit.
- b. The sleeping space shall be no less than 80 square feet for the first person and 70 square feet for the second person.
- c. No cooking or cooking appliances shall be permitted in rented rooms,
- d. One off-street parking space shall be provided for each roomer or boarder.
- e. No roomer or boarder shall be permitted where the family occupying the dwelling unit is composed of a group of four unrelated persons.

9.19 Manufacturing

9.19.1 Accessory Use

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

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

9.19.2 Primary Use

9.20 Motor Vehicles (717)

9.20.1 Sales, Rental, Service & Repair and Gas Station

Motor vehicle (including automobiles, trucks, recreation vehicles, trailers, boats and mobile homes) sales, rental, service (including gas stations and car wash facilities) and repair are permitted subject to the following conditions:

- a. Each lot shall have a minimum area of 20,000 square feet and shall have at least 150 feet of frontage on one street.
- b. Each lot shall have a front yard of at least 35 feet.
- c. All fuel pumps and service equipment shall be setback from any lot line by at least 15 feet and located in the rear of the lot.
- d. Curb cuts shall be least 25 feet from any other curb cut or street intersection.
- e. Trash, garbage and unusable vehicle parts shall be temporarily stored within the principal building or within a covered container or receptacle that is suitably screened from adjoining properties.
- f. The outdoor display, exhibition, and storage of motor vehicles is permitted as an accessory use subject to the provisions in Section 9.29 Outdoor Storage.
- g. Freestanding signs for gas stations shall comply with Section 8.6, however, the total surface area of 32 square feet may be increased by one square foot for posting each fuel price provided that the total surface area of the sign does not exceed 36 square feet and the posted prices are an integral part of the face of the sign.
- h. The lot shall be served by sanitary sewers and a public water supply.

9.20.2 Vehicle Storage (732)

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

- a. Not more than two such vehicles shall be stored or parked on a lot used for residential purposes for a period exceeding 24 hours per month.
- b. No pick-up truck or van having a Gross Vehicle Weight Rating (GVWR) of more than 10,000 pounds shall be allowed to park for a period exceeding 24 hours per month on any residential lot unless it is in an enclosed structure.
- c. There shall be no outside storage of construction equipment and/or vehicles except when essential to on-site construction activities.
- d. All 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, and not closer than five feet to any lot line.
- f. All vehicles and equipment shall be screened from view.

- g. Travel trailers, campers, boats and recreation vehicles may be parked anywhere on the residential premises for a period not exceeding 24 hours during unloading or loading.
- h. Any travel trailer, camper, boat, recreation vehicle, pick-up truck or van parked or stored in any zone, shall not be used for living, sleeping or housekeeping purposes.
- i. No truck shall be parked on any residential property. **[DEFINE “truck” versus “pick-up truck” versus “van”.]**

9.20.2.1 Accessory Use

9.20.2.2 Commercial

9.21 Multi-Family Dwellings (718)

Multi-family dwellings are permitted in the Residence R-3, R-4 and R-5, T4 and T5 Zones. All multi-family developments, as provided for in **Sections 9.22, 9.24 and 9.25** of the Hamden Zoning Regulations shall conform to the following requirements.

9.21.1 General Requirements

- a. All multi-family developments shall be designed and developed to integrate into and enhance the surrounding neighborhoods, provide a residential environment that creates a sense of community, and provide affordable housing.
- b. Multi-family dwellings shall be located on and have vehicular access only to the following streets:

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

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

| Table 9.22 Minimum Lot Requirements for Multi-Family Dwellings | | | |
|---|-------------------|-------------------|-------------------|
| Lot Requirements | District | | |
| | R-3 | R-4 | R-5 |
| Lot Size (Minimum) | 80,000 sq. ft. | 40,000 sq. ft. | 20,000 sq. ft. |
| Continuous Frontage on streets listed in 9.24 (Minimum) | 200 ft. | 160 ft. | 120 ft. |
| Lot Area Per Dwelling Unit (Minimum.) | 8,500 sq. ft. | 6,500 sq. ft. | 6,500 sq. ft. |
| Useable Open Space Per Dwelling Unit (Minimum) | 1,000 sq. ft. | 1,000 sq. ft. | 750 sq. ft. |
| | | | |

[ADD: T4 & T5]

- d. There shall be no parking in any required yard.
- e.
- f. The lot shall be served by sanitary sewers and a public water supply.
- g.
- h. 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.
- i.
- j. Parking shall be individually provided for each unit, with no common parking areas that contain more than five spaces.
- k. Townhouses shall be placed along the frontage of all public streets, to enhance the streetscape. Common access drives may be used where necessary for safety due to traffic conditions on the public street.

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

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

A determination by the Commission that the existing building of at least 5,000 square feet and its environs will be suitable for multi-family conversion and will not adversely impact the existing neighborhood character;

The gross floor area (GFA) of the existing building shall be a minimum of 5,000 square feet;

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

If the maximum permitted number of dwelling units is not achieved within the existing building, an addition may be permitted provided that:

The maximum permitted number and type of dwelling units do not exceed c. above.

The addition does not exceed 50% of the GFA of the existing building.

The addition conforms to all other zoning regulations of the district in which it is located.

The addition conforms architecturally and in scale to the existing building.

The existing building and addition, if any, shall be served by public sewer and public water supply;

There shall be a minimum of 100 square feet of useable community open space per dwelling unit. The Commission may permit the provision of less than 100 square feet of useable community open space per dwelling unit if it determines that the configuration of the site makes the provision of the full amount of community open space not feasible, and the nature of the units proposed is conducive to the provision of a smaller amount of community open space;

- a. All adaptive re-use to multi-family that contains five units or more shall include affordable housing units, as provided by Section 9.23.
- b. There shall be no parking in any required yard;
- c. All multi-family developments shall be oriented towards and enhance the streetscape. The priority shall be the enhancement of the streetscape of existing public streets within the Town, but the development shall also include an orientation towards the internal streets within the development, if internal streets are created. Such orientation shall include the following elements:
- d. Parking lots shall not be placed along the public street, except for entrances and driveways to such parking lots.
- e. The character of the architecture along the street shall be consistent with that of the nearby neighborhood, in terms of size, scale, and design features.
Garage door entrances shall not face the public street unless otherwise approved by the commission.

9.21.3 Affordable Housing in Multi-Family Dwellings

9.21.3.1 Purpose

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

Maximum Sale Price of Affordable Housing Units

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

Steps

Determine area median income and the statewide median as published by the U. S. Department of Housing and Urban Development for the Town of Hamden, and use the lesser of these figures.

Adjust median income identified in Step 1 by family size by assuming that 1.5 persons will occupy each bedroom of an affordable unit, except in the case of a studio or zero-bedroom unit, in which case 1.0 person shall be assumed. Family size adjustment shall be made based upon the following percentages:

| Number of Persons in Family | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|------------------------------------|-----|-----|-----|-------------|------|------|------|------|
| Percentage Adjustment | 70% | 80% | 90% | 100% (BASE) | 108% | 116% | 124% | 132% |

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

Calculate 80% of Step 2.

Calculate 30% of Step 3. This number represents the portion of household income to be used for housing costs.

Divide step 4 by 12 months to determine the maximum monthly housing payment.

Determine by reasonable estimate monthly housing expenses, including real property taxes for the Town of Hamden; real property insurance; any common interest ownership or similar fee required of all unit purchasers or owners; and heat and utility costs, excluding television, telecommunications, and information technology services.

Subtract Step 6 from Step 5 to determine the amount available for mortgage principal and interest.

Using the amount resulting from Step 7, apply a 30-year mortgage term and interest rate that is commercially reasonable and available to households likely to apply to purchase such units, in order to determine the financeable amount.

Calculate down payment. The maximum allowable down payment used in calculating the maximum sale or resale price of an affordable unit shall be the lesser of 20% of the total sale price or 20% of the Connecticut Housing Finance Authority, (CHFA) maximum sales price limit for a comparably sized unit in the area, as published by the CHFA.

Add Steps 8 and 9 to determine the maximum sale or resale price.

Maximum Cost of Affordable Rental Units

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

Steps

Determine area median income and the statewide median as published by the U. S. Department of Housing and Urban Development for the Town of Hamden, and use the lesser of these figures.

Adjust median income identified in Step 1 by family size by assuming that 1.5 persons will occupy each bedroom of an affordable unit, except in the case of a studio or zero-bedroom unit, in which case 1.0 person shall be assumed. Family size adjustment shall be based on the following percentages:

| Table 9.23.2C Adjustment to Affordable Rental Units Based on Family Size | | | | | | | | |
|---|-----|-----|-----|-------------|------|------|------|------|
| Number of Persons in Family | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| Percentage Adjustment | 70% | 80% | 90% | 100% (BASE) | 108% | 116% | 124% | 132% |

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

Calculate eighty 80% of Step 2.

Calculate 30% of Step 3. This number represents that portion of household income to be used for housing costs.

Divide Step 4 by 12 months to determine the maximum monthly housing payment.

Determine the fair market rent for a unit with the same number of bedrooms in the subject municipality as published by the U. S. Department of Housing and Urban Development.

Multiply the U. S. Department of Housing and Urban Development fair market rent as determined in Step 6 by 120%.

The maximum monthly housing payment for occupants of the subject rental unit shall be the lesser of the calculations in Steps 5 and 7.

Determine, by reasonable estimate, monthly expenses for heat and utility costs for which the tenant is directly responsible, excluding television, telecommunications, and information technology services, but including any other periodic fees for which the tenant is directly responsible, such as common charges in the case of a common interest ownership community.

Deduct the estimate of tenant-paid utilities and fees determined in Step 9 from the maximum monthly housing payment in Step 8. The result is the maximum amount that the developer/owner may charge for this rental unit as the monthly contract rent.

Requirements for Affordable Units

Affordable units shall be comparable to market rate units in size, quality, finishes and amenities.

Affordable units shall be evenly distributed throughout the development in such a manner that at least 20% of the dwelling units within each multi-family building or cluster of units shall be affordable units.

The project shall be phased such that a minimum of 20% of the units for which building permits and certificates of zoning compliance have been cumulatively issued shall be affordable units.

Affordability Plan

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

All elements set forth in section 8-30g (b) (1) of the Connecticut General Statutes.

The designation of the person or entity who will be qualified and responsible for administration of the affordability plan including the following:

Ensuring that households applying for affordable units qualify within applicable maximum income limits;

Assuring the accuracy of sale or resale prices or rents, and providing documentation where necessary to buyers, sellers, lessors, lessees, and financing institutions;

Maintaining minimum percentages in a set-aside development;

Reporting compliance to the Town Planner and the Town Attorney; and

Executing the affirmative fair housing marketing plan.

An affirmative fair housing marketing plan that conforms to the requirements of Sections 8-30g-7(a)(2) and 8-37ee-1 of The Regulations of Connecticut State Agencies.

The maximum sale price, resale price or rent for the affordable units as determined in accordance with the requirements of 9.23.1 and 9.23.2 above.

A description of the projected sequence in which affordable units shall be built and offered for occupancy. Such descriptions shall consist of a narrative and schematic plan describing the construction sequence of the proposed site development, and the location of the affordable and market-rate units with each phase of the sequence. The description of the project sequence shall demonstrate conformance with the Design Requirements for Multi-Family Dwellings, as provided for in 9.23.3.B.

9.20.3 Managed Residential Community

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

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

| Table 9.19 Minimum Lot Requirements Managed Residential Community | | | |
|--|--------------------------|----------------|--------------------------|
| Lot Requirements | Residential Zones | B Zone | T4 & T5 Zones |
| Lot Size (min) | 40,000 sq. ft. | 40,000 sq. ft. | See T4 & T5 req. |
| Lot Area Per Dwelling Unit (min) | 2,000 sq. ft. | 2,000 sq. ft. | See T4 & T5 req. |
| Useable Open Space Per Dwelling Unit (min) | 750 sq. ft. | 100 sq. ft. | See T4 & T5 req. |

- e. The lot shall be served by sanitary sewers and a public water supply.
- f. The size and appearance of any proposed Managed Residential Community shall be compatible and harmonious with the character and appearance of buildings in the immediate vicinity of the proposal and shall not be detrimental to the appropriate and orderly development of adjacent lots or buildings.
- g. Each dwelling unit shall have no more than two permanent occupants.
- h. No parking shall be allowed in the setbacks adjoining residential zones.
- i. Accessory buildings shall not be located in required setbacks adjoining residential zones.
- j. The site area accessible to residents shall have no slope greater than 5%, which is within the Americans with Disabilities Act requirements, i.e. everything accessible to the residents should be within ADA requirements.
- k. Van drop off area and parking space located at main entry for convenience of residents.
- l. Loading spaces should be provided in accordance with the requirements of Section 8.3, for uses not primarily concerned with the loading of goods; access to loading spaces should be designed not to interfere with normal traffic, and be screened.
- m. No less than 25% of the total area of usable open space shall be contiguous. Natural geological features and specimen trees should be preserved in these areas.
- n. Outdoor space designed for use by the residents should be 50 sq. ft. per unit, with a minimum of 2,000 sq. ft., landscaped, and provide benches, paved walkways, site lighting and beneficial views, and be shielded from heavy traffic.

9.20.4 New Construction (718)

9.20.4.1 Design Requirements for Multi-Family Dwellings

The Commission shall approve multi-family dwellings in accordance with **Sections 9.22, 9.24 and 9.25** if it finds that it conforms to the following requirements:

- a. Each unit shall have private use of and direct access to private open space with a minimum size of 45 square feet. Such open space may be in the

form of a patio or yard for ground floor units, or a balcony for second and third floor units.

- b. All multi-family dwellings shall include a minimum useable community open space, in addition to the requirement for private open space, in accordance with the following:

| | |
|-----|-------------------------------------|
| R-3 | 1,000 square feet per dwelling unit |
| R-4 | 1,000 square feet per dwelling unit |
| R-5 | 750 square feet per dwelling unit |

- c. Such space shall be of such shape, topography, general character, and in such location as to be useful. The community open space shall be accessible to all residents of the multi-family development, and be in location(s) central and convenient to the development, in the opinion of the Commission. The community open space shall contain active and passive recreational facilities suitable and appropriate for the residents of the development. The community open space shall be the focus or central point of the multi-family development. Common mailboxes shall be located within the useable community open space. Community swimming pools shall not be included to meet the minimum usable community open space.
- d. All multi-family developments shall be functionally integrated into the surrounding neighborhood. The design shall include appropriate linkages to the surrounding neighborhood, and the design shall avoid the creation of an isolated, self-contained development.
- e. All multi-family developments shall be designed to be oriented towards and enhance the streetscape. The priority shall be the enhancement of the streetscape of existing public streets within the Town, but where applicable, the development shall also include a design that creates a well-designed pedestrian oriented streetscape for internal private streets. Such orientation shall include the following elements:
- f. Doors and entrances shall be located facing the public street or a private street, driveway, accessway or other method of internal access designed to create a pedestrian oriented environment.
- g. Parking lots shall not have prominent frontage along the public street, except for entrances and driveways to such parking lots.
- h. The character of the architecture along the street shall be consistent with that of the nearby neighborhood, in terms of size, scale, and design features.
- i. Garage door entrances shall not face the public street unless otherwise approved by the commission.
- j. Where internal or private streets, driveways, accessways or other methods of internal access are utilized, the garages shall be placed and oriented in a manner so they do not visually dominate the private streets, driveways, or accessways that are designed to be the primary pedestrian entrance to dwelling units.

- k. All multi-family developments shall contain a comprehensive walkway system to provide pedestrian circulation separate from the vehicular travel ways. In areas where the Commission determines that the street system does not conform to a convenient pattern of pedestrian circulation, particularly in the vicinity of parks, playgrounds, schools, trails or other public or semi-public places, the Commission may require off site pedestrian connections.
- l. No wall of any building shall exceed 100 feet in length in an unbroken plane, without an offset of at least five feet. All walls 50' or more in length shall have varied surface material that will avoid the creation of a monotonous appearance.
- m. All multi-family developments of 25 units or greater shall have a common room for use by the residents for recreational and social activities. Such room shall be centrally located and shall have a minimum size of 500 square feet or 5 square feet per unit, whichever is greater.
- n. All efficiency and one-bedroom units shall have a minimum floor area of 600 square feet.
- o. All two-bedroom units shall contain a minimum floor area of 1,000 square feet and three-bedroom units shall have a minimum floor area of 1,200 square feet.

9.20.5 Non-Residential Districts

9.20.6 Residential Districts

9.21 Natural Resource Removal, Primary Use

9.22 Office Buildings

9.23 Open Space Development (See Section 7.4)

9.24 Outdoor Storage (725)

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

- a. The outdoor storage of vehicles, materials and equipment shall be located on the same premises as the principal use or building.
- b. All outdoor storage areas shall be located in the side or rear yards except as provided herein.
- c. All outdoor storage areas shall be screened from view by suitable landscaping and fencing except as provided herein.
- d. The outdoor display of vehicles when accessory to a use permitted in accordance with Section 9.21 shall be exempt from provisions B and C above.
- e. In no case shall stored materials exceed the height of the screening or fencing,
- f. No outdoor storage area shall be located within 10 feet of any lot line.
- g. All equipment and vehicles in a storage area shall be in operable condition.
- h. No tractor-trailer or truck loaded with merchandise shall be parked in a lot for a period exceeding seven consecutive days in one calendar month.

9.25 Places of Worship (704)

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

- a. Each lot shall have a minimum area of 40,000 square feet or as required by the applicable 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.
- d. Front door shall be oriented toward the street where possible.

9.26 Preservation of Historic Structures

9.26.3 Guidelines for Demolition of Historic Structures

9.27 Public Uses & Public Utilities (726)

Public uses such as Town, State or Federal buildings and facilities (other than public housing and solid waste facilities) and public utilities are permitted in any 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.
- b. No materials or equipment shall be stored in any required yard.
- c. Depending on the nature of the public use, the Commission may require service by sanitary sewer and/or public water supply.

9.28 Resource Recovery &/or Volume Reduction Facility, or Transfer Station (731-B)

9.28.1 Preamble

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

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

9.28.2 General Standards

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.

Said application shall contain all information required by Section 10.4 Special Permit Standards and Procedures, and Section 10.5 Site Plan Standards and Procedures, and shall be accompanied by an operational plan, and a landscaping plan with a planting schedule. Said landscaping plan shall provide for adequate planting of any buffer area and appropriate screening to protect adjacent property.

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.

The site proposed for a resource recovery and/or volume reduction facility, or a transfer station shall meet the Standards as provided herein.

The Commission may refer any application to the Quinnipiac Valley Health District, the Department of Environmental Protection or any other department or agency the Commission deems appropriate and may request any such department or agency to submit a report to the Commission on matters that are of concern to it in connection with its own responsibility.

The Commission may, after a public hearing, grant a permit.

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.

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 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.

9.28.3 Specific Standards

9.28.3.1 Lot Area

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

9.28.3.2 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.

9.28.3.3 Lot Coverage

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

9.28.3.4 Maximum Height

No building or structure shall exceed 40 feet in height.

9.28.3.5 Landscaping and Buffer Area

A 15-foot-wide buffer area shall be provided along all abutting lot lines to minimize the visual intrusion of a resource recovery and/or volume reduction facility or transfer station on adjoining uses. The buffer area shall be installed in accordance with a time schedule approved by the Commission, shall be seeded and fertilized so as to establish suitable grass cover, shall be planted with trees as approved by the Commission, and shall be properly maintained and kept free of debris, litter, machinery and vehicles.

9.28.3.6 Access to Site Area

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

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

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

9.28.4 Operating Conditions and Procedures

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.

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.

No solid waste shall be stored within the property boundary for a period greater than 48 hours unless authorized by the Commission of D.E.P. and the Planning & Zoning Commission. All solid waste shall be stored indoors, except that bulky waste or recyclable materials may be otherwise stored on-site in appropriate areas or containers. A building roofed and enclosed on all sides, or otherwise enclosed to satisfactorily control dust and litter, shall be provided for all solid waste other than bulky waste or recyclable materials.

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.

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.

Hazardous wastes and special waste shall be excluded.

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.

Equipment shall be provided to control fires and arrangements made with the local fire protection agency to immediately acquire services when needed.

The resource recovery facility and/or volume reduction plant or transfer station design and/or equipment shall provide for explosion protection.

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.

9.28.5 Closure

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

9.28.6 Conditions

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

9.29 Retail

- 9.29.3.1 Shopping Centers
- 9.29.3.2 Single Shops
- 9.29.3.3 Stores Selling Alcohol
- 9.29.3.4 Stores Selling Fire Arms

9.30 Schools

9.30.1 Business Schools

9.30.2 Colleges & Universities (Non-Profit)

Colleges and Universities are permitted subject to the following standards:

- a. Each lot shall have a minimum area of 120,000 square feet or 1,000 square feet for each student based on enrollment capacity, whichever is greater.
- b. Each lot shall have two side yards of at least 50 feet each.
- c. Each lot shall have a rear yard of at least 50 feet.

- d. For commonly owned adjoining properties, required side and rear yards are applicable only to the perimeters of such properties.
- e. The lot shall be served by sanitary sewers and a public water supply.
- f. The maximum building height shall be 60 feet subject to the following conditions:
- g. The building shall be located on a lot having a minimum lot size of 200 acres; and
- h. The building is located on a lot with at least 40% steep slopes that are at least 20% grade; and
- i. No building on the lot shall be in excess of 35 feet in height above the highest elevation on the lot.
- j. The property on which the building is located must be at least 500 feet from any neighboring municipality.

[ADD: Language that recognizes the “campus condition” such as campus on two-sides of same street.]

9.30.3 Dormitories

9.30.4 Elementary & Secondary Schools (721)

Regularly organized public or private elementary schools, secondary schools (including vocational schools), accredited by the State of Connecticut are permitted uses subject to the following conditions:

- a. Each lot shall have a minimum area of 120,000 square feet or 1,000 square feet for each student based on enrollment capacity, whichever is greater.
- b. Each lot shall have two side yards of at least 50 feet each.
- c. Each lot shall have a rear yard of at least 50 feet.
- d. No required rear 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:
- e. Prior to installation of such equipment, a Zoning Permit shall be obtained from the Zoning Enforcement Officer.
- f. Fencing or screening shall be required for any equipment installed if deemed necessary by the Town Planner.
- g. The lot shall be served by sanitary sewers and a public water supply.
- h. Non-profit schools, acting as a Regional Educational Service Center, approved by the Connecticut State Board of Education, which provide regional educational programs, services and activities, are permitted uses as adaptive re-use in residential Zones subject to Special Permit and Site Plan approvals.
- i. Regularly organized public and private, non-profit and non-residential elementary and secondary schools accredited by the State Board of Education or other applicable crediting authority are permitted subject to Special Permit and Site Plan Approvals and the following conditions:

- j. 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.
- k. Each lot shall have two side yards of at least 50 feet each.
- l. Each lot shall have a rear yard of at least 50 feet.
- m. The lot shall be served by sanitary sewers and a public water supply.

9.31 Solid Waste and Bulky Waste Disposal Area (731)

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. Solid waste facilities are permitted in the Manufacturing Zone 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.

9.31.1 General Standards

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. Said application shall contain all the information and topographic maps required by Sections 8.2.3 and 8.2.4 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 water resources shall be protected, including, but not limited to, the separation between maximum high water table and solid wastes or bulky wastes.

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.

The site proposed for a solid waste or a bulky waste disposal area shall meet the Standards as provided herein.

The Commission may refer any application to the Quinnipiac Valley Health District, the Department of Environmental Protection or any other department or agency the Commission deems appropriate and may request any such department or agency to submit a report to the Commission on matters that are of concern to it in connection with its own responsibility.

The Commission shall hold a public hearing on the application in compliance with requirements of the Connecticut General Statutes regarding Special Permits.

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 to 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.

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.

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.

9.31.2 Specific Standards

Lot Area

Each solid waste or bulky waste disposal area shall have a minimum lot size of 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.

Setback

Bulky Waste Disposal Area

The setback around a bulky waste disposal area shall average at least 140' and shall be no less than 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.

Solid Waste Disposal Area

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

300 feet from any existing principal building on an abutting lot;

300 feet from any proposed principal building which has been officially approved by the Town on an abutting lot; and

200 feet from any abutting lot line.

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

Elevation

Solid wastes or bulky wastes and cover material deposited on the site shall not exceed an elevation of 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 4% and the side slopes shall not exceed a grade of one on three, one vertical on three horizontal.

Slopes

The final surface of the area shall be graded to a slope of at least 4% and the side slopes shall not exceed a grade of one on three, one vertical on three horizontal.

Landscape and Buffer Area

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.

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.

Access to Site and Area

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

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

Fire Protection

Appropriate measures shall be taken to prevent and control fires.

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.

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.

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.

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.

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

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.

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.

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

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.

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.

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 paragraph 9.39.4.I 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.

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.

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.

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.

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.

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.

9.31.3 Operating Procedures Relative to DEP 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:

Protection of Water Resources

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.

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.

Flood Plains: The deposited solid waste shall be adequately protected from washout and displacement by 100-year floodwaters.

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.

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.

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 Quinnipiac Health District and the South Central Connecticut Regional Water Authority.

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.

9.31.4 Closure

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.

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.

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 10 feet in height. Cover material shall be applied to each cell and compacted to a minimum of 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 1 foot shall be placed on such area and suitable vegetative cover shall be planted and maintained thereon.

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.

Final Cover: A uniform layer of suitable final cover material, compacted to a minimum depth of 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.

Vector Control

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:

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;

Seeding, mulching and fertilizing the site to re-establish vegetation;

Landscaping with trees and shrubs;

Satisfactory systems to ensure the continuing control of decomposition gases following closure;

A complete cost breakdown of the closure plans;

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.)

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 3.10. No site, after closure, shall be used for a solid waste or bulky waste disposal area.

9.31.5 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.

9.32 Student Housing (770)

The following section is adopted to provide for the needs of students for off campus housing while at the same time providing for the health, welfare, and safety of students and residents and the liability of residential neighborhoods. Student housing unit is

defined as a dwelling unit occupied primarily by unrelated individuals enrolled in a program of study at an educational institution, college or university, trade school, training facility or similar entity. Student housing units are allowed subject to the following conditions and standards:

9.32.1 Owner-Occupied Buildings

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

- o. No structural exterior changes to existing buildings unless required for compliance with building, housing or fire code;
- p. No parking in any required front or side yard;
- q. Initial and thereafter renewal registration and certification of owner occupancy; Renewal registration and certification must be received by August 1st of each year;
- r. Zoning Permit must be obtained;
- s. 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.
- t. Three or 4 students per dwelling unit as renters in an existing 2 or 3 dwelling unit building that is occupied by the building owner and will continue to be occupied by the building owner shall meet the following requirements:
 - u. Building Official approval for current building code compliance;
 - v. Health Official approval for current housing code compliance;
 - w. Fire Marshall approval for fire safety code compliance;
 - x. No structural exterior changes to existing buildings unless required for compliance with building, housing or fire code;
 - y. Demonstrated provision for parking at one space per student;
 - z. No parking in any required front or side yard;
 - aa. Compliance with following density: Maximum of 4 students per dwelling unit provided compliance with housing code for minimum square footage;
 - bb. Submission of floor plans and thereafter any proposed modifications thereto;
 - cc. Initial and thereafter renewal registration and certification of owner occupancy. Renewal registration must be received by August 1st of each year;
 - dd. Zoning Permit must be obtained;
 - ee. 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.

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

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

- f. Building Official approval for current building code compliance;
- g. Health Official approval for current housing code compliance;
- h. Fire Marshall approval for fire safety code compliance;
- i. No exterior changes to existing buildings unless required for compliance with building, housing or fire code;

- j. Demonstrated provision for off street parking at one space per student;
- k. No parking in any required front or side yard;
- l. Parking will be prohibited within 10 feet of the rear yard line;
- m. Landlord shall be responsible for providing trash receptacles and recyclable bins and posting instructions regarding Town of Hamden pick up schedules;
- n. Submission of floor plans and thereafter any proposed modifications thereto;
- o. 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;
- p. Compliance with following density: Maximum of 4 students per dwelling unit provided compliance with housing code for minimum square footage;
- q. Zoning Permit must be obtained;
- r. 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.

9.32.3 Student Housing in Multiple-Dwelling-Unit Buildings

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

- a. Student housing units located within existing multiple unit buildings as of the effective date of this section are not subject to the provisions of Section 9.40.1 or 9.40.2 unless they are converted to either a multiple unit student housing building in which more than 50% of the units are occupied by students or are converted to a dormitory.
- b. Multiple dwelling unit buildings existing as of the effective date of this section and converted to multiple unit student housing building in which more than 50% of the units are occupied by student shall comply with the following conditions:
- c. Current building, housing, and fire code compliance as of the date of the conversion;
- d. Initial and thereafter renewal registration of student rental housing providing 24-hour contact person in Connecticut to resolve complaints. Renewal registration must be received by August 1st of each year;
- e. Side and rear yards shall be adequately screened from adjoining properties by a suitable landscape buffer of at least 10 feet;
- f. Off street parking must be provided in amounts sufficient to meet student demand i.e. one space per student;
- g. Submission of floor plans and thereafter any proposed modifications thereto;
- h. Special permit, site plan and zoning permit;
- i. Zoning permit will automatically renew each year upon submittal of registration provided that the ZEO has not made a finding of non-compliance with provisions of this section.

9.32.4 New Construction Multiple-Unit Student Housing Buildings

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

- g. 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 9.22, 9.24, 9.25 in addition to the provisions of Section 9.40. In the case of conflicts, the more restrictive provision shall apply.
- h. All buildings shall be served by fire sprinklers;
- i. Submission of floor plans and thereafter any proposed modifications thereto;
- j. 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;
- k. Special Permit for and site plan approval for building; Zoning Permit for building;
- l. 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.

9.33 Telecommunications Facility (737)

9.33.1 Purpose

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

9.33.2 No Permit Required

Residential Household Antenna - An antenna used solely for residential household television and radio reception provided any such antenna meets required setbacks and does not exceed by more than 6 feet the maximum total building height for the zoning district in which it is located.

Residential Satellite Dish Antenna - A satellite dish antenna in a residential zone provided:

The dish antenna measures 1 meter (3.28 feet) or less in diameter; and

A building-mounted installation complies with yard setback and total building height standards for a principal structure.

Commercial Satellite Dish Antenna - A ground-mounted or roof-mounted satellite dish antenna in a Retail or Business zone provided the dish antenna measures 2 meters (6.56 feet) or less in diameter.

9.33.3 Zoning Permit Required

Amateur Radio Antenna - An amateur radio antenna owned and operated by an amateur radio operator licensed by the FCC provided:

A ground-mounted installation is located in the rear yard;

A building-mounted installation is affixed to the rear of the residential structure;

Any tower and antenna combination is less than 40 feet in total height and is erected no nearer to any property line than a distance equal to the vertical height of the tower and antenna; and

A suitable safety fence may be required to be erected to preclude unauthorized access.

New Public Safety Tower or Antenna - A new antenna tower intended and used primarily for the purpose of police, fire, ambulance, and/or other emergency services or similar emergency communications.

Existing Tower Repair - Repair of existing towers and antennas, provided there are no changes in design, height or appearance.

9.33.4 Permitted by Site Plan Approval

Commercial Satellite Dish Antenna - A ground-mounted or roof-mounted satellite dish antenna in a Retail or Business zone that does not comply with Section 9.30.2.C.

Other Antennas on Existing Structures. Any other antenna which is not attached to a tower, provided:

The antenna complies with all applicable FCC and FAA regulations;

The antenna complies with all applicable building codes;

The antenna does not extend more than 10 feet above the highest point of the structure; and

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

9.33.5 Permitted by Special Permit

New Tower or Antenna on Town-Owned Property - A new antenna located on property owned, leased or otherwise controlled by the Town.

New Tower or Antenna - Any new tower or antenna not regulated by the Connecticut Siting Council.

9.33.6 Requirements for Special Permit Applications

Each application shall include:

Documentation that a licensed carrier or an authorized emergency services organization is either an applicant or a co-applicant on the application;

Documentation that the proposed facility will not cause any interference with any emergency or public safety radio system;

Documentation showing how the proposed facility will accommodate emergency service communications for police, fire and ambulance services or a statement from each organization that such accommodation is not desired;

Documents indicating that:

All towers, antennas, and/or equipment to be installed meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas; and

If such standards and regulations are changed, then the owners of the towers and antennas governed by this regulation shall bring such towers and antennas into compliance. Documentation regarding noise emission from equipment and identify appropriate steps to provide soundproofing so that any noise above ambient levels is inaudible at the property line; and

A written maintenance plan for the site, including, but not limited to, all facilities, including landscaping at the site.

Visual Standards

Towers and antenna and appurtenances shall be painted a neutral color or other such finish as determined by the Commission so as to minimize visual obtrusiveness.

The design of the equipment, buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.

If an antenna is installed on a structure other than a tower, the antenna and supporting equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure to make the antenna and related equipment as visually unobtrusive as possible.

Towers shall not be artificially lighted, unless required by the FAA or other applicable authority and specifically authorized by the Commission.

Equipment/Tower Standards

Any equipment cabinets or other appurtenances used in association with the tower or antenna shall be clearly shown as part of the application including how such equipment is designed to blend with the surrounding landscape or be obscured from adjacent properties and streets.

Security fencing, no more than six feet in height, may be required by the Commission around the antenna, tower, and equipment depending on the nature of the installation.

Landscaping, including buffering, may be required by the Commission around the antenna, tower, and equipment depending on the nature of the installation.

Towers shall be set back from all property lines a distance equal to their height. This requirement may be waived when there is adequate documentation that the tower structure has been designed to collapse in a manner which will not impact adjacent properties.

Tower heights shall not exceed 200 feet.

9.33.13 Bonding

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

9.34 Transfer Station

9.35 Wind Energy Conservation Systems (733)

Wind energy conservation systems such as windmills are permitted accessory uses subject to Special Permit and Site Plan and the following conditions:

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

ARTICLE X APPLICATION STANDARDS AND PROCEDURES

10 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.

10.1 Purpose

10.2 General Application Standards and Procedures

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

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

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

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

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

All applications shall include the following:

Fifteen copies of the completed application form signed by the applicant and the owner of the property;

A fee in the amount prescribed by ordinance; and

When a public hearing is required, a list of all property owners required to be notified in Section 10.2.D, together with stamped envelopes appropriately addressed.

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

The Commission may refer any application to amend the zoning regulations to any Town department or other agency the Commission deems appropriate and may request any such department or agency to submit a report to the Commission on matters that are of concern to it in connection with its own responsibility.

10.3 Zoning Amendment Standards and Procedures (812)

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

10.4 Zoning Map, Neighborhood Districts (VILLAGE ?) and Regulation Plan Amendments

The application shall include:

A meets and bounds description of the land to be included in the amendment;

A statement as to the reasons for the proposed amendment; and

Fifteen copies of a map showing north arrow, name of the petitioner and all existing lots, dimensions, property lines, streets, and existing and proposed zoning for the area included in and within 500 feet of the subject property. The map shall be accurately drawn to a maximum scale of 50 feet or a minimum of 200 feet to the inch. The map may show other information considered pertinent by the applicant.

10.5 Amendments to Regulations

Applications for amendments to the regulations shall include the following:

A narrative statement giving the specific provisions to be amended and the proposed language thereof; and

A statement as to the reasons for the proposed amendment.

10.5.1 Review Criteria

In acting upon the zone change, the Commission shall consider, as appropriate, the various factors favorable and unfavorable to such a change, including but not limited to:

The goals, objectives, and recommendations of the Plan of Conservation and Development;

The purposes of zoning and of these regulations;

Changes that have taken place in the rate and pattern of development and land use within the Town and adjoining communities;

The supply of land available in the present and proposed zone;
The physical suitability of the land for the proposed zone;
The impact on the capacity of the present and proposed utilities, streets, drainage systems, and other improvements;
The general character and zoning of the neighborhood
Impacts on the surrounding area;
Traffic congestion impacts;
The environmental impacts; and
The health and general welfare of the community.

10.6 Special Permit Standards and Procedures (820)

10.6.1 Authority and Purpose

10.6.2 Applications

Applications for a Special Permit shall include the following:

Site Development Plan application as required in Section 10.5;

A narrative statement describing the proposed use;

Any data, plans or drawings, voluntarily submitted by the applicant or his agent in support of his application and not required by these regulations, shall be made part of the official record and may be made additional requirements and conditions of the permit; and

Building Location

Building Use

Parking Location Standards

Bonus Floor Request

Landscape Standards

Signage Standards

Special Requirements

 Hazard Mitigation Standards

 Natural Drainage Standards and Sedimentation and Erosion Control Standards

Architectural Standards

Lighting Standards

General Performance Standards

Visitability Standards

Any revisions to maps, and any additional information such as a traffic report which is not submitted at the time of the initial application, must be submitted to the Planning Office at least 10 calendar days prior to the public hearing on the proposed application.

10.6.3 Conformance to Requirements

Unless otherwise specified, a Special Permit use shall conform to all requirements of the district in which it is located as well as with other applicable provisions of these regulations.

Where two or more Special Permit uses apply to the same premises, the minimum requirements shall be the minimum requirements for each use as specified in these regulations, or in cases of two or more Special Permit uses in the same building, whichever requirements are more restrictive.

10.6.4 Special Permit Threshold Decision

In deciding whether or not to grant a Special Permit, the Commission shall give consideration to, but not be limited by, the following:

The health, safety and welfare of the public in general, and the immediate neighborhood, in particular;

Compliance with the Plan of Development;

The location and size of the proposed use;

The nature and intensity of the proposed use and any operations involved in the use;

The safety and intensity of traffic circulation on the site and in adjacent streets;

The scale of the proposed site structure;

The harmony and appropriateness of the use and site design in relation to the general area and to adjacent properties;

Compliance with the zoning regulations and the site plan objectives set forth in Section 10.5.4. Any permit granted under this Section shall be subject to any and all conditions and safeguards imposed pursuant to Section 10.4.4.

10.6.5 Conditions and Safeguards

The Commission may, if it finds that a Special Permit is appropriate under Section 10.4.3, include reasonable conditions and safeguards related to the factors set forth in Section 10.4.3. Any such conditions or safeguards attached to the granting of a Special Permit shall remain with the property as long as the Special Permit use is still in operation, and shall continue in force regardless of any change in ownership of the property.

10.6.6 Suspension

Any authorized Special Permit shall be subject to suspension through a Cease and Desist Order if any condition or safeguard imposed by the Commission upon buildings, structures, land or uses for said permit is not strictly adhered to by the applicant, user and/or owner.

10.6.7 Amendments or Modifications

Applications for Special Permit amendments which are necessitated by site conditions or by a change in circumstances, or which are deemed to be in the public interest, shall be made in the same manner as the original application.

10.6.8 Time Period and Expiration

In approving a Special Permit, the Commission may set time limits on the permit and/or require periodic renewal of the permit without a public hearing. In the event an appeal is taken from the Commission's approval of a Special Permit, then the time period shall commence on the date of final disposition of such litigation. Expired Special Permits shall be considered not valid.

10.6.9 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:

2. 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

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.

10.7 Site Plan Standards and Procedures (840)

10.7.1 Authority and Purpose

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 appropriate zoning standards.

10.7.2 Site Plan Procedure

10.7.2.1 Application

Each application for Site Plan approval shall be submitted on a form prescribed by the Commission, accompanied by nine sets of a Site Plan, as well as the applicable fee.

10.7.2.2 Conditions of Approval

Any conditions of approval shall be so noted by stamping on the Site Plan accordingly and noting the specific conditions on the plan. Copies of the stamped and marked plan shall be sent to the Building Official, Tax Assessor, and the Health Director.

10.7.2.3 Performance Bond

The Commission, may, if it deems necessary, require a bond consisting of a corporate surety or other financial guarantee, in a form and amount acceptable to the Commission or its designated agents, to guarantee performance of the site work as shown on the approved site plan. Said bond shall be submitted at a time to be determined by the Commission.

Where the Commission approves a bonus floor a bond shall be posted in an amount to cover the removal of the bonus floor or the retrofit of a non-LEED or LANDCode compliant building prior to the issuance of a zoning permit.

10.7.2.4 Expiration

The approval of any Site Plan for which construction has not commenced or which is not otherwise put into effect within the time period set by the Commission shall be considered invalid, unless an extension of time is applied for by the applicant prior to the actual expiration date and granted by the Commission.

10.7.2.5 Amendments

Application for amendments to an approved Site Plan shall be made in the same manner as the original application.

10.7.2.6 Certificate of Compliance Bonding

No Certificate of Compliance shall be issued until the applicant submits an as-built plan meeting the requirements of Section 11.3.2. When the site work cannot be completed because of weather or other pertinent reason, a conditional Certificate of 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.

10.7.2.7 Continuance

All conditions and improvements shown on an approved Site Plan shall remain with the property, as long as the use indicated on the approved Site Plan is still in operation. The conditions and improvements shall continue in force, regardless of any change in ownership of the property.

10.7.3 Site Plan Information [ADD: S&E control info from Subdivision Regulations]

10.7.3.1 General

All maps shall include an accurate class A-2 survey of the property and improvements prepared by a land surveyor registered in the State of Connecticut.

All plans shall be prepared, signed and sealed by a Connecticut registered engineer, architect, or landscape architect whichever is appropriate.

All plans shall be prepared at a scale of one-inch equals not less than 20 feet or, not more than 50 feet.

10.7.3.2 Site Plan Contents

Site Plans shall include the following:

Title Block with date, name of developer, property owner, north arrow, numeric and graphic scale of plans, seals and signatures of all appropriate design professionals;

A key map at the scale of 1" to 1000' showing the subject property and adjacent properties within 500 feet;

Boundary survey of site including distances with angles or bearings;

Zoning classification of property;

Area of lot;

Name of adjacent owners and zoning classification of their property;

Existing and proposed contours or spot grades at no more than 2 foot intervals;

Locations of existing and proposed buildings, signs, fences, and walls with dimensions, area, elevations and number of stories and distances between all buildings and property lines;

Location of all existing and proposed uses and facilities not requiring a building such as swimming pools, tennis courts, tanks, and transformers;

Size, arrangement, uses, and dimensions of all open spaces on the site;

Location and design of all existing and proposed sanitary sewer, storm drainage, water supply facilities, and other underground and above ground utilities;

Existing and proposed sidewalks, curbs and curb cuts, and adjacent streets;

Soil erosion and sedimentation control measures as required by Section 8.5 Sediment and Erosion and Control Regulations;

Drainage design for roof area, parking lot and driveways;

Stormwater Detention Plans as required by Town of Portland Regulations for Public Improvements;

Locations and descriptions of all existing and proposed easements and rights-of-way;

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;

Location of existing stone walls;

Proposed landscaping to include the following:

Location, general layout, type and size of buffer or landscape area, plant material, fencing, screening devices, decorative paving, or other materials proposed;

Location of existing trees with a trunk caliper of more than 6 inches except in densely wooded areas where the foliage line shall be indicated;

There shall also be a statement to the effect that such landscaping does not include any species listed on the Connecticut Invasive Plant List;

Layout of all off-street parking areas showing details of aisles, driveways, each parking space, all loading and unloading areas, pavement markings, location of directional signs;

Existing and proposed locations, height and size of all outdoor lighting and sign locations. Lighting plan shall include the following:

Location and the type of illuminating devices, fixtures, lamps, supports, reflectors, and other devices; any decorative lighting should be indicated;

Description of the illuminating devices, fixtures, lamps, supports, reflectors, and other devices and the description may include, but is not limited to, catalog cut sheets by manufacturers and drawings (including sections where required);

Photometric data, such as that furnished by manufacturers or similar showing the angle of cut off or light emissions;

Wattage or power of the lights, and method of shielding from any adjoining residential area.

Fire lanes and traffic control signs as required by Police and Fire authorities;

Outside storage areas with proposed screening;

Location of outside recycling and refuse storage area and proposed screening;

Provisions for water supply;

Proposed open space areas and any proposed site improvements to such areas;

Information on endangered species or species of special concern as listed on the Natural Diversity Data Base maintained by the Connecticut Department of Environmental Protection; and

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.

10.7.3.3 Architectural Plans

For all Special Permit uses, the applicant shall submit preliminary architectural drawings showing elevations of all proposed buildings and structures, indicating window treatment, rooftop mechanical equipment, building materials and schematic building floor plans indicating square footage by use. For uses requiring only Site Plan approval, such architectural plans shall be submitted for informational purposes, but shall contain all of the information required above.

10.7.3.4 Staging Plan Map

In cases where the applicant wishes to develop in stages, an overall site and staging plan indicating ultimate development for the entire property shall be submitted at the same scale as the Site Plan.

10.7.3.5 Other Information

The applicant shall submit any other information deemed by the Commission to be necessary to determine conformity with the intent of these regulations.

10.7.4 Exceptions

The Town Planner, with the consent of the Commission Chairman, may make exceptions to the site plan information required in this Section 10.5.3 if the construction or alteration or change of use does not affect existing circulation, drainage, relationship of buildings to each other, landscaping, buffering, lighting or other considerations of Site Plan review.

10.7.5 Revisions and Additional Information

Any revisions to maps, and any additional information such as a traffic report which is not submitted at the time of the initial application, must be submitted to the Planning Office at least 10 calendar days prior to the Commission meeting at which the Site Plan is to be considered.

10.7.6 Site Plan Objectives

In reviewing a Site Plan Application, the Zoning Section or the Commission shall take into consideration the health, safety and welfare of the public in general and the immediate neighborhood in particular, and may prescribe reasonable conditions and safeguards to insure the accomplishment of the following general objectives.

Town Plan. That the proposed site plan shall be in general conformance with the intent of the Town Plan, however, the Town Plan shall not take precedence over specific provisions of the Zoning Regulations.

Public Safety. That all buildings, structures, uses, equipment, or material are readily accessible for fire and police protection.

Traffic and Pedestrian Access. That all proposed traffic and pedestrian access ways do not create traffic hazards and are: adequate, but not excessive in number; adequate in width, grade, alignment, and visibility; adequate in distance from street corners, places of public assembly and other access ways; and adequate in design for other similar safety considerations.

Circulation and Parking. That adequate off-street parking and loading spaces are provided to prevent on-street and off-street traffic congestion; that all parking spaces, maneuvering areas are suitably identified; that entrances and exits are suitably identified and designed to specific use radii; that the interior circulation system is adequately designed to provide safe and convenient access to all structures, uses, and/or parking spaces; that parking areas are provided with suitable bumper guards, guard rails, islands, crosswalks, speed bumps and similar safety devices when deemed necessary by the Commission to adequately protect life and property; and that provision is made for safe pedestrian movement within and adjacent to the property by the installation of sidewalks.

Landscaping and Screening. That the general landscaping of the site complies with the purpose and intent of Section 8.1 of these regulations; that existing trees are preserved to the maximum extent possible; and that parking, storage, refuse and service areas are suitably screened during all seasons from the view of adjacent residential areas and public rights-of-way.

Lighting. That lighting of the site shall be adequate at ground level for the protection and safety of the public in regard to pedestrian and vehicular circulation and that glare from the installation of outdoor lights and illuminated signs is properly shielded from the view of adjacent property and public rights-of-way.

Public Health. That all utility systems are suitably located, adequately designed, and properly installed to serve the proposed uses, and to protect the environment from adverse air, water, or land pollution.

Environmental Features. That the development of the site will preserve sensitive environmental land features such as steep slopes, wetlands, and large rock outcroppings and will attempt to preserve public scenic views or historically significant features.

Neighborhood Character. That the location and size of any proposed use, building or structure, as well as the nature and intensity of operations involved or conducted in connection therewith, will be in general harmony with the character of the surrounding neighborhood, and will not be hazardous or otherwise detrimental to the appropriate and orderly development or use of any adjacent land, building, or structure as expressed in Section 3.10 Performance Standards.

Drainage. The design of stormwater drainage systems shall be such as to minimize soil erosion and maximize absorption of pollutants by the soil. Runoff

from impervious areas shall be attenuated to reduce peak flow volume and sediment loads to pre-development levels. Practices as outlined in the *2004 Stormwater Quality Manual* by the Connecticut Department of Environmental Protection, as may be amended from time to time, shall be followed.

Soil Erosion and Sediment Control: The design of soil erosion and sediment control plans shall be such as to reduce the danger from storm water run-off, minimize non-point sediment pollution from land being developed and conserve and protect the land, water, air and other environmental resources of the Town.

10.7.7 Referrals

The Commission may refer any Site Plan application to any Town department or other agency the Commission deems appropriate and may request any such department or agency to submit a report to the Commission on matters that are of concern to it in connection with its own responsibility.

10.7.8 Conformance to Approved Plans

Site development shall proceed in accordance with plans approved by the Commission. Any changes proposed by an applicant to an approved Site Plan shall be submitted to the Planning and Zoning Office for review and approval by the staff or by the Commission, as required. Any changes made prior to such review and approval shall constitute a violation of these regulations. All site work shall be completed no later than five years from the date of approval of the original plan.

10.7.9 Conformance to Requirements

10.7.10 Special Permit Threshold Decision

10.7.11 Conditions and Safeguards

10.7.12 Suspension

10.7.13 Amendments or Modifications

10.7.14 Time Period and Expiration

10.7.15 Continuance

10.8 Major Amendment Criteria

10.9 Minor Amendment Criteria

10.10 Temporary Permits

Nothing in these Regulations shall prevent a church, school, civic association, social club, volunteer fire department, a municipal agency, or other non-profit organization from holding a fair, carnival, circus, horse show, athletic meet or similar event on its own premises for a period not exceeding seven days in any calendar year, the profits of which are for the sole benefit of such organization or for civic, religious or philanthropic purposes. Seasonal operations, such as a farmer's market, shall not be limited to 7 days. A zoning permit may be issued to any of the above group of organizations located within the Town of Hamden to hold an event as described and limited above upon other permissible premises than those of such organizations.

10.11 Commission Procedures

10.12 Zoning Board of Appeals (860)

10.12.1 Powers and Duties

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

10.12.2Decide 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.

10.12.3Vary the Application of the regulations

To determine and vary the application of the Zoning Regulations in harmony with then- general purpose and intent and with due consideration for the Plan of Conservation and Development and for conserving the public health, safety, convenience, welfare and property values solely with respect to a parcel of land where owing to conditions especially affecting such parcel, but not affecting generally the 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.

10.12.4Use Variances

10.12.4.1Purpose:

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.

10.12.4.2Criteria for Use Variances

Use variances shall be granted only upon finding all of the following:

That a literal enforcement of the Zoning Regulations would result in exceptional or unusual hardship;

Financial hardship alone shall not be considered an exceptional difficulty or unnecessary hardship;

That the hardship is not a self-inflicted hardship which is the result of a previous action by the applicant;

That the applicant has demonstrated that no reasonable use of the property can be made for any use permitted in the applicable district;

That the applicant has demonstrated that he has pursued all other alternatives available to him under the regulations;

That the variance requested shall be the minimum variance necessary to allow a reasonable use of the land;

That the applicant has demonstrated that the granting of the requested variance will have no adverse effect on surrounding properties with regard to health, safety, welfare or property values; and

That the applicants request for a variance is consistent with the Comprehensive Plan of Development.

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

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

10.12.5 Approve Location of Use

To hear and decide upon all requests to locate gas stations and other motor vehicle uses as specified in the Connecticut General Statutes.

10.12.6 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.

10.12.7 Procedures

10.12.7.1 Application

All applications and appeals to the Zoning Board of Appeals shall be filed in a form prescribed by the ZBA, and shall be accompanied by a fee as established by the Board. The applicant shall submit a list of all property owners required to be notified in Section 10.7.2.C, together with stamped envelopes appropriately addressed.

10.12.7.2 Public Hearing

The Zoning Board of Appeals shall hold a public hearing on all applications and appeals after due notice and within the time prescribed by the Connecticut General Statutes.

10.12.7.3 Written Notification

In addition to the hearing notice required by the Connecticut General Statutes, the Zoning Board of Appeals shall send written notification of a request for a variance to owners of all lots located within 100 feet of any lot or lots on which any variance is being requested. Said notice shall be sent at least 10 days prior to the date of the hearing and shall include the location and general description of the type of variance being requested.

10.12.7.4 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.

10.13 Staff Procedures

10.14 Enforcement

10.15 Zoning Amendments

ARTICLE XI - ADMINISTRATION AND ENFORCEMENT PROCEDURES

11 Authority and Purpose (800)

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.

11.1 Enforcement and Penalties [Discuss with Tim, Sue and Holly]

The owner or agent of a building or premises where a violation of any provision of such regulations has been committed or shall exist, or the lessee or tenant of any entire building or entire premises where such violation shall have been committed or shall exist, or the owner, agent, lessee or tenant of any part of the building or premises in which such violation has been committed or exists, Any person violating any of the provisions of these Regulations shall be subject to the fines, injunctive procedures, and any other penalties prescribed by CGS Chapter 124, as amended, including, when warranted, a separate violation for each day that a violation exists.

Any official having jurisdiction in addition to other remedies may institute an action or proceeding to prevent the unlawful erection, construction, alteration, conversion, maintenance, or use of a building, or to restrain, correct, or abate such violation, or to prevent the occupation of buildings, structures, or land, or to prevent any illegal act, conduct of business, or use in or about such premises.

11.1 Administrative Permits

11.2 Zoning Permit

No building or structure shall be erected, added to, or structurally altered and no use, or reuse, shall be established until approved by the Commission or Town Planner, as required, and until a Zoning Permit has been issued by the Zoning Enforcement Officer (ZEO) or other authorized official. All applications for such permits shall be in accordance with the requirements of these regulations.

Application. Every application for Zoning Permit shall be accompanied by such information and exhibits as are required herein or may be reasonably required by the ZEO in order that the proposal of the applicant may be adequately interpreted and judged as to its conformity with the provisions set forth in these regulations.

Plot Plan. The application shall be accompanied by three copies of a plot plan based on a survey prepared by a land surveyor and/or engineer registered in the State of Connecticut (whichever is applicable), drawn to scale showing the actual dimensions of the lot to be built upon, the size of

the building to be erected, the location of the building upon the lot, the dimensions of all open spaces, the setback lines observed by buildings, the location of driveways and curb cuts, and such other information as may be necessary. The Town Planner may authorize the ZEO to waive any of the plot plan requirements in cases where it is not needed to determine conformity with these regulations.

11.3 Certificate of Compliance (803)

No land shall be occupied or used and no building hereafter erected or altered shall be occupied in whole or in part for any purpose until a Certificate of 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 A-2 plot plan of the lot and buildings involved, showing the exact placement of the as-built structures on the lot. The ZEO may waive the requirement for a certified plot plan in cases where it is not needed to determine conformity with these regulations. No such Certificate of Compliance shall be issued by the ZEO until all zoning requirements and conditions have been met.

ARTICLE XII APPENDIX

12 Purpose

12.1 Applications & Permit Forms

- 12.1.1 Special Permit Application
- 12.1.2 Site Plan Application
- 12.1.3 Zoning Permit
- 12.1.4 Certificate of Zoning Compliance / Bond Release
- 12.1.5 Zone Change Application (Text &/or Map)
- 12.1.6 Variance Application
- 12.1.7 Student Housing Application & Permit Renewal

12.2 Notification Forms

- 12.2.1 Regional Water Authority
- 12.2.2 Department of Environmental Protection (Coastal Area Management)
- 12.2.3 Department of Public Health (Drinking Water Division)
- 12.2.4 Abutter Notification Form
- 12.2.5 Abutting Municipality Notification Form

12.3 Checklists

12.3.1 Student Housing

ZONING PERMIT STUDENT HOUSING IN EXISTING CONSTRUCTION

| CLOCK: | DATE: |
|-----------------------|--------------|
| Application submitted | _____ |
| Zone | _____ |
| Zoning Permit Issued | _____ |

SUBMISSION:

- Completed Zoning Permit application
- Completed Student Housing Permit application
- Site Plans (3 copies + 1 orig.) Plans must show parking plans to scale and landscaping at side & rear yards
- Floor plans (3 copies + 1 orig.)
- Fee paid
- Certification of owner occupancy if applicable
- Renewal registration submitted by August 1st
- Building Official approval
- QVHD approval
- Fire Marshal approval
- Name & telephone number of 24-hour contact person
- Names of all students living in dwelling unit

DECISION:

| | | |
|----------|---------------------------|--------|
| Approved | Approved w/ conditions | Denied |
| _____ | _____ | _____ |
| (date) | (date) | (date) |

12.3.2 Zoning Permit & Certificate of Zoning Compliance

**ZONING PERMIT & CERTIFICATE OF ZONING
COMPLIANCE**

| CLOCK: | DATE: |
|-----------------------|--------------|
| Application submitted | _____ |
| Zone | _____ |
| Zoning Permit Issued | _____ |

SUBMISSION:

- Completed application form
- Site Plans (3 copies + 1 orig.)
- Fee paid
- WPCA application submitted **or**
- QVHD approval (septic/well)
- Bond Estimate Form submitted
- Bond Amount Approved
- Bond Posted
- Engineering Comments
- Planner Comments
- RWA Comments
- 3 Paper Copies of As-Built A2/T2
- Digital Copy of As-Built A2/T2

DECISION:

| | | |
|----------|---------------|--------|
| Approved | Approved | Denied |
| | w/ conditions | |
| _____ | _____ | _____ |
| (date) | (date) | (date) |

12.3.3 Site Plan & Special Permit

SITE PLAN & SPECIAL PERMIT

APPLICATIONS

Zone _____

CLOCK:

DATE:

| | |
|--------------------------|-------|
| Application submitted | _____ |
| Public Hearing Open by | _____ |
| Public Hearing Closed by | _____ |
| Zoning Permit Issued | _____ |

SUBMISSION:

- IWC Approval received. (if required)
- Completed Site Plan application
- Site Plans to A2 specifications
(9 copies + 1 orig.)
- Architectural Drawings
(9 copies & 1 orig.)
- Narrative of proposed project
- Fee paid
- Abutter's envelops – addressed & stamped
- WPCA application submitted **or**
- QVHD approval (septic/well)
- Bond Estimate Form submitted
- Bond Amount Approved
- Bond Posted
- Engineering Comments
- Planner Comments
- RWA Comments
- 3 Paper Copies of As-Built A2/T2
- Digital Copy of As-Built A2/T2

DECISION:

Approved

Approved
w/ conditions

Denied

(date)

(date)

(date)

12.3.4 Variance

ZONING VARIANCE APPLICATION

| | |
|-----------------------|--------------------------|
| CLOCK: | DATE: |
| Application submitted | _____ |
| Zone | _____ |
| Variance Issued | _____ |
| End of Appeal Period | _____ |
| | (15 days after decision) |

SUBMISSION:

- Completed application form
- Site Plans (10 copies + 1 orig.)
- Fee paid
- Planner Comments
- Narrative of hardship & variance requested
- Section #(s) of requested variance(s)
- Abutter's envelopes submitted
- Abutter's notices mailed
- Abutter's List from Tax Assessor's Office

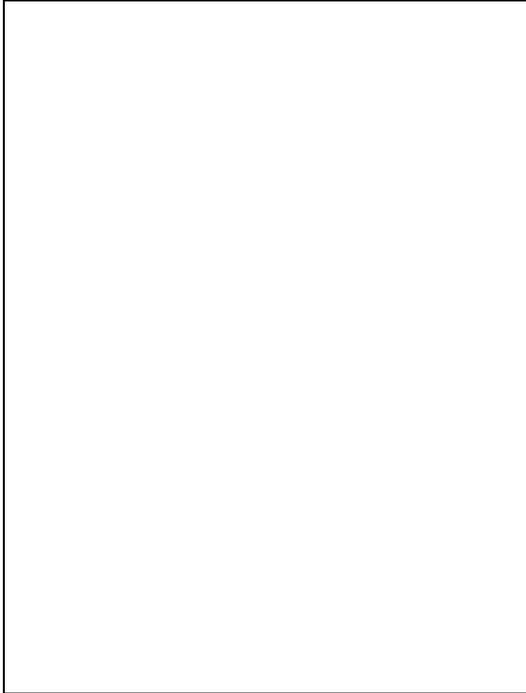
DECISION:

| | | |
|----------|---------------|--------|
| Approved | Approved | Denied |
| | w/ conditions | |
| _____ | _____ | _____ |
| (date) | (date) | (date) |

RECORDING OF DECISION:

- Decision sent to applicant
- Decision recorded on Land Records
in Town Clerk's Office _____
(date)

12.3.5 Zoning Amendment



12.4 Technical Requirements

12.4.1 Plan & Survey Requirements

12.4.1.1 A-2 T-2 Survey Requirements

12.4.1.2 Drainage Calculations Requirements

12.4.1.3 Sedimentation & Erosion Control Requirements

12.4.1.4 As-built Survey Requirements

12.4.1.4.1 A-2 T-2 required for Site Plan and Special Permit applications
unless waived by Town Planner and Town Engineer

12.4.1.5 Digital submission Standards and Requirements

12.4.2 Bonding Requirements & Forms

12.5 Planned Unit Developments

No new Planned Unit Development shall be approved; however, those Planned Unit Developments approved prior to the effective date of these regulations (Section 920) shall be governed by the following regulations.

A600 Planned Unit Developments

A610 Purpose

The purpose of the planned unit development regulations is to encourage flexibility in the design and development of land in order to promote its most appropriate use; to facilitate the adequate and economical provision of streets and utilities; and to preserve the natural and scenic qualities of open areas.

A611 Objectives

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

A612 Qualifying Standards

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

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

No tract of land will be considered for a planned unit development unless it is so designed in its space allocation, orientation texture, materials, landscaping and other features as to produce an environment of stable and desirable character, complementing the design and values of the surrounding neighborhood, and showing such unusual merit as to reflect credit upon the developer and upon the Town of Hamden.

In the event that a zone change is requested to permit a Planned Unit Development, the Zoning Section of the Town Plan & Zoning Commission shall amend the zoning map to show Planned Unit Development if said zone change request is granted.

Granting of this Planned Unit Development zone change request does not constitute approval of the Planned Unit Development plans which are still subject to the other requirements of Article VI of these regulations.

A613 Permitted Uses

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

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

Be located within the boundaries of the development,

Conform to all the regulations of the B-1 Zone.

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

A614 Procedure

Pre-application Conference: Before submitting an application for a planned unit development, an applicant at his option may confer with the Planning Department to obtain information and guidance before entering into binding commitments or incurring substantial expense in the preparation of plans, surveys and other data.

A615 Outline Development Plans

C. An applicant shall make application for the approval of a planned unit development to the Commission. The applicant shall accompany his application with an outline development plan as specified in this section.

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

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

An outline development plan must include both maps and written statement, and must show enough of the area surrounding the proposed planned unit development to demonstrate the relationship of the planned unit development to adjoining uses, both existing and proposed.

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

The existing topographic character of the land.

Existing and proposed land uses and the approximate location of buildings and other structures.

The character and approximate density of dwellings.

The approximate location of all thoroughfares.

Public uses, including parks, playgrounds and other open space.

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

An explanation of the character of the planned unit development and the manner in which it has been planned to take advantage of the planned unit development regulations.

A statement of proposed financing.

A statement of the present ownership of all the land included within the planned unit development.

A general indication of the expected schedule of development.

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

A616 Approval of Outline Development Plan

D. Legal Procedure

A public hearing shall be held within 60 days from the time of application to the Town Planning and Zoning Commission Office.

All owners of property adjacent to the planned unit development shall be notified of said hearing by mail.

The hearing shall be legally advertised according to the procedure specified by State Law for a change in zoning regulations.

The results of the decision of the Town Planning and Zoning Commission shall be legally advertised within 7 days of said decision.

If the outline development plan is approved, the Zoning Section of the Town Plan & Zoning Commission shall amend the zoning map to show planned unit development. If the outline development plan is approved with modifications, the Zoning Section of the Town Plan & Zoning Commission shall not amend the Zoning Map until the applicant has filed with the Commission written consent to the plan as modified. No building permits may be issued on land within the planned unit development until final plans for the development have been approved by the Commission under the procedures provided in following sections.

Failure to act by the Commission within 60 days after the public hearing for Outline Development Plan approval shall mean approval by the Commission.

A617 Preliminary Development Plan

E. An applicant seeking approval of a planned unit development shall submit a preliminary development plan, if an outline development plan has been approved, within six months following its approval.

If an outline development plan has been submitted and approved, the Commission may authorize the submission of preliminary development plans in stages. If a preliminary plan (development) covering at least 20% of the area of the outline development plan has not been submitted within six months following the approval of the outline development plan, the Commission shall withdraw its approval of the planned unit development. In its discretion and for good cause, the Commission may extend for three months the period of filing of the preliminary development plan.

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

A map showing street systems, plot lines and plot designs.

Areas proposed to be conveyed, dedicated, or reserved for parks, streets, playgrounds, public buildings and similar public and semi-public uses.

A plot plan for each building site and open area, showing the approximate location of all buildings, structures, and improvements and indicating the open spaces around buildings and structures.

Elevation and perspective drawings of all proposed structures and improvements except for single-family residences and their accessory buildings. The drawings need not be the result of final architectural decisions and need not be in detail.

A development schedule indicating (1) the approximate date when construction of the project can be expected to begin; (2) the stages in which the project will be built and the approximate date

when construction of each stage can be expected to begin; (3) the anticipated rate of development; (4) the approximate dates when the development of each of the stages in the development will be completed; and (5) the area and location of open space that will be provided at each stage.

Agreements, provisions or covenants that govern the use, maintenance and continued protection of the planned development and any of its open areas.

The following plans and diagrams, insofar as the Plan Commission finds that the planned unit development creates special problems of traffic, parking, landscaping or economic feasibility:

An off-street parking and loading plan.

A circulation diagram indicating the proposed movement of vehicles, goods, and pedestrians within the planned development and to and from existing thoroughfares. Any special engineering features and traffic regulation devices needed to facilitate or ensure the safety of this circulation pattern must be known.

A landscaping and tree planting plan,

An economic feasibility report or market analysis.

Map Standards for Preliminary Development Plans:

Drawn to a scale of 1" = 50'.

Survey Information: distances with angles and bearings by a registered surveyor or professional engineer

Contours at 5 foot intervals or less,

Proposed contour at 5 foot intervals or less,

Sanitary sewer and drainage or sewerage treatment systems designed by a registered professional engineer,

Adjacent streets, names and widths,

North point, scale and date.

Adjacent property owners and use of adjacent property,

Limit of easements, right of way and areas for open spaces dedication,

Lot lines, areas and numbers.

Street locations, names, widths, radii, curve lengths, grades.

Sidewalks,

Name of owner.

Location of watercourses, trees, wet area and rock outcroppings.

Title of Development,

Total area of development,

Total area of land left in open space,

Total number of dwelling units with breakdown of different types, where applicable.

Total area to be used for roads

In the cases of multi-family or commercial buildings, the Site Plan requirements of Section 250 of these regulations must be met.

A618 Approval of Preliminary Development Plans

F. If any outline plan has been submitted and approved, the applicant shall file the preliminary development plan with the Commission.

The Commission shall approve the preliminary development plan if it is in compliance with the approved outline development plan, and if it complies with all other standards for the review of the planned unit developments which were not considered when the outline development plan was approved.

Failure to act by the Commission within 60 days after the submission of a preliminary development plan shall mean approval by the Commission.

A619 Approval of Final Development Plan

G. Within six months following the approval of the preliminary plan, the applicant shall file with the Commission a final development plan containing in final form the information required in the preliminary plan. In its discretion and for good cause, the Commission may extend for three months the period for the filing of the final development plan.

The Commission shall give notice and provide an opportunity to be heard on the final development plan to:

Any person who appeared of record at the hearing on the outline development plan, if any.

Any person who has indicated to the Commission in writing his wishes to be notified.

The Commission shall act within 60 days after filing of the final development plan.

A planned unit development given final approval by the Commission must be filed in the office of the Town Clerk within 90 days after the final approval date or it will become invalid.

A620 Failure to Begin a Planned Unit Development

A620.1 If no construction has begun in the planned unit development within one year from the approval of the final development plan, the plan shall lapse and be no longer effective. In its discretion and for good causes, the Commission may extend for six months the period for the beginning of construction. If a final development plan lapses under the provisions of this section, the Planning Department shall remove the planned development from the zoning map and shall file a notice of revocation with the recorded final development plan. The zoning regulations applicable before the final development was approved shall then be in effect.

A621 Building Permits

A621.1 The Building Inspector shall issue building permits for buildings and structures in the area covered by the approved final development plan only if they are in conformance with the approved final development plan and with all other applicable ordinances and regulations. He shall issue a certificate of occupancy for any completed building or structure located in an area covered by the approved final development plan if the completed building or structure conforms to the requirements of the approved final development plan and all other applicable ordinances and regulations.

A622 Amendment to Final Development Plan

H. No changes may be made in the approved final plan during the construction of the planned unit development except upon application to the Commission under the procedures provided below:

Minor changes in the location, siting and height of buildings and structures may be authorized by the Town Planner, if required by engineering or other circumstances not foreseen at the time the final plan was approved. No change authorized by this section may increase the cube of any building or structure by more than 10%.

All other changes in use, any rearrangement of lots, blocks and building tracts, any changes in the provisions of open spaces, and all other changes in the approved final plan must be made by the Commission. No amendments may be made in the approved final plan unless then are shown to be required by changes in conditions that have occurred since the final plan was approved or by changes in the development policy of the Town of Hamden.

Increase the total number of dwelling units within the planned unit development;

Increase the total area of lot coverage within the planned unit development; and

Decrease the total area of open space within the planned unit development.

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

A623 Phasing of Construction and Guarantee of Performance

The construction and provision of all of the open spaces and public recreational facilities that are shown on the final development plan must proceed at the same rate as the construction of dwelling units. At least once every month following the start of construction the zoning enforcement officer shall review all of the building permits issued for the planned unit development and examine the construction that has taken place on the site. If he shall find that the rate of construction of dwelling units is greater than the rate at which open spaces and public and recreational facilities have been constructed and provided, he shall forward this information to the Commission which may revoke the planned unit development zone amendment.

A624 Progress Controls on Density and Open Space

The Commission may require adequate assurance in a form and manner which it approves, that the open space shown in the final development plan will be provided. The following methods of assurance are intended as illustrative and they may be used singly or in combination:

The Commission may accept a bond, corporate surety, or other acceptable financial guarantee, in a form which complies with the provisions of the Town of Hamden and in an amount sufficient to purchase the open space shown in the final development plan or alternative acreage, which is equivalent in size and character.

The land shown as open space may be put in escrow, the escrow agreement to provide that the land is to be held in escrow until the Commission has certified to the escrow agent that the planned unit development has been completed, at which time the open space is to be conveyed to the Town of Hamden. The escrow agreement may provide for the release of the open space by the escrow agent in stages, the Commission to certify the completion of each stage of the planned unit development to the escrow agent. The escrow agreement must provide that a portion of the open space is to be conveyed to the Town of Hamden if the planned unit development is not completed. In this event, the open space which is conveyed is to bear the same proportion to the open space provided on the final development plan as the dwelling units that have been built bear to the total number of dwelling units which are allowable by the final development plan.

A625 Phasing of Non-Residential Construction

If a planned unit development contains non-residential uses, these units may be constructed after 50% of the residential units are completed, and only if the Commission finds - and records its findings on the final development plan that the non-residential uses would be consistent with the comprehensive plan even though the residential areas of the planned unit development were not built or not completed.

A626 Changes after Completion of Construction

- I. The Commission shall issue a certificate certifying the completion of the planned unit development, and the Clerk of the Commission shall note the issuance of the certificate on the recorded final development plan.

After the certificate of completion has been issued, the use of land and the construction, modification, or alteration of any buildings or structures within the planned unit development will be governed by the approved final development plan rather than by any other provisions of this zoning regulation.

After the certificate of completion has been issued, no changes may be made in the approved final plan except upon application to the Commission under the procedure provided below:

Any minor extensions, alterations, or modifications of existing buildings or structures that may be authorized by this section may not increase the cube of any building or structure by more than 10%.

Any uses not authorized by the approved final plan, but allowable in the planned unit development as a permitted use under the provisions of this Zoning Regulation or permitted as a Special Permit use in the zone in which the planned unit development is located, may be added to the final development plan under the procedures provided by the Zoning Regulations for the approval of Special Permit uses.

A building or structure that is totally or substantially destroyed may be reconstructed only in compliance with the final development plan unless an amendment to the final development plan is approved.

Changes in the use of open space may be authorized by an amendment to the final development plan.

All changes in the final development plan must be made by the Commission under the procedures authorized by these regulations for the amendment of the Zoning Map. No changes may be made in the final development plan unless they are required for the continued successful functioning of the planned unit development, or unless they are required by change in conditions that have occurred since the final plan was approved or by changes in the development policy of the Town of Hamden.

No changes in the final development plan which are approved under this section are to be considered as a waiver of any covenants limiting the use of land, buildings, structures, and improvements within the area of the planned unit development, and all rights to enforce these covenants against any changes permitted by this section are expressly reserved by the Town of Hamden.

A627 Zoning Requirements

- J. Land Area Needed to Qualify for a Planned Unit Development

R-1 Zone 10 acres minimum

| | |
|----------|------------------|
| R-2 Zone | 10 acres minimum |
| R-3 Zone | 10 acres minimum |
| R-4 Zone | 5 acres minimum |
| R-5 Zone | 1 acre minimum |
| R-6 Zone | 1 acre minimum |

Lot Size

For planned unit developments the lot area required for each dwelling unit may be reduced to the area indicated in the following table:

| | |
|-----|---------------------------------------|
| R-1 | 53,000 sq. ft. |
| R-2 | 27,000 sq. ft. |
| R-3 | 27,000 sq. ft. without sewer or water |
| R-3 | 25,000 sq. ft. with sewers or water |
| R-3 | 15,000 sq. ft. with sewers and water |

For the R-4, R-5 and R-6 Zones, there shall be no reduction in lot size.

Dwelling Unit Types

The following dwelling types are permitted in a planned unit development for each separate residential zone.

| | |
|-----|---|
| R-1 | Single-family only |
| R-2 | Single-family only |
| R-3 | Single-family only, with no water or sewers |
| R-3 | Single-family only, with water or sewers |
| R-3 | Single-family, two-family garden-type multi-family (building not to exceed two stories), with water and sewers. |
| R-4 | For planned unit developments of from five to fifteen acres; two and three family structures. All types of multi-family structures, which shall be served with sanitary sewers. |

For planned unit developments of fifteen acres or more.

All residential types except that multi-family structures shall be served with sanitary sewers.

| | |
|-----|-------------------------------|
| R-5 | Multi-family structures only. |
| R-6 | Multi-family structures only. |

Lot Coverage

The following is the maximum percentage of lot coverage allowed in the R-1, R-2 and R-3 zones.

| | |
|-----|--------------|
| R-1 | 15% coverage |
| R-2 | 20% coverage |
| R-3 | 20% coverage |

For the R-4 Zone, where a planned unit development consists of 5 to 15 acres, the lot coverage shall conform to the following table:

| | |
|------------------------------|-----|
| For 1 and 2 story structures | 30% |
| For 3 story structures | 25% |
| For 4 story structures | 20% |
| For 5 story structures | 15% |
| For 6 story structures | 10% |

In the R-4 Zone where a planned unit development consists of more than 15 acres the lot coverage shall not exceed 30%.

In the R-5 Zone, the lot coverage shall conform to the following table:

| | |
|------------------------------|-----|
| For 1 and 2 story structures | 30% |
| For 3 story structures | 25% |
| For 4 story structures | 20% |
| For 5 story structures | 15% |
| For 6 story structures | 10% |

In the R-6 Zone, the lot coverage should conform to the following table.1

| | |
|-------------------------------------|-----|
| For 1 and 2 story structures | 30% |
| For 3 and 4 story structures | 25% |
| For 5 story structures | 20% |
| For 6 story structures | 15% |
| For structures of 7 or more stories | 10% |

Density (land area per dwelling unit)

The minimum amount of land required for each dwelling unit in a planned unit development, for each zone shall be as follows:

| | |
|-----|---|
| R-1 | 53,000 sq. ft. |
| R-2 | 27,000 sq. ft. |
| R-3 | 27,000 sq. ft. without sewers or water |
| R-3 | 25,000 sq. ft. with sewers or water |
| R-3 | 15,000 sq. ft. with sewers and water |
| R-4 | 1 and 2 story structures 10,000 sq. ft. |
| | 3 story structures 8,000 sq. ft. |
| | 4 story structures 6,000 sq. ft. |
| | 5 story structures 5,000 sq. ft. |
| | 6 story structures 4,000 sq. ft. |
| R-4 | 7,000 sq. ft. per dwelling unit |
| R-5 | 1 and 2 story structures 6,000 sq. ft. |
| | 3 story structures 5,000 sq. ft. |

| | | |
|-----|---------------------------------|---------------|
| | 4 story structures | 4,000 sq. ft. |
| | 5 story structures | 3,000 sq. ft. |
| | 6 story structures | 2,000 sq. ft. |
| R-6 | 1 and 2 story structures | 6,000 sq. ft. |
| | 3 story structures | 5,000 sq. ft. |
| | 4 story structures | 4,000 sq. ft. |
| | 5 story structures | 3,000 sq. ft. |
| | 6 story structures | 2,000 sq. ft. |
| | Structures of 7 or more stories | 1,500 sq. ft. |

Lot Width

Within a Planned Unit Development for single-family dwellings in the R-1, R-2 and R-3 Zones only, the lot width requirements may be reduced up to 1/3. In all other residential zones in which a Planned Unit Development is located, lot width requirements shall be met.

Front Yards

Within a planned unit development front yard requirements for the zone in which the planned unit development is located shall be met, except that, multi-family structures shall maintain the front yard requirements plus half again the required depth of the front yard.

Side Yards

In a planned unit development, the Commission may permit a side yard of not less than 2/3 the width of the minimum required side yard provided that the distance between any two dwelling structures shall be equal to twice the width of minimum required side yard of the zone in which it is located.

Rear Yard

Within a planned unit development the rear yard requirements for the zone in which the planned unit development is located shall be met.

Minimum Floor Area per Dwelling Unit

Within a planned unit development the floor area per dwelling unit requirements for the zone in which the planned unit development is located shall be met.

Building Height

For each foot of building height over thirty-five feet the distance between such buildings and the side or rear property lines shall be increased 1 foot in addition to the side or rear yards required.

Spacing of Buildings

The spacing between main buildings shall be at least equivalent to the spacing which would be required between buildings similarly developed under the terms of this regulation on separate parcels, due consideration being given to building height and to the openness normally afforded by intervening streets and alleys.

A628 Planned Unit Development in More than One 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

K. For each dwelling unit in a planned unit development for the following amount of land shall be set aside for usable open space.

| | |
|-------------|--|
| R-1 | 27,000 sq. ft. |
| R-2 | 13,000 sq. ft. |
| R-3 | 13,000 sq. ft. without sewer or water |
| R-3 | 5,000 sq. ft. with sewers or water |
| R-3 | 5,000 sq. ft. with sewers and water |
| R-4 | 0 with 5 to 15 acres |
| R-4 | 25 % of the total with 15 acres or more land area |
| R-5 and R-6 | All land not devoted to structures, required yards, parking spaces, streets and driveways. |

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

The location, shape, size and character of the open space must be suitable for the planned unit development.

Open space must be used for amenity or recreational purposes. The uses authorized for the open space must be appropriate to the scale and character of the planned unit development, considering its size, density, expected population, topography and the number and type of dwellings to be provided.

Open space must be suitably improved for its intended use, but open space containing natural features worthy of preservation may be left unimproved. The buildings, structures and improvements which are permitted in the open space must be appropriate to the uses which are authorized for the open space and must conserve and enhance the amenities of the open space having regard to its topography and unimproved condition.

The development schedule which is part of the development plan must coordinate the improvement of the open space, the construction of buildings, structures and improvements in the open space, and the construction of residential dwellings in the planned unit development.

If the final development plan provides for buildings, structures and improvements in the open space of a value in excess of 25,000 dollars, the developer must provide a bond or other adequate assurance that the buildings, structures and improvements will be completed. The Planning

Commission shall release the bond or other assurance when the buildings, structures, or improvements have been completed according to the development plan.

As an alternative to the provision of some or all of the open space which is required by these regulations, the developer may provide funds which the Town shall use for the acquisition of public open space adjoining or within 1,500 feet of the perimeter of the planned unit development. Open space which is so acquired may be counted as part of the net project area for the purposes of calculating project densities and lot sizes within the planned unit development.

The use and improvement of the open space must be planned in relation to any existing or proposed public or semi-public open space which adjoins or which is within 1,500 feet of the perimeter of the planned development.

Conveyance and Maintenance of Open Space

All land shown on the final development plan as open space may be conveyed under one of the following options:

It may be conveyed to the Town of Hamden which will agree to maintain the open space and any buildings, structures, or improvements which have been placed on it.

It may be conveyed to trustees provided in an agreement establishing a homeowners' association or similar organization for the maintenance of the planned unit development. The open space must be conveyed to the trustees subject to covenants to be approved by the Town Planning and Zoning Commission which restrict the open space to the uses specified on the final development plan, and which provide for the maintenance of the open space in a manner which assures its continuing use for its intended purpose.

No open space may be put to any use not specified in the final development plan unless the final development plan has been amended to permit the use. However, no change of use may be considered as a waiver of any of the covenants limiting the use of open space areas, and all rights to enforce these covenants are expressly reserved.

If the open space is not conveyed to the Town of Hamden, either one of the following methods of enforcement must be provided:

The legal right to develop the open space for the uses not specified in the final development plan must be conveyed to the Town of Hamden.

The restrictions governing the use, improvements and maintenance of the open space must be stated as conditions to the conveyance of the open space, the fee title to the open space to vest in the Town of Hamden in the event of a substantial default in the stated conditions.

If the open space is not conveyed to the Town of Hamden, the covenants governing the use, improvement, and maintenance of the open space may authorize the Town of Hamden to enforce their provisions.

The Town of Hamden is not obligated herewith to indefinitely keep dedicated land as open space, but may utilize any dedicated land for any public facilities that are considered necessary and in the best interest of the Town.

The Town of Hamden may accept the dedication of open space for a temporary period not less than 35 years. If the Town disposes of the open space after that period of time, it must provide an equivalent amount of open space elsewhere in the Town.

A630 Utilities

All utilities shall be placed underground with the exclusion of overhead utility wires that already exist on existing streets.

A631 Sidewalks

Sidewalks will be required on all streets of all planned unit development.

A632 Sanitary Sewers

Dedicated open space land may not be utilized for leaching fields, or on site sewage treatment systems.

A633 P.U.D. Completion

- L. Any Planned Unit Development not completed as of March 1, 2003 will cease to be eligible to be completed as a Planned Unit Development.

The Planned Unit Development designation will be removed from the land area and any expansion of land uses will be governed by the original underlying Zoning Regulations. In the case of an underlying zone being an R6 zone the governing zone will be R-5.