ZONING REGULATIONS

Town of Hamden, CT

Adopted December18, 2012
Effective January 8, 2013

Amendments to the Zoning Regulations
Town of Hamden, CT

(Hamden first adopted zoning regulations on December 24, 1930)

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Effective: January 1, 2010

Amended: March 9, 2010
Effective: April 15, 2010

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ARTICLE I INTRODUCTION

Section 100 Authority

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 Regulations, 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 Regulations (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 this Section***.**

Section 110 Jurisdiction

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

Section 120 Purpose

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

120.1 Health, Safety and Welfare

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

120.2 Environment & Natural Resources

a. Facilitate adequate provisions for water, sewage, schools, parks and other public requirements;
b. 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;
c. 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;
d. Distribute open space including parks, squares and playgrounds within neighborhoods and urban centers;
e. Use green corridors to define and connect the urbanized areas;
f. 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;
g. Encourage the use of solar and other renewable forms of energy and energy conservation and encourage the development of housing opportunities for all citizens of the municipality.

120.3 Growth & Development

a. Guide the future growth and development of the Town in accordance with the Plan of Conservation and Development;
b. Provide a guide for public policy and action for the efficient provision of public facilities;
c. Serve private enterprise in building development, investment and other economic activity relating to uses of land and buildings throughout the Town;
d. Retain the natural infrastructure and visual character of the Town derived from topography, woodlands, farmlands, and riparian corridors;
e. Develop architecture and landscape from local climate, topography, history and building practice;
f. Balance pedestrian with vehicular scales of development;
g. Use growth strategies that encourage infill and redevelopment to a greater extent than new community construction;
h. Protect the character and the historic, social and economic stability of the Town and ensure that development is orderly and beneficial; preserve and renew historic buildings to facilitate and affirm the continuity and evolution of the Town;
i. Create, enhance and maintain compact, pedestrian-oriented and mixed-use neighborhoods;
j. Use a pattern for new development and infill development that is compatible with existing adjacent neighborhoods; zones specializing in single-use should be the exception;
k. Prevent the overcrowding of land and avoid undue concentration of population;
l. Control development in residential areas to an amount commensurate with the capacity of the land and the availability of public facilities;
m. Embed civic, institutional, commercial activity and public gathering places in downtown cores so as to reinforce community identity. These uses should not be isolated in remote single-use complexes;
n. Situate civic buildings so they are distinctive and appropriate to a role more important than those of the other buildings that constitute the fabric of the Town;
o. Develop in accordance with the POCD Conceptual Plans;
p. Organize development non-contiguous to urban areas in the pattern of clusters, traditional neighborhoods or villages and regional centers;
q. Distribute affordable housing options through out the Town to match job opportunities and avoid concentrations of poverty;
r. Provide a range of housing types and price levels within neighborhoods to accommodate diverse ages and incomes;
s. Regulate and restrict the location of trades and industries and the location of buildings designed for specified uses; consider the compatibility of adjacent uses;
t. Bring about the gradual conformity of the uses of land and buildings to the Neighborhood Plans set forth in the Plan of Conservation and Development and minimize conflicts between the uses of the land and buildings.

120.4 Circulation

a. Promote the most beneficial relationship between the form of buildings, the public realm, the uses of land and circulation throughout the Town;
b. Use buildings and landscaping to contribute to the physical definition of thoroughfares as civic places;
c. Include a framework for the Town for transit, pedestrian and bicycle systems that provide alternatives to the automobile;
d. Facilitate adequate provisions for the convenience of pedestrian, vehicular and bicycle circulation to avoid undue congestion in the streets;
e. Accommodate automobiles while respecting the pedestrian and the spacial form of public areas;
f. Plan and reserve transportation corridors in coordination with land use;
g. Allow independence to those who do not drive by locating ordinary activities of daily living within walking distance of most dwellings;
h. Design interconnected networks of thoroughfares to disperse and reduce the length of automobile trips;

i. Provide appropriate building densities and land uses within walking distance of transit stops;
j. Size and locate schools to enable children to walk or bicycle to them.

Section 130 Application of Regulations

130.1 Conformity Required

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, width, required yards, nor shall any building or buildings or part thereof occupy in the aggregate a greater percentage of the lot than as required by these Regulations. 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.

130.2 Consistency with Subdivision Regulations

The existing Subdivision Regulations shall continue to be applicable to issues not covered by these Regulations Where the existing Subdivision Regulations are in conflict with these Regulations the conflict shall be resolved in favor of these Zoning Regulations.

Section 140 Zoning Map and Districts

(*See* Zoning Map)

Section 150 Interpretation of Zoning Boundaries

a. Zoning Boundaries

The boundaries of these Zones are hereby established, as shown on a map entitled, "Zoning District Map, Town of Hamden, CT," as amended, which, with all explanatory matter thereon, including the referenced sectional maps, is hereby adopted and made a part of these Regulations. A copy of this map, henceforth known and referred to as “the zoning map” indicating the latest amendments, shall be kept up to date in the Planning and Zoning Office for the use and benefit of the public.

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

i. Unless otherwise indicated on the zoning map, the zone boundary lines are the property lines, 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.
ii. Where zone boundaries are shown graphically following property lines indicated on the zoning map, such boundaries shall be the property lines as described by a duly recorded deed on file with the Town Clerk of the Town of Hamden at the time of passage of these Regulations or any amendment thereto changing the zone boundary affecting such property.

b. Split Zone Lots

Lots that contain two zones shall be zoned such that the first 100’-0” or the first 1/3 of the property depth, whichever is greater, shall be the same as the zone on the opposite side of the street.

Section 160 Interpretation of Regulations

a. Any principal use of land, buildings or structures not expressly permitted by these Regulations in the various zones is prohibited.

b. Any activity not expressly permitted in the Regulations is prohibited.
c. For a principal use permitted by these Regulations, accessory uses that are customarily incidental and are actually subordinate thereto are permitted with the exception of Outdoor Wood-Burning Furnaces, which are not permitted in any zone[1].
d. No accessory use shall be established on a property until a principal use has first been established.
e. Where any conflict arises between the provisions of these Regulations and any other law, ordinance, regulation or permit, the provision that imposes the highest standard or establishes the greatest restriction upon the use of the land, buildings, structures or site shall control.

Section 170 Validity

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

Section 180 Repealer

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

Section 190 Effective Date

The effective date of these Regulations is January 8. 2013

1 Amended, September 28, 2010. Effective, October 15, 2010.

ARTICLE II RESIDENTIAL ZONES R1 – R5

Section 200 Purpose

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

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

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

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

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

Section 210 Permitted Uses

Permitted uses in Residential Zones are listed in the Table 6.1. All other uses are prohibited. Special Permit uses are also subject to Site Plan approval. Specific uses may be subject to the Basic Standards in Article V and Special Provisions in Article VI.

Table 2.1 Residential Area and Coverage Requirements				
Zone	**Min. Lot Area[d]**	**Min. Lot Width [a]**	**Max. Building Coverage**	**Max. Total Impervious Coverage [c]**
R-1	80,000 sq. ft.	200 ft.	15%	20%
R-2	40,000 sq. ft.	120 ft.	15%	20%
R-3	20,000 sq. ft.	100 ft.	20%	25%
R-4	10,000 sq. ft.	80 ft.	25%	30%
R-5 [b]	6,000 sq. ft.	60 ft.	30%	35%

[a] Measured at the required front yard setback

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

[c] Equals building coverage plus all other impervious coverage

[d] Lot area is that which is free from wetlands and/or steep slopes in excess of 20% grade (See example below)

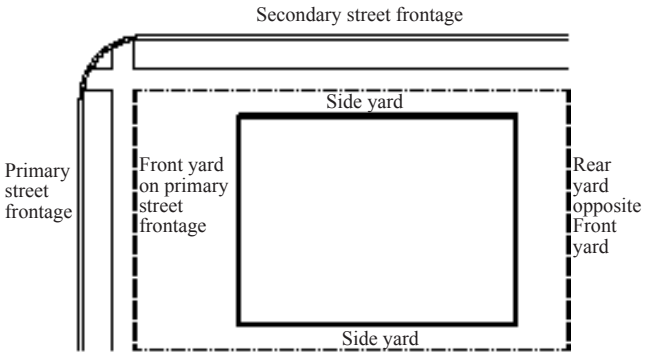

Figure 2.1a Setback for Corner Lot

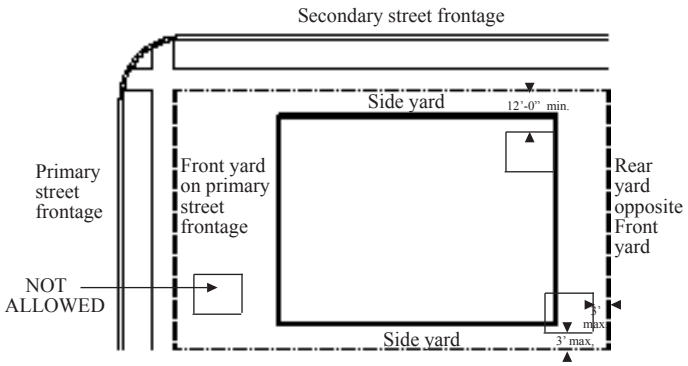

Figure 2.1b Setback for Corner Lot

Table 2.2 Lot Area per Dwelling Unit	
Zone	**Maximum Density [c]**
R-1	1 du / 80,000sf
R-2	1 du / 40,000sf
R-3	1 du / 20,000sf
R-4	1 du / 10,000sf
R-5	1 du / 3,000sf [a b]

[a] Maximum of 3 dwelling units allowed per lot

[b] Minimum allowable lot size is 6,000 sq. ft.

[c] The density of dwelling units in a multifamily property is goverened by Section 652.

EXAMPLE: Lot Area Calculation	
Total Land Area	80,000 sf
minus Wetlands	-10,000 sf
minus Slopes Exceeding 20% grade	-10,000 sf
Lot Area	**60,000 sf**
This lot would be a legal and conforming lot in an R-2 zone, but not an R-1.	

Table 2.3 Residential Yard and Height Requirements for PRIMARY STRUCTURES

Zone	Min. Front Yard from Street Line[a b]	Min. Front Yard from Centerline [a c]	Min. Side Yard	Min. Rear Yard	Max. Height
R-1	50 ft.[a b]	75 ft. [a c]	30 ft.	50 ft.	35 ft.
R-2	40 ft. [a b]	65 ft. [a c]	20 ft.	40 ft.	35 ft.
R-3	40 ft. [a b]	65 ft. [a c]	15 ft.	40 ft.	35 ft.
R-4	25 ft. [a b]	50 ft. [a c]	12 ft.	25 ft.	35 ft.
R-5	20 ft. [a b]	45 ft. [a c]	10 ft.	25 ft.	35 ft.

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

[b] Where street lines have been established.

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

Section 230 Accessory Structures

1. Accessory structures shall have a pitched roof with a minimum pitch of 4/12.
2. Detached accessory structures shall not include structured parking.
3. Accessory structures not used for human habitation or for housing animals, located within 25 feet of the rear property boundary may be located within three feet of the side boundary and three feet of the rear property boundary.
4. Accessory structures not located within 25 feet of the rear property boundary are subject to the same setback requirements as the primary structure.
5. With the exception of swimming pools, any detached accessory structure must be located at least ten feet away from the primary structure, unless approved by the Fire Marshal and the Building Official.
6. No swimming pool, tennis court or other recreational structure may be located in a required front or side yard or within five feet of the rear property boundary.
7. Mobile storage containers may not be placed within a required front or side yard and may be used only for a period not to exceed 90 days in any 12 month period.
8. "Roll-off" construction dumpsters may not be placed within a required front or side yard and may be used for a period not to exceed 90 days in any 12 month period, renewable for an additional 30 days, but only when associated with an active demolition or construction project approved by the Building Department.

Exception: The yard restriction may be waived by the Town Planner in cases where there are no reasonable alternatives. [a]

a Effective November 15, 2012

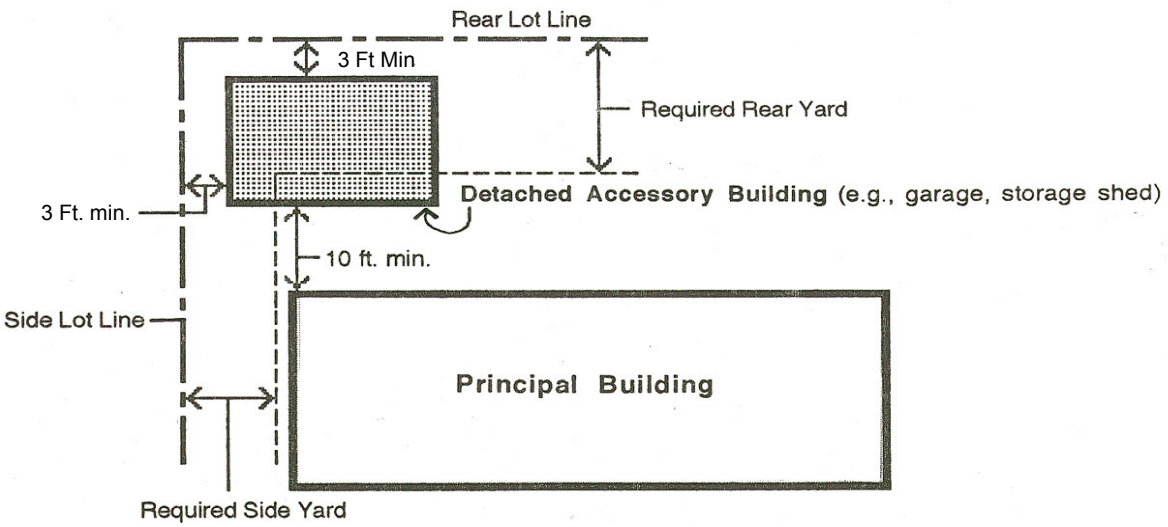

Figure 2.2 Location of Accessory Buildings on Lot[a]

Table 2.4 Residential Yard and Height Requirements for ACCESSORY STRUCTURES located within a rear yard setback			
Zone	**Min. Side Yard**	**Min. Rear Yard**	**Max. Height**
R-Zones	3 ft.	3 ft.	15 ft.

Table 2.5 Residential Yard and Height Requirements for ACCESSORY STRUCTURES NOT located within a rear yard setback			
Zone	**Min. Front Yard**	**Min. Side Yard**	**Max. Height**
R-Zones	12 ft. + the required building setback	Same as Primary Structure	15 ft.

Specific to zones R1, R2, R3, R4, R5

Detached accessory buildings:

a. If an accessory building is not used for human habitation or for the housing of animals, it may be located in the rear yard in accordance with **Figure 5.1**. Said structure shall have a pitched roof with a minimum pitch of 4/12.
b. Detached Accessory Building shall not include structured parking.
c. No swimming pool, tennis court, or other recreational structure, including related improved areas shall be permitted in any required side or front yard of any residential zone.

a Effective November 15, 2012 (Diagram moved from Article 5); "Rear" changed to "Side" in Table 2.5

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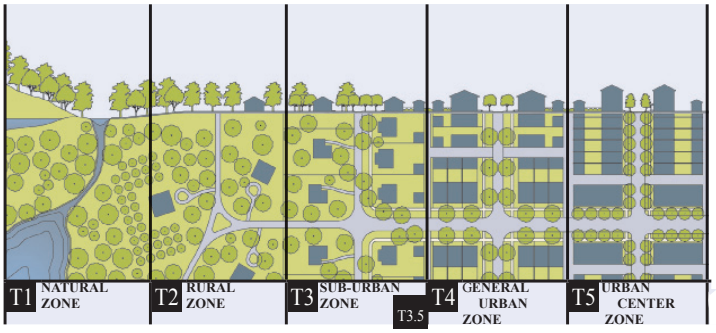
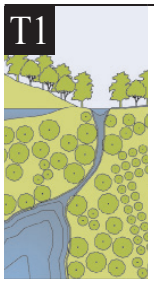


Section 300 PURPOSE

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

a. Future development in neighborhoods and regional centers shall be compact, pedestrian-oriented and mixed-use;
b. Ordinary activities of daily living should occur within walking distance of most dwellings, allowing independence to those who do not drive;
c. Interconnected networks of streets should be designed to disperse traffic and reduce the length of automobile trips;
d. Within neighborhoods, a range of housing types and price levels should be provided to accommodate diverse ages and incomes;
e. Civic, institutional and commercial activity should be embedded in downtowns, not isolated in remote single-use complexes;
f. Schools should be sized and located to enable children to walk or bicycle to them;
g. A range of open space including parks, squares and playgrounds should be distributed between neighborhoods.

FIGURE 3.1: TRANSECT DESCRIPTIONS



T-1 NATURAL

T-1 Natural Zone consists of lands approximating or reverting to a wilderness condition, including lands unsuitable for settlement due to topography, hydrology or vegetation.

General Character: Natural landscape with some agricultural use
Building Placement: Not applicable
Frontage Types: Not applicable
Typical Building Height: Not applicable
Type of Civic Space: Parks, Greenways

T-2 RURAL

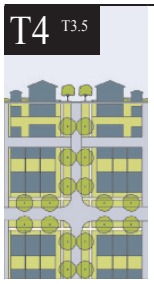
T-2 Rural Zone consists of sparsely settled lands in open or cultivated states. These include woodland, agricultural land, grassland, and irrigable desert. Typical buildings are farmhouses, agricultural buildings, cabins, and villas.

General Character: Primarily agricultural with woodland & wetland and scattered buildings
Building Placement: Variable setbacks
Frontage Types: Not applicable
Typical Building Height: 1- to 2-Story
Type of Civic Space: Parks, Greenways

T-3 SUB-URBAN

T-3 Sub-Urban Zone consists of low density residential areas, adjacent to higher zones that some mixed use. Home occupations and outbuildings are allowed. Planting is naturalistic and setbacks are relatively deep. Blocks may be large and the roads irregular to accommodate natural conditions.

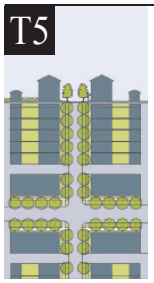
General Character: Lawns, and landscaped yards surrounding detached single-family houses; pedestrians occasionally
Building Placement: Large and variable front and side yard setbacks
Frontage Types: Porches, fences, naturalistic tree planting
Typical Building Height: 1- to 2-1/2 story with some 3-story
Type of Civic Space: Parks, Greenways



T3.5 & T-4 GENERAL URBAN

T3.5 & T-4 General Urban Zones consist of a mixed use but primarily residential urban fabric. They may have a wide range of building types: single, sideyard, & rowhouses. Setbacks & landscaping are variable. Streets with curbs and sidewalks define medium-sized blocks.

General Character: Mix of houses, townhouses & small apartment buildings, with scattered commercial activity; balance between landscape and buildings; presence of pedestrians
Building Placement: Shallow to medium front and side yard setbacks
Frontage Types: Porches, fences, dooryards
Typical Building Height: 2- to 3-story
Type of Civic Space: Squares, Greens



T-5 URBAN CENTER

T-5 Urban Center Zone consists of higher density mixed use buildings that accommodate retail, offices, rowhouses and apartments. It has a tight network of streets, with wide sidewalks, steady street tree planting and buildings set close to the sidewalks.

General Character: Shops mixed with townhouses, larger apartment houses, offices, workplace, and civic buildings; predominantly attached buildings; trees within the public right-of-way; substantial pedestrian activity
Building Placement: Shallow setbacks or none; buildings oriented to the street defining a street wall
Frontage Types: Stoops, shopfronts, galleries
Typical Building Height: 3- to 5-story with some variation
Type of Civic Space: Parks, plazas and squares, median landscaping

Section 310 BUILDING LOCATION

310.1 Specific to zones T1, T2, T3, T3.5, T4, T5, M, TG, NC

a. Buildings in the T1 Zone are not permitted *except for limited public use and utility purposes.*
b. Newly platted lots shall be dimensioned according to **Table 3.4** and relevant transect tables.
c. Principal building(s) shall be built with frontage along a public or private roadway, and outbuilding(s) shall be built to the rear of the principal building, and may be built on each lot as provided for in these Regulations.
d. Facades shall be built parallel to the street, as specified on **Table 3.4** and relevant transect tables. Setbacks for principal buildings shall be as shown in **Table 3.4** and relevant transect tables. In the case of an infill lot, setbacks shall match one of the existing adjacent setbacks.
e. Rear setbacks for outbuildings shall be a minimum of 12 feet measured from the centerline of the Rear Alley or Rear Lane easement. In the absence of a rear alley or rear lane, the rear yard setback shall be 5 feet from the rear property line.
f. Mobile storage containers may not be placed within a required front or side yard and may be used only for a period not to exceed 90 days in any 12 month period.[1]
g. "Roll-off" construction dumpsters may not be placed within a required front or side yard and may be used only for a period not to exceed 90 days in any 12 month period, renewable for an additional 30 days, but only when associated with active demolition or construction project approved by the Building Department.[2]

Exception: The yard restriction may be waived by the Town Planner in cases where there are no other reasonable alternatives.

310.2 Specific to zones T4 & T5

The Commission may, by Special Permit, allow an addition to an existing building which does not comply with the frontyard setback/build-to line as of the effective date of these Regulations. The resulting structure shall be in keeping with the intent of these Regulations and must comply with **Section 530.3**.

Section 320 BUILDING MASSING

320.1 General to zones T1, T2, T3, T3.5, T4, T5, M, TG, NC

a. Buildings on corner lots shall have two private frontages. Requirements for the second and third layers pertain only to the principal frontage. Requirements for the first layer pertain to both frontages. (*See* Definitions for Lot Line and Layers).
b. The first story of all facades shall be glazed with clear glass no less than 30% and shall be glazed at least 70% if a shopfront.
c. Building heights and expression lines shall conform to **Table 3.4**.
d. Stories may not exceed 14 feet in height from finished floor to finished ceiling, *except for a first floor commercial use, which shall be a minimum of 11 feet and may be a maximum of 25 feet*. A single floor level exceeding 14 feet shall be counted as two (2) stories. Mezzanines extending beyond 33% of the floor area below shall be counted as an additional story.
e. In a parking structure or garage, each level counts as a single story regardless of its relationship to habitable stories.

1 Effective November 15, 2012.
2 Effective November 15, 2012.

f. Height limits may be increased by 15 feet for non-habitable spaces such as masts, chimney flues, water tanks, or elevator bulkheads.
g. A spire, tower or belfry on a religious institution or public building may exceed the height limitations of the underlying zone, but shall not:
   i. Exceed the allowed height by more than 50 feet;
   ii. Exceed 10% of the roof area.
h. Building heights in T1, T2, T3, T3.5 or T4 zones shall not exceed 35 feet and shall be measured in accordance with these Regulations (*See Article VIII* Definition for Building Height).
i. Building heights in T5 zones shall not exceed 60 feet.
j. All rooftop mechanical units shall be screened from view from the ground and adjacent buildings of equal or lower height.
k. Sloped roofs are encouraged.

320.2 Specific to zones T3, T3.5, T4, M, TG, NC

a. No portion of the private frontage may encroach on the sidewalk.
b. Open porches may encroach on the first layer by 50% of its depth.
c. Balconies, open porches and bay windows may encroach on the first layer by 50% of its depth.

320.3 Specific to zones T5, M, TG, NC

a. Awnings, arcades, and galleries may encroach on the sidewalk to within 2 feet of the curb but must clear the sidewalk vertically by at least 8 feet and shall not exceed 14 feet in height.
b. Stoops, lightwells, balconies, bay windows, and terraces may encroach on the first layer 100% of its depth.
c. Loading docks and service areas shall not be permitted in first layer.
d. In the absence of a building facade along any part of a frontage line, a streetscreen shall be built in the same plane as the facade.
e. Streetscreensshall be between 3-1/2 and 4-1/2 feet in height. The streetscreen may be replaced by a hedge or fence. Streetscreens shall have openings no larger than necessary to allow for pedestrian and one-way automobile access.[3]
f. First floor residential or lodging use shall be raised a minimum of 2 feet from the average sidewalk grade.

Section 330 SPECIAL REQUIREMENTS T3.5, T4, T5, M, TG, NC

Unless otherwise approved by the Commission, the following shall be required in the specified Transect Zones and Special Districts: [4]

Shopfront: A shopfront facade shall be 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 **Figure 3.3 Table of Private Frontages** and as specified in **Article III**. [5]

The Commission may require Cross Block Passages to ensure safe and convenient pedestrian and bicycle circulation.

Section 340 BUILDING USE

3 Effective November 15, 2012

4 Effective November 15, 2012

5 Effective November 15, 2012

340.1 Specific to zones T2, T3, T3.5, T4, T5, M, TG, NC

a. Building uses in each Transect Zone shall conform to the uses on **Table 6.1**.
b. Accessory uses of lodging or office shall be permitted within an outbuilding. *See* **Table 6.1**.

340.2 Specific to zones T3.5, T4, T5, M, TG, NC

a. First story commercial uses shall be permitted.

Section 350 DENSITY AND PARKING CALCULATIONS

350.1 Specific to zones T2, T3, T3.5, M, TG, NC

a. Density on a lot shall be determined by the actual parking provided within the lot as applied to the uses permitted in **Table 6.1**, as well as landscaping, open space, building coverage and pervious surface regulations.

350.2 Specific to zones T4, T5, M, TG, NC

a. Maximum density on a parcel shall be determined by the availability of effective parking in conjunction with **Table 3.4** as it may apply. Such parking shall be provided:
   i. Within the lot;
   ii. Along the parking lane corresponding to the lot frontage, or;
   iii. By purchase or lease for 25 years from a parking lot within 300 feet;
   iv. In a public parking garage or lot available within 300 feet of the property line.
b. Parking requirements shall be adjusted according to the shared parking factor of **Table 3.2** to determine the effective parking.[6]
c. Based on the effective parking available, the density of the projected use shall be determined according to **Table 3.1** and **Table 3.2**.
d. At the discretion of the Commission, the effective parking may be further reduced by up to 30% within a Transit-Oriented Development (TOD).
e. Liner buildings that are less than 30 feet deep and no more than two stories shall be exempt from parking requirements.

350.3 Specific to zones_ T2, T3, T3.5, T4, T5, M, TG, NC

Parking calculations: Table 3.1 summarizes the parking requirement for each use by Transect Zone. This table also enables the calculation of allowable building square footage and the number of dwelling units allowed on each site given the parking available. To use the shared parking factor, divide the number of required parking spaces by the sharing factor to find the actual number of spaces required.

Table 3.1 Required Parking in Transect Zones
(See Table 5.5 for how uses are categorized by function)

Function	T2 & T3, T3.5	T4	T5
Residential	2.0 / dwelling unit	1.5 / dwelling unit	1.0 / dwelling unit
Lodging	1.0 / dwelling unit	1.0 / dwelling unit	1.0 / dwelling unit
Office	3.0 / 1,000 sq. ft. gross leasable space	3.0 / 1,000 sq. ft.	2.0 / 1,000 sq. ft.
Medical Office	5.0 / 1,000 sq. ft. gross leasable space	4.0 / 1,000 sq. ft.	4.0 / 1,000 sq. ft.
Retail	4.0 / 1,000 sq. ft. gross leasable space	4.0 / 1,000 sq. ft.	3.0 / 1,000 sq. ft.
Civic	To be determined by the Commission [a]		
Other	To be determined by the Commission [a]		

[a] The Commission may use **Table 5.5** as a guide when determining required parking

6 Effective November 15, 2012

Table 3.2: SHARED PARKING FACTOR

Function	with	Function
RESIDENTIAL		RESIDENTIAL
LODGING		LODGING
OFFICE		OFFICE
RETAIL		RETAIL

			1			
		1.1		1.1		
	1.4		1		1.4	
1.2		1.7		1.7		1.2
	1.3		1		1.3	
		1.2		1.2		
			1			

Table 3.2 Shared Parking Factor

When three functions share parking, the lowest Shared Parking Factor shall be used to assure that there is enough parking.

Example: T-4 Zone, Mixed-use building with 10,000 sf of office and 20 dwelling units.

Office:
10,000 sf x 3 spaces / 1,000 sf
= 30 spaces

Residential:
20 dwelling units x 1.5 spaces / dwelling
= 30 spaces

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

TOTAL:
60 required spaces / 1.4 sharing factor
= 43 actual spaces

Bicycle Parking Stalls:
43 actual spaces x 1 stall / 10 actual spaces
Sub-total = 4.3 bicycle stalls (always round up)
TOTAL = 5 bicycle stalls

Projects meeting the requirements of a Transit Oriented Development:
43 actual spaces x 30% reduction factor
= 13 actual spaces
+ 5.0 bicycle stalls

Section 360 PARKING LOCATION and PRIVATE ROADWAY STANDARDS

360.1 Specific to zones T1, T2, T3, T3.5, T4, T5, M, TG, NC

a. Where possible, parking shall be accessed by rear alleys or rear lanes.
b. Surface parking lots shall be masked from the frontage by a building or streetscreen.

360.2 Specific to zones T2, T3, M, TG, NC

a. Surface parking lots shall be located in the second and third lot layers. However, driveways, drop-offs and

unpaved parking areas may be located in the first lot layer and shall be limited to five spaces. These five spaces may be used for temporary parking only.

b. Garages shall be located in the third layer. However, side- or rear-entry garages may be allowed in the first or second layer by Special Permit.

360.3 Specific to zones T3, T3.5, T4, M, TG, NC

a. Driveways at frontages of single-family residential uses shall be no wider than 12 feet in the first layer.
b. Driveways at frontages of mixed-use and/or non-residential uses shall be no wider than 18 feet in the first layer.

360.4 Specific to zones T3.5, T4, M, TG, NC

a. All parking areas and garages shall be located in the third layer.
b. A minimum of one bicycle rack place shall be provided within the public or private frontage for every ten actual vehicular parking spaces.

360.5 Specific to zones T5, M, TG, NC

a. All parking lots, garages, and parking structures shall be located in the third layer.
b. Vehicular entrances and exits to parking lots, garages, and parking structures shall be no wider than 18 feet at the frontage.
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 on 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 actual vehicular parking spaces.

Table 3.3 Private Roadway Summary for Transect Zones

Design Speed	Travel Lane Width	T1	T2	T3	T3.5	T4	T5
Below 20 mph	8 feet	•	•	•	•	•	•
20-25 mph	9 feet	•	•	•	•	•	•
25-35 mph	10 feet	•	•	•	•	•	•
25-35 mph	11 feet	•	•				•
Above 35 mph	12 feet	•	•				•
Design Speed	Parking Lane Width						
20-25 mph	(Angle) 18 ft						•
20-25 mph	(Parallel) 7 ft					•	
25-35 mph	(Parallel) 8 ft			•	•	•	•
Above 35 mph	(Parallel) 9 ft						•
Design Speed	Effective Turning Radius						
Below 20 mph	5-10 ft			•	•	•	•
20-25 mph	10-15 ft	•	•	•	•	•	•
25-35 mph	15-20 ft	•	•	•	•	•	•
Above 35 mph	20-30 ft	•	•				•

• Allowed

Section 370 LANDSCAPE STANDARDS

370.1 Specific to zones T2, T3, T3.5, T4, M, TG, NC

The first layer may not be paved, *except for sidewalks and driveways as specified in Section 360.*

370.2 Specific to zones T1, T2, TG

a. A minimum of two trees shall be planted within the first layer for each 30 feet of frontage line or portion thereof.
b. Trees may be of single or multiple species as shown on **Table 5.2**.
c. Trees shall be naturalistically clustered.

370.3 Specific to zones T3, T3.5, T4, M, NC

a. A minimum of one tree shall be planted within the first layer for each 30 feet of frontage line or portion thereof.
b. Trees shall be a single species to match the species of street trees on the public frontage, or as shown on **Table 5.2.**

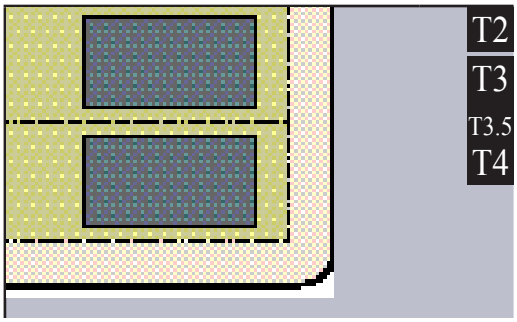
370.4 Specific to zones T5

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.

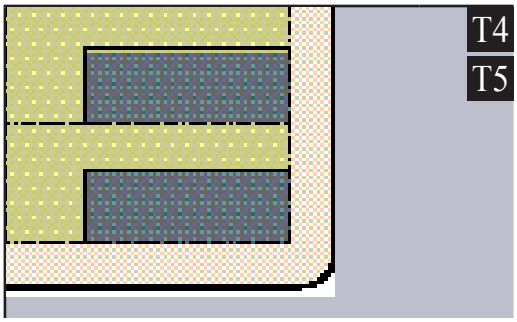
FIGURE 3.2: BUILDING LOCATION

Building Location. This table approximates the location of the structure relative to the boundaries of each individual Lot, establishing suitable basic building types for each Transect Zone.

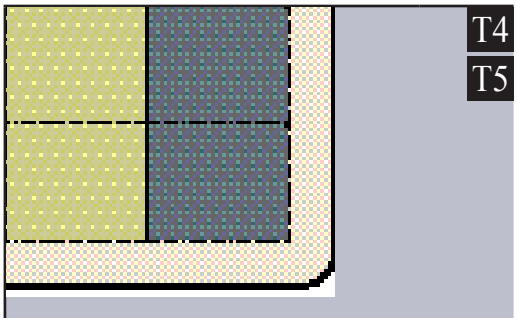
a. Edgeyard: Specific Types - single family House, cottage, villa, estate house, urban villa. A building that occupies the center of its Lot with Setbacks on all sides. This is the least urban of types as the front yard sets it back from the Frontage, while the side yards weaken the spatial definition of the public Thoroughfare space. The front yard is intended to be visually continuous with the yards of adjacent buildings. The rear yard can be secured for privacy by fences and a well-placed Backbuilding and/or Outbuilding.



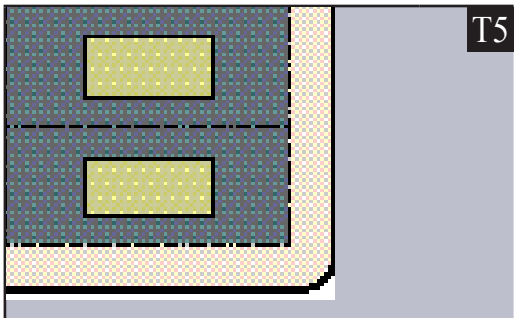
b. Sideyard: Specific Types - Charleston single house, double house, zero lot line house, twin. A building that occupies one side of the Lot with the Setback to the other side. A shallow Frontage Setback defines a more urban condition. If the adjacent building is similar with a blank side wall, the yard can be quite private. This type permits systematic climatic orientation in response to the sun or the breeze. If a Sideyard House abuts a neighboring Sideyard House, the type is known as a twin or double House. Energy costs, and sometimes noise, are reduced by sharing a party wall in this disposition.



c. Rearyard: Specific Types - Townhouse, Rowhouse, Live-Work unit, loft building, Apartment House, Mixed Use Block, Flex Building, perimeter Block. A building that occupies the full Frontage, leaving the rear of the Lot as the sole yard. This is a very urban type as the continuous Facade steadily defines the public Thoroughfare. The rear Elevations may be articulated for functional purposes. In its Residential form, this type is the Rowhouse. For its Commercial form, the rear yard can accommodate substantial parking.



d. Courtyard: Specific Types - patio House. A building that occupies the boundaries of its Lot while internally defining one or more private patios. This is the most urban of types, as it is able to shield the private realm from all sides while strongly defining the public Thoroughfare. Because of its ability to accommodate incompatible activities, masking them from all sides, it is recommended for workshops, lodging and schools. The high security provided by the continuous enclosure is useful for crime-prone areas.



e. Specialized: A building that is not subject to categorization. Buildings dedicated to manufacturing and transportation are often distorted by the trajectories of machinery. Civic buildings, which may express the aspirations of institutions, may be included.

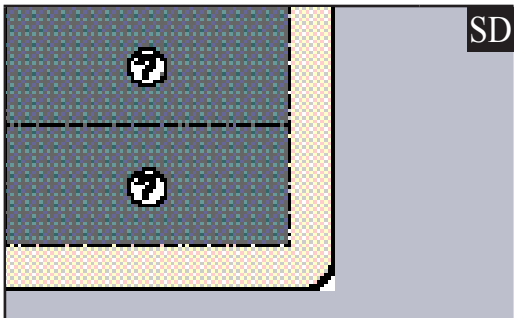
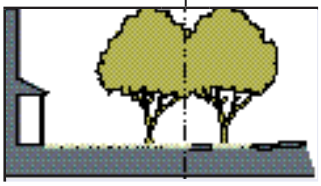
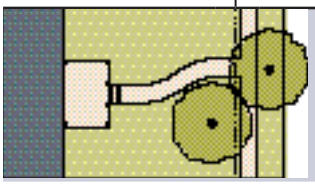
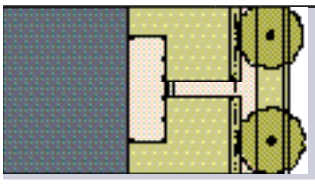
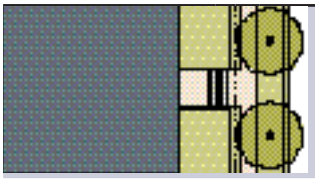
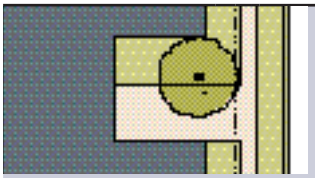
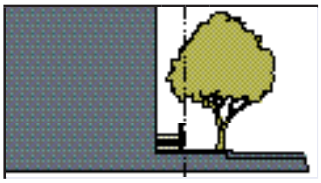
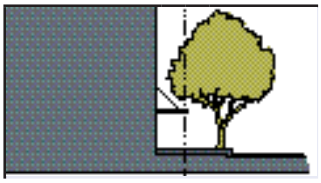
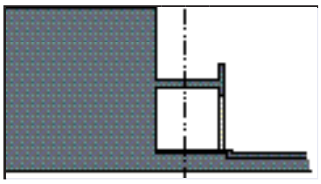
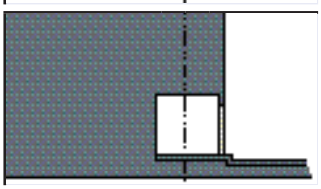


FIGURE 3.3: PRIVATE FRONTAGES

Private Frontages. The Private Frontage is the area between the building Facades and the Lot lines.

	SECTION	PLAN	
	LOT ▶ PRIVATE ▶ FRONTAGE / ◀ R.O.W. ◀ PUBLIC FRONTAGE	LOT ▶ PRIVATE ▶ FRONTAGE / ◀ R.O.W. ◀ PUBLIC FRONTAGE	
Common Yard: A planted frontage wherein the facade is set back substantially from the frontage line. The front yard created remains unfenced and is visually continuous with adjacent yards, supporting a common landscape. The deep setback provides a buffer from the higher speed thoroughfares.			T2 T3 T3.5
Porch & Fence: A planted frontage wherein the facade is set back from the frontage line with an attached porch permitted to encroach. A fence at the frontage line maintains street spatial definition. Porches shall be no less than 8 feet deep.			T3 T3.5 T4
Terrace or Lightwell: A frontage wherein the facade is set back from the frontage line by an elevated terrace or a sunken lightwell. This type buffers residential use from urban sidewalks and removes the private yard from public encroachment. Terraces are suitable for conversion to outdoor cafes. Syn: Dooryard.			T4 T5
Forecourt: A Frontage wherein a portion of the facade is close to the frontage line and the central portion is set back. The forecourt created is suitable for vehicular drop-offs. This type should be allocated in conjunction with other frontage types. Large trees within the forecourts may overhang the sidewalks.			T4 T5
Stoop: A frontage wherein the facade is aligned close to the frontage line with the first story elevated from the sidewalk sufficiently to secure privacy for the windows. The entrance is usually an exterior stair and landing. This type is recommended for ground-floor residential use.			T3.5 T4 T5
Shopfront: A frontage wherein the facade is aligned close to the frontage line with the building entrance at sidewalk grade. This type is conventional for retail use. It has a substantial glazing on the sidewalk level and an awning that should overlap the sidewalk to within 2 feet of the curb. Syn: Retail Frontage.			T3.5 T4 T5
Gallery: A frontage wherein the facade is aligned close to the frontage line with an attached cantilevered shed or a lightweight colonnade overlapping the sidewalk. This type is conventional for retail use. The gallery shall be no less than 10 feet wide and should overlap the sidewalk to within 2 feet of the curb.			T4 T5
Arcade: A colonnade supporting habitable space that overlaps the sidewalk, while the facade at sidewalk level remains at or behind the frontage line. This type is conventional for retail use. The arcade shall be no less than 12 feet wide and should overlap the sidewalk to within 2 feet of the curb.			T5

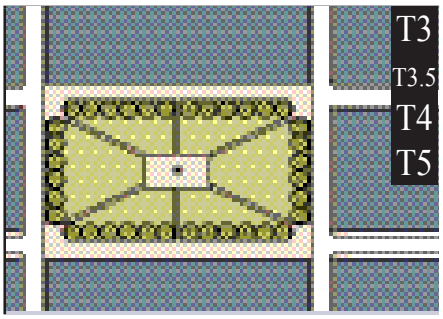
* Any protrusion into the Town or State right-of-way will require approval from the appropriate entity.

FIGURE 3.4: CIVIC SPACES

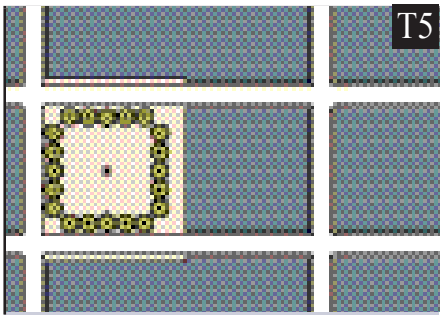
Park: A natural preserve available for unstructured recreation. A park may be independent of surrounding building frontages. Its landscape shall consist of Paths and trails, meadows, waterbodies, woodland and open shelters, all naturalistically disposed. Parks may be lineal, following the trajectories of natural corridors. The minimum size shall be 8 acres. Larger parks may be approved by Site Plan and Special Permit.

Green: An open space, available for unstructured recreation. A green may be spatially defined by landscaping and/or building frontages. Its landscape shall consist of lawn and trees, naturalistically disposed. The minimum size shall be 1/2 acre and the maximum shall be 8 acres.

Square: An open space available for unstructured recreation and civic purposes. A square is spatially defined by building frontages. Its landscape shall consist of paths, lawns and trees, formally disposed. Squares shall be located at the intersection of important thoroughfares. The minimum size shall be 1/2 acre and the maximum shall be 5 acres.



Plaza: An open space available for civic purposes and commercial activities. A plaza shall be spatially defined by building frontages. Its landscape shall consist primarily of pavement. Trees are optional. Plazas should be located at the intersection of important streets. The minimum size shall be 1/2 acre and the maximum shall be 2 acres.



Playground: An open space designed and equipped for the recreation of children. A playground should be fenced and may include an open shelter. Playgrounds shall be interspersed within Residential areas and may be placed within a block. Playgrounds may be included within parks and greens. There shall be no minimum or maximum size.

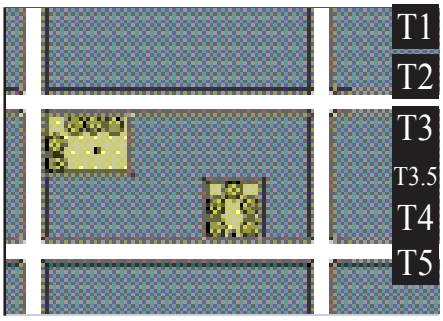
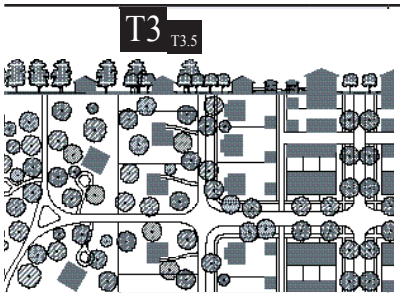


FIGURE 3.5: FORM-BASED CODE GRAPHICS - T3 & T3.5

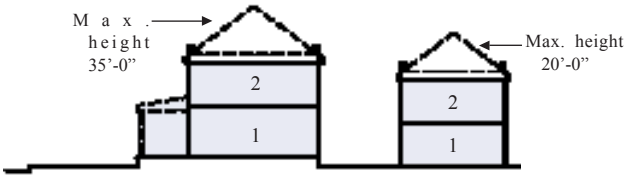


BUILDING HEIGHT	
Principal Building	35'-0"max.
Outbuilding	20'-0"max.
BUILDING LOCATION: SEE TABLE 3.4	
SETBACKS - PRINCIPAL BUILDING	
(g.1) Front Setback Principal	24 ft. min
(g.2) Front Setback Secondary	12 ft min.
(g.3) Side Setback	12 ft min.
(g.4) Rear Setback	12 ft min.
Frontage Buildout	40% min at front lot line
SETBACKS - OUTBUILDING	
(h.1) Front Setback	20 ft. min. + bldg setback
(h.2) Side Setback	3 ft.
(h.3) Rear Setback*	3 ft. min*
PRIVATE FRONTAGES : SEE TABLE 3.4	

*or 15 ft. from center line of alley

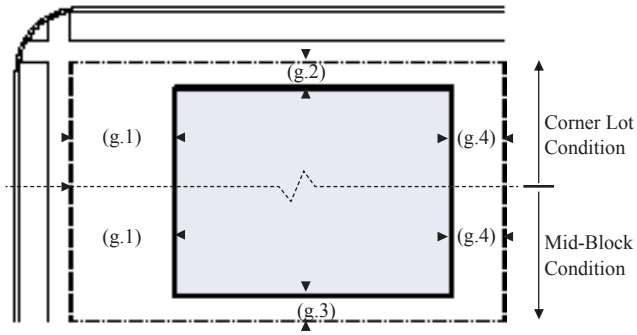
BUILDING HEIGHT

1. Building height shall be measured in number of feet.
2. Stories may not exceed 14 feet in height from finished floor to finished ceiling, *except for a first floor commercial function which must be a minumum of 11 ft with a maximum of 25 feet.*
3. Where surrounding buildings are typically more than one story and/or where the usable floor area is at least 2,500 sf, new structures shall be a minimum of two stories.



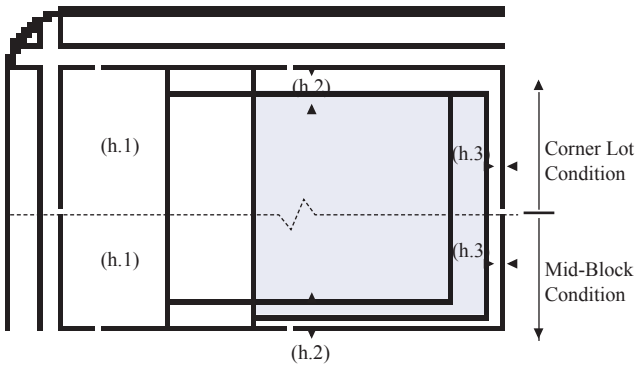
SETBACKS - PRINCIPAL BLDG

1. The facades and elevations of principal buildings shall be distanced from the lot lines as shown.
2. Facades shall be built along the principal frontage to the minimum specified width in the table.



SETBACKS-OUTBUILDING

1. The elevation of the outbuilding shall be distanced from the lot lines as shown.

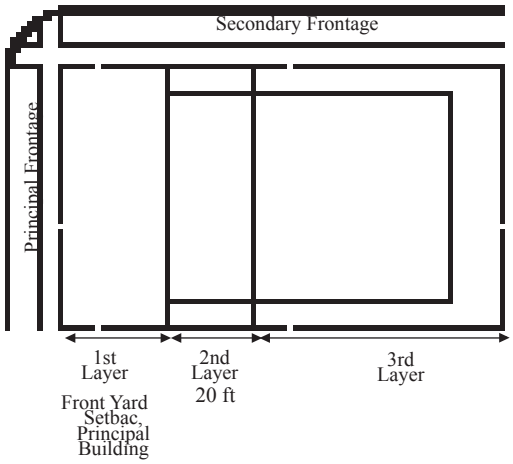


PARKING PLACEMENT

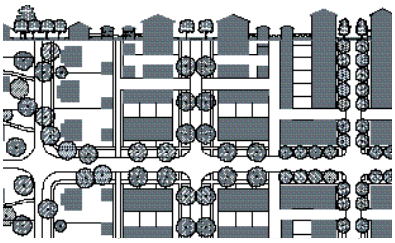
Covered and uncovered parking spaces may be provided within the second and third layer as shown in the diagram

TRASH PLACEMENT

Trash containers shall be stored within the 3rd layer. (*See also* Section 520.7.1)



T4



BUILDING HEIGHT	
Principal Building	2 stories min/35'max
Outbuilding	20'-0" max.
BUILDING LOCATION	
Edgeyard	permitted
Sideyard	permitted
Rearyard	permitted
Courtyard	not permitted
SETBACKS - PRINCIPAL BUILDING	
(g1) Front Setback Principal	6 ft. min. 18 ft. max
(g2) Front Setback Secondary	6 ft. min. 18 ft. max
(g3) Side Setback	0 ft. min.
(g4) Rear Setback	5 ft. min.*
Frontage Buildout	60% min at setback
SETBACKS - OUTBUILDING	
(h1) Front Setback	20 ft.min.+bldg. setback
(h2) Side Setback	3ft at corner
(h3) Rear Setback	3 ft. min
PRIVATE FRONTAGES**	
Common Lawn	not permitted
Porch & Fence	permitted
Terrace or Light Court	permitted
Forecourt	permitted
Stoop	permitted
Shopfront & Awning	permitted
Gallery	permitted
Arcade	not permitted

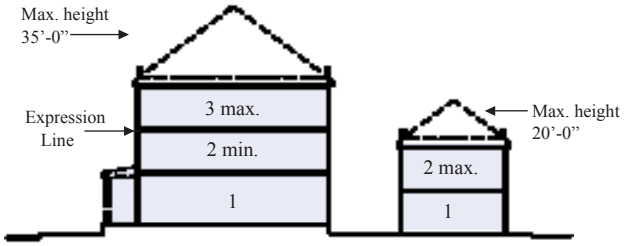
*or 15 ft. from center line of alley

"N" stands for any Stories above those shown, up to the maximum. Refer to metrics for exact minimums and maximums

** Any protrusion into the Town or State right-of-way will require approval from the appropriate entity.

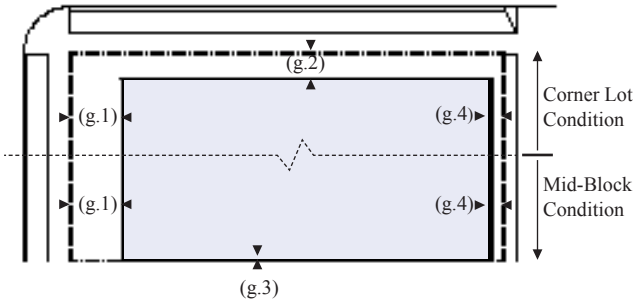
BUILDING HEIGHT

1. Building height shall be measured in number of feet.
2. Stories may not exceed 14 feet in height from finished floor to finished ceiling, *except for a first floor Commercial function which must be a minumum of 11 ft with a maximum of 25 ft.*
3. Buildings shall have an Expression Line on the exterior facade at the top of the 2nd story level.



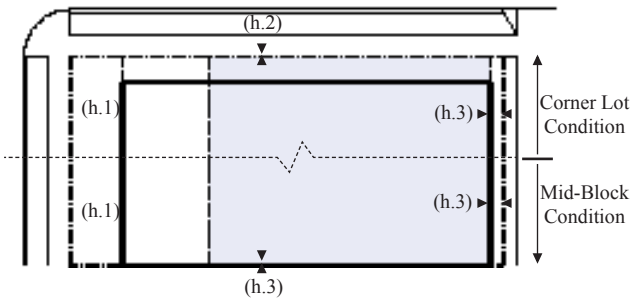
SETBACKS - PRINCIPAL BLDG

1. The facades and elevations of principal buildings shall be distanced from the lot lines as shown.
2. Facades shall be built along the principal frontage to the minimum specified width in the table.



SETBACKS - OUTBUILDING

1. The elevations of the outbuilding shall be distanced from the lot lines as shown.



PARKING PLACEMENT

Covered and uncovered parking spcovered and unces may be provided within the 3rd layer.

TRASH PLACEMENT

Trash containers shall be stored within the 3rd layer. (*See also* Section 520.7.1)

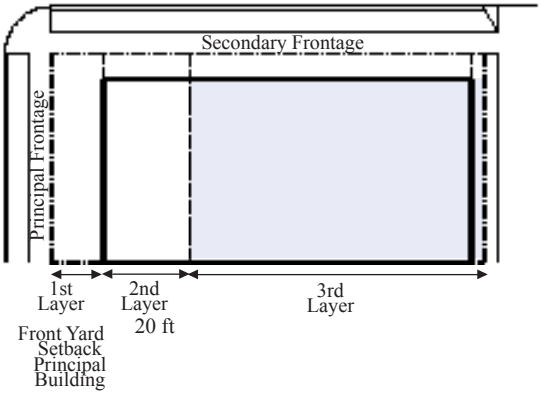
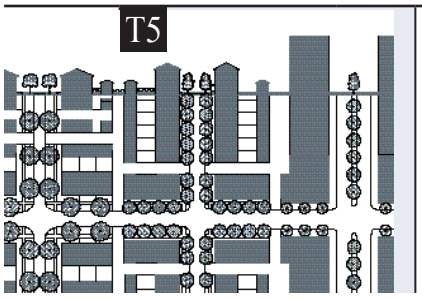


FIGURE 3.7: FORM-BASED CODE GRAPHICS - T5



BUILDING HEIGHT	
Principal Building	5 stories max. / 2 min.
Outbuilding	2 stories max.
BUILDING LOCATION	
Edgeyard	not permitted
Sideyard	permitted
Rearyard	permitted
Courtyard	permitted
SETBACKS - PRINCIPAL BUILDING	
(g.1) Front Setback Principal	0 ft. min. 12 ft. max.
(g.2) Front Setback Secondary	0 ft. min. 12 ft. max.
(g.3) Side Setback	0 ft. min. 24 ft. max.
(g.4) Rear Setback	5 ft. min.*
Frontage Buildout	80% min at setback
SETBACKS - OUTBUILDING	
(h.1) Front Setback	40 ft. max. from rear prop.
(h.2) Side Setback	0 ft. min. or 2 ft at corner
(h.3) Rear Setback	3 ft. max.
PRIVATE FRONTAGES**	
Common Lawn	not permitted
Porch & Fence	not permitted
Terrace or Light Court	permitted
Forecourt	permitted
Stoop	permitted
Shopfront & Awning	permitted
Gallery	permitted
Arcade	permitted

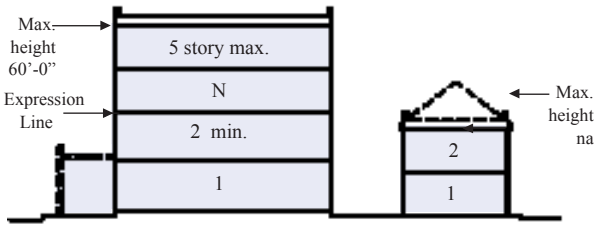
*or 15 ft. from center line of alley

"N" stands for any stories above those shown, up to the maximum. refer to metrics for exact minimums and maximums

** Any protrusion into the Town or State right-of-way will require approval from the appropriate entity.

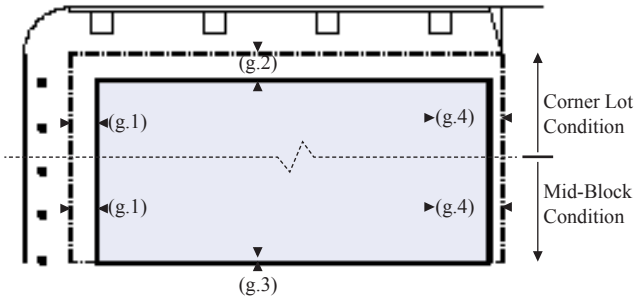
BUILDING HEIGHT

1. Building height shall be measured in number of feet.
2. Stories may not exceed 14 feet in height from finished floor to finished ceiling, *except for a first floor commercial function which must be a minumum of 11 ft with a maximum of 25 ft.*
3. Buildings shall have an Expression Line on the exterior facade at the top of the 2nd story level.



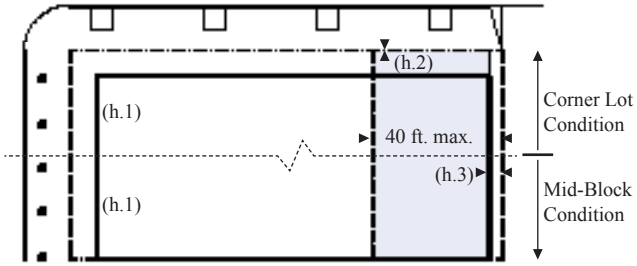
SETBACKS - PRINCIPAL BLDG

1. The facades and elevations of principal buildings shall be distanced from the lot lines as shown.
2. Facades shall be built along the principal frontage to the minimum specified width in the table.



SETBACKS - OUTBUILDING

1. The outbuilding, relative to the property llines, shall be located as shown.



PARKING PLACEMENT

Covered and uncovered parking spaces may be provided within the 3rd layer as shown in the diagram.

TRASH PLACEMENT

Trash containers shall be stored within the 3rd layer. (*See also* Section 520.7.1)

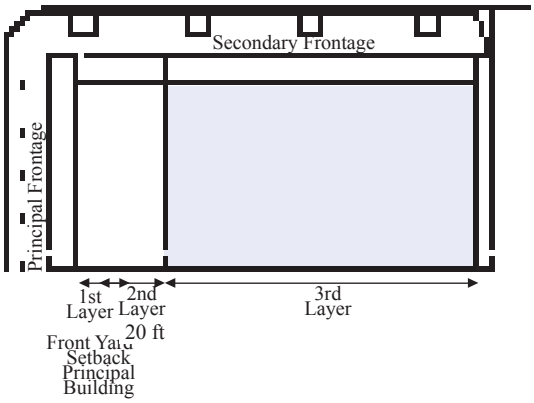


Table 3.4 Summary of Transect Zones					
	T1	**T2**	**T3 & T3.5**	**T4**	**T5**
RESIDENTIAL DENSITY					
Minimum	n/a	no minimum	no minimum	4 du / ac. net	15 du / ac. net
Maximum	n/a	1 du /10 ac. net	4 du / ac. net	16 du / ac. net	24 du / ac. net
BLOCK SIZE					
Block Perimeter	no maximum	no maximum	3,000 ft. max.	2,400 ft. max.	2,000 ft. max.
CIVIC SPACE					
Park	required where development is 20 or more acres gross	required where development is 20 or more acres gross	required where development is 20 or more acres gross	required where development is 20 or more acres gross	required where development is 20 or more acres gross
Green	not permitted	not permitted	required where development is 15 or more acres gross	required where development is 15 or more acres gross	required where development is 15 or more acres gross
Square	not permitted	not permitted	required where development is 10 or more acres gross	required where development is 10 or more acres gross	required where development is 10 or more acres gross
Plaza	not permitted	not permitted	not permitted	not permitted	required where development is 5 or more acres gross
Playground	required where development is 5 or more acres gross	required where development is 5 or more acres gross	required where development is 5 or more acres gross	required where development is 5 or more acres gross	required where development is 5 or more acres gross
BUILDING MASSING					
Lot Width	n/a	120 ft min.	120 ft max.	100 ft max.	180 ft max.
Building Coverage	3% max.	15% max.	25% max.	**40% max.**	**60% max.**
Lot Coverage (total impervious)	6% max.	20% max.	35% max.	**80% max.**	**80% max.**
Expression Line Height	n/a	n/a	17’-0”	17’-0”	17’-0”
SETBACKS-PRINCIPAL BLDG.					
Front Setback - Principal	n/a	48 ft min.	24 ft min.	6 ft min./18 ft max.	0 ft min./12 ft max.
Front Setback - Secondary	n/a	48 ft. min.	12 ft min.	6 ft min./18 ft max.	0 ft min./12 ft max.
Side Setback	n/a	20 ft min.	12 ft min.	0 ft min.	0 ft min./24 ft max.
Rear Setback	n/a	40 ft min.	12 ft min.	5 ft min.	5 ft min.
Frontage Buildout	n/a	n/a	40% min.	60% min.	80% min.
SETBACKS - OUTBUILDINGS					
Front Setback	n/a	20 ft min. + bldg setback	20 ft min. + bldg setback	20 ft min. + bldg setback	40 ft min. + bldg setback
Side Setback	n/a	3 ft	3 ft	3 ft	0 ft min. or 2 ft at the corner
Rear Setback	n/a	3 ft. min.	3 ft. min.	3 ft. min.	3 ft. min.

Table 3.4 Summary of Transect Zones					
	T1	**T2**	**T3 & T3.5**	**T4**	**T5**
BUILDING LOCATION					
Edgeyard	permitted	permitted	permitted	permitted	not permitted
Sideyard	not permitted	not permitted	not permitted	permitted	permitted
Rearyard	not permitted	not permitted	not permitted	permitted	permitted
Courtyard	not permitted	not permitted	not permitted	not permitted	permitted
PRIVATE FRONTAGES*					
Common Yard	n/a	permitted	permitted	not permitted	not permitted
Porch & Fence	n/a	not permitted	permitted	permitted	not permitted
Terrace or Light Court	n/a	not permitted	not permitted	permitted	permitted
Forecourt	n/a	not permitted	not permitted	permitted	permitted
Stoop	n/a	not permitted	not permitted	permitted	permitted
Shopfront & Awning	n/a	not permitted	not permitted	permitted	permitted
Gallery	n/a	not permitted	not permitted	permitted	permitted
Arcade	n/a	not permitted	not permitted	not permitted	permitted
BUILDING HEIGHT					
Principle Building **(Also see Section 530.4)**	n/a	35’-0” max	35’-0” max	35’-0” max	60’-0” max
Outbuilding	n/a	20’-0” max. 1 story min. 2 stories max.	20’-0” max. 1 story min. 2 stories max.	20’-0” max. 2 story min. 2 stories max.	20’-0” max. 2 story min. 2 stories max.

* Any protrusion into the Town or State right-of-way will require approval from the appropriate entity.
Setback for an outbuilding in a T-4 Zone changed from 24’-0” to 20’-0” + bldg. setback. Effective November 15, 2012
Expression Line height changed from 24’-0” to 17’-0”. Effective November 15, 2012

Section 380 SPECIAL DISTRICTS
See TABLE 6.1 for allowed uses.
The Commission shall designate areas as Special Districts that, by their intrinsic size, function, or configuration, cannot conform to the requirements of any Transect Zone or combination of zones. Conditions of development for new Special Districts shall be determined by amendment to these regulations and shall be consistent with the most recently adopted Plan of Conservation and Development as it may have been amended from time to time.

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

Table 3.5 Lot and Building Requirements for Manufacturing District

Zone	Min. Lot Area	Max. Height	Max. % Building Coverage	Max. % Impervious Surface	Lot Width	Frontage Buildout	Front Yard Setback	Side Yard Setback	Rear Yard Setback
M	20,000 sf	40’-0”	40%	60%	100 ft	80% min.	25 ft max.	10 ft min.	25 ft min.

If a building is set back from the front lot line by 25 feet or more, there shall be:
a. A landscaped area at least 10 feet wide abutting the front of the building; and,
b. A landscaped strip of not less than 5 feet wide along and contiguous to the front lot line of the property, or;
c. An equal amount of landscaped area acceptable to the Commission in another location on the site.

380.2 Newhall Center
380.2.1 Purpose

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

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

Table 3.6 Lot and Building Requirements for Newhall Center District

Zone	Min. Lot Area	Max. Height	Max. % Building Coverage	Max. % Impervious Surface	Lot Width	Front Yard	Side Yard	Rear Yard
NC	10,000 sf	35’-0”	25%	50%	80 ft	6 ft min. 25 ft max.	12 ft min.	25 ft min.

380.3 Town Green District

380.3.1 Purpose

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

The Zone allows for the following public and civic amenities:

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

380.3.2 Special Standards

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

Table 3.7 Lot and Building Requirements for Town Green District

Zone	Max. Height	Front Yard[a]	Min. Side Yard	Min. Rear Yard
TG	40'-0"	50 ft min	50'-0"	50'-0"

[a] Public school shall have a front yard minimum setback of 100 feet.

380.3.3 Uses Permitted Subject to Site Plan Approval

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

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

380.3.4 Special Permit Uses

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

380.3.5 Zoning Permit Uses

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

SECTION 380.4 MIXED INCOME HOUSING DISTRICT

380.4.1 Purpose

The Mixed Income Housing ("MIH") District is intended to increase economic diversity of housing types in Hamden by allowing well-designed and landscaped multi-family development that will be built without governmental subsidies or expenditures, and in compliance with the long-term, workforce housing program household income and rent restrictions set forth in General Statutes § 8-30g.

380.4.2 Properties Eligible for Rezoning to Mixed Income Housing District

To be eligible for rezoning to Mixed Income Housing, a parcel must be currently zoned T-4; be currently undeveloped; have no less than 250 feet of frontage on West Woods Road; and have access to public sewers and water supply.

380.4.3 Uses Permitted by Site Plan Approval

Multi-family residential dwellings with a total density of not more than ten residential units per gross acre, withthirty percent (30%) of the units set aside in accordance with General Statutes § 8-30g and **Sections 380.4.6 and 380.4.7** of this MIH Regulation

380.4.4 Dimensional Standards

a. Lot-Related Standards

Maximum building coverage	10 percent
Maximum combined building coverage, parking, driveways	30 percent

b. Principal Building Standards

Maximum height	35 feet
Maximum stories	3 stories
Minimum front yard	150 feet
Minimum side yard	20feet
Minimum rear yard	75 feet
Parking	1.5 spaces per one-bedroom apartment; 2.0 space per two-bedroom apartment

380.4.5 Site Plan Standards

a. Driveways and entrance and exit drives shall:

(1) have a maximum width of eighteen (18) feet;

(2) be surfaced with asphalt or another suitable non-erodible surface; and

(3) be laid out so as to prevent traffic hazards and nuisances.

b. Outdoor lighting shall:

(1) be provided and maintained at all access points to streets, parking areas, building entrances, and elsewhere where required for the safety of vehicular or pedestrian traffic;

(2) not be directed into any abutting properties; and

(3) comply with **Section 580**.

c. Sidewalks shall:

(1) have a minimum width of four and one-half (4.5) feet;

(2) be concrete, brick, or other surface acceptable to the Commission; and

(3) be provided between the multi-family residential and parking areas, streets, and driveways.

d. Retaining walls shall:

(1) have a maximum height of 11 feet;

(2) when tiered, be separated by at least 4 feet;

(3) be no closer to a side property line than 10 feet;

(4) have a surface treatment / appearance that is suitable to a residential development; and

(5) shall be screened from abutting property by planting, landscaping, or existing vegetation.

e. Earth Materials Excavation and Removal

(1) Excavation and removal of trees, loam, topsoil, sand, gravel, clay, or stone and regrading shall occur only as specifically approved by the Commission as part of site plan approval, and only as essential to the construction or alteration of the multi-family building, and installation of driveways, utilities, or amenities.

(2) The applicant shall provide the Commission, in connection with its site plan application, a calcu lation and specification of the amount, lateral extent, and depth of earth materials to be excavated; materials to be reused on-site; materials to be imported; and a net cut / fill calculation.

(3) The application erosion control plan shall specifically address controls tailored to the amount, location, and timetable for cut, fill, excavation, and import / export.

(4) Notwithstanding Section 520.8 of these Regulations, no special permit shall be required for grad ing, excavation, crushing, and soil disturbance in the MIH District.

(5) Use of an on-site rock crusher will not be permitted at any time.

(6) On-site handling or blasting, digging & removing of excavated earth material will be subject to the following conditions:

(a) Not located within any inland wetlands upland review area;

(b) Not conducted on weekends or national holidays, or on any day before 8:00 a.m. or after 5:00 p.m.; and

(c) Limited to four months duration unless otherwise approved by the Commission.

(7) Any application involving more than 1,000 cubic yards of excavation, regrading or filling shall contain the following information, unless waived by the Town Planner and the Town Engineer:

(a) Existing contours in the area to be excavated regraded or filled;

(b) Proposed contours after completion of excavation, regrading or filling;

(c) Proposed vehicular access to a street;

(d) An estimate of the number of cubic yards of material to be filled, excavated, graded, or removed;

(e) An estimate of the number and types of trucks and other machinery to be used on the site;

(f) The location(s) and type(s) of buildings, including temporary buildings, to be erected;

(g) Hours of operation and number of calendar days anticipated to complete filling, excavat ing, grading, regrading, or removal;

(h) Details of any proposed blasting and storing of explosives; and

(i) Sedimentation and erosion control plans with all information required per Section 520.9 of these Regulations.

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

(9) Activity occurring under this subsection shall meet the following conditions:

(a) Resulting slopes shall not increase the concentration or flow of water or sediment to ad joining properties.

(b) Adverse drainage or sewage problems or other conditions which would impair the use of the property shall not be created or exacerbated.

(c) Proper drainage shall be provided to prevent the collection and stagnation of water.

 (d) 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.

(e) Any soil stored on-site for more than 30 days shall be stabilized and seeded. All stockpiled soil shall be protected by approved sedimentation and erosion controls.

(f) Topsoil shall be spread uniformly over the excavated or filled area and over exposed rock sur faces that result from excavation or fill, to a minimum depth of four inches, in accordance with the approved contour plan. No excavated rock will be stockpiled on the premises, except that which is to be used on-site for erosion control or landscaping purposes.

(g) When the excavation, re-grading, removal or filling operations have been completed, these and other vegetated areas destroyed shall be seeded with a perennial rye grass or similar planting.

(h) Truck egress site(s) shall be equipped with anti-tracking pads. Access to and from the excava tion site shall be located so as to minimize conflict with existing traffic patterns.

(i) The premises shall be excavated, re-graded or filled in conformity with the approved plan.

(j) All materials used as fill shall be noncombustible. Broken blocks, bricks, concrete, rocks and similar debris are allowable as fill when mixed with enough gravel or filler to create fill that is void of air pockets.

(k) An excavation approval pursuant to this section shall be valid for two years from the date that work commences. A two year renewal may be granted by the Commission in accordance with the procedures and standards in this section, based on updated maps and data.

f. Sediment and Erosion Control

(1) The site plan shall comply with **Section 520.9** of these Regulations.

g. Stormwater Management

(1) The site plan shall comply with **Section 520.11** of these Regulations.

380.4.6 Standards and Regulations for Household Income and Sale / Resale Price Limitations

A development in a Mixed Income Housing District shall be a "set aside development" in compliance with General Statutes § 8-30g and the definition of "set aside development" in these regulations.

380.4.7 Mixed Income Housing Unit Requirements

The purpose of the Mixed Income Housing District is to facilitate a residential community containing both market-rate and household income / rent-restricted dwellings that comply with General Statutes § 8-30g. The following requirements shall apply to MIH Units:

a. MIH Units shall be of a construction quality that is comparable to a baseline specification for market-rate homes within the community. The floor plans for the development shall identify the loca tions within the community of the MIH Units.

b. The MIH Units shall be built and offered for rent on a pro rata basis as construction proceeds.

c. Calculation of the maximum monthly payment for MIH Units, so as to satisfy General Statutes § 8-30g, shall utilize the area median income data as published by the U.S. Department of Housing and Urban Development in effect on the day of lease.

d. The maximum monthly payment that the owner of a Housing Opportunity Unit shall pay shall not be greater than the amount that will preserve such unit as defined in General Statutes § 8-30g, insurance, heat, and utility costs, including hot water, sewer and electricity, but excluding telephone, cable television, and information / Internet services.

e. A Housing Opportunity Unit shall be occupied only as an owner's principal residence. Sub-leasing of MIH Units shall be prohibited.

f. At the same time that the market-rate units in a Mixed Income Housing District are first advertised to the general public, notice of availability of the MIH Units shall be provided by advertising such availability in the real estate section of a newspaper of general circulation in the Town of Hamden, by providing notice to the Hamden Town Council, the Hamden Town Clerk, and the Hamden Planning and Zoning Commission, and through the procedures outlined in the affirmative fair housing marketing plan in the Housing Affordability Plan.

g. Each lease for a Housing Opportunity Unit will contain substantially the following provision:

   For the duration of this covenant or restriction, this dwelling unit may be rented only to a household or family whose annual income is equal to or less than eighty percent (80%) or sixty percent (60%), as applicable, of the median income as defined in
   section 8-30g-1(10) of the Regulations of Connecticut State Agencies, and may be re-rented and only at a rental rate equal to or less than the rental rate determined using the formula stated in section 8-30g-8(a) of the Regulations of Connecticut State Agencies."

h. The forty (40) year affordability period shall be calculated separately for each Housing Opportunity Unit in a Mixed Income Housing district development, and the period shall begin on the date of occupancy of the Housing Opportunity Unit.

i. A violation of the Regulations contained in this Section shall not result in a forfeiture or reversion of title, but the Hamden Planning and Zoning Commission or its designated agent shall otherwise retain all enforcement powers granted by the Connecticut General Statutes, including the authority under § 8-12 to issue notices of violation, to impose fines, and to seek injunctive relief.

380.4.8 Undergraduate Students

Notwithstanding Section 670.3 of the Zoning Regulations, undergraduate college students shall not be permitted as tenants in an MIH development authorized under this section. The property owner will report at least annually to the Hamden Zoning Enforcement Officer as to compliance with this restriction.

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ARTICLE IV OVERLAY ZONES

Section 400 Purpose

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

Section 410 Aquifer Protection Area (APA)

(*See* Separate Regulations)

Section 420 Coastal Area Management Zone (CAM)

421 Purpose

The purpose of Coastal Site Plan Review is to assure that development within the Coastal Area is consistent with the goals and policies of the Coastal Area Management Act (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.

422 Location

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

423 Permitted Uses

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

424 Authority

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

425 *Exceptions*

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

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

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

726.4 Flood Damage Prevention Variances

To hear and decide variance in accordance with Section 430 (Flood Plain Zones and Special Flood Hazard Areas) of the Hamden Zoning Regulations, adopted on December 7, 2009, effective January 1, 2010, as amended. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result. For variances which are granted allowing the construction of fully enclosed areas below base flood elevation (BFE), the resulting structure must conform to minimum federal standards of the National Flood Insurance Program cited in 44 CFR 60.3 (c) (5) for such areas below BFE. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation (BFE), and that the cost of flood insurance will be commensurate with the increased risk resulting from the lowest floor elevation.[1]

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

428 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.

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

a. Is consistent with all applicable goals and policies in Section 22a-92 of the General Statutes, as amended; and
b. Incorporates, as conditions or modifications, all reasonable measures that would mitigate the adverse impacts of the proposed activity on both Coastal resources and future water-dependent development activities.

Whenever an application for a variance is submitted to the Zoning Board of Appeals for a use, structure or activity that lies either wholly or partially within the Coastal Area boundary, the Zoning Board of Appeals shall refer review of the Coastal Area Site Plan to the Planning and Zoning Commission to assure compliance with **Section 720** of these regulations and with Section 22a-92 of the Connecticut General Statutes.

Section 430 Flood Plain Zones and Special Flood Hazard Areas
430.1 Applicability
These regulations shall apply to all Special Flood Hazard Areas within the jurisdiction of the Town of Hamden. These regulations shall apply to all special flood hazard areas (SFHA) within the jurisdiction of the Town of Hamden. The special flood hazard areas identified by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study (FIS) for New Haven County, Connecticut, dated December 17, 2010, with accompa-

[1] Amended December 14, 2010. Effective, December 17, 2010

nying Flood Insurance Rate Maps (FIRM), dated December 17, 2010, and other supporting data applicable to the Town of Hamden, and any subsequent revisions thereto, are adopted by reference and declared to be a part of this regulation. Since mapping is legally adopted by reference into this regulation it must take precedence when more restrictive until such time as a map amendment or map revision is obtained from FEMA. The SFHA includes any area shown on the FIRM as Zones A and AE, including areas designated as a floodway on a FIRM. SFHAs are determined utilizing the base flood elevations (BFE) provided on the flood profiles in the Flood Insurance Study (FIS) for a community. BFEs provided on Flood Insurance Rate Map (FIRM) are only approximate (rounded up or down) and should be verified with the BFEs published in the FIS for a specific location.[2]

430.2 Permitted Uses

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

430.3 Provisions for Flood Hazard Reduction

430.3.1 General Standards:

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

a. With materials resistant to flood damage, and;
b. Using methods and practices that minimize flood damage;
c. Such that electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
d. Such that new construction and substantial improvements be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
e. Such that the flood-carrying capacity of any portion of a watercourse that is altered or re-located is maintained;
f. Such that accessory structures shall be subject to all general and specific standards contained in Section 430.3.
g. Such that all storage of petroleum liquids or hazardous materials are to be aboveground and above base flood elevation. Storage tanks should be situated on a curbed impervious surface capable of containing at least 110% of the volume of the tank(s). A roof should be provided to prevent accumulation of precipitation.
h. Such that storm water runoff management in flood plain areas promote
    i. Renovation of runoff prior to discharge, and
    ii. Aquifer recharge.
i. 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.
j. Compensatory Storage: The water holding capacity of the floodplain, except those areas which are tidally influenced, shall not be reduced. Any reduction caused by filling, new construction or substantial improvements involving an increase in footprint to the structure, shall be compensated for by deepening and/or widening of the floodplain. storage shall be provided on-site, unless easements have been gained from adjacent property owners; it shall be provided within the same hydraulic reach and a volume not previously used

2 Amended December 14, 2010. Effective, December 17, 2010

for flood storage; it shall be hydraulically comparable and incrementally equal to the theoretical volume of flood water at each elevation, up to and including the 100-year flood elevation, which would be displaced by the proposed project. Such compensatory volume shall have an unrestricted hydraulic connection to the same waterway or water body. Compensatory storage can be provided off-site if approved by the municipality.[3]

k. Equal Conveyance:. Within the floodplain, except those areas which are tidally influenced, as designated on the Flood Insurance Rate Map (FIRM) for the community, encroachments resulting from filling, new construction or substantial improvements involving an increase in footprint of the structure, are prohibited unless the applicant provides certification by a registered professional engineer demonstrating, with supporting hydrologic and hydraulic analyses performed in accordance with standard engineering practice, that such encroachments shall not result in any (0.00 feet) increase in flood levels (base flood elevation). Work within the floodplain and the land adjacent to the floodplain, including work to provide compensatory storage shall not be constructed in such a way so as to cause an increase in flood stage or flood velocity.[4]

430.3.2 Specific Standards:

a. Residential Construction - New construction or substantial improvement to 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. These requirements pertain to all manufactured homes, including those outside of a manufactured home park or subdivision, in a new manufactured home park or subdivision, in an existing manufactured home park or subdivision, in an expansion to an existing manufactured home park or subdivision, or in an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as a result of a flood.[5]

c. Recreation Vehicles - Recreation vehicles placed on sites within Zone A and Zones Al through 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 a 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 Zones Al through 30, AE and AH shall have the lowest floor, including basement, elevated at least two feet above the level of the base flood elevation.

e. Above ground Storage Tanks - Above-ground storage tanks (oil, propane, etc.) which are located outside or inside of the structure must either be elevated above the base flood elevation (BFE) on a concrete pad, or be securely anchored with tie-down straps to prevent flotation or lateral movement, have the top of the fill pipe extended above the BFE, and have a screw fill cap that does not allow for the infiltration of flood water.[6]

f. Portion of Structure in Flood Zone - If any portion of a structure lies within the Special Flood Hazard Area (SFHA), the entire structure is considered to be in the SFHA. The entire structure must meet the construction requirements of the flood zone. The structure includes any attached additions, garages, decks, sun rooms, or any other structure attached to the main structure. Decks or porches that extend into a more restrictive flood zone will require the entire structure to meet the standards of the more restrictive zone.[7]

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g. Structures in Zones with Different Base Flood Elevations - If a structure lies within two or more zones or areas with different base flood elevations, the construction standards of the most restrictive zone apply to the entire structure. Any structure must be built to the highest BFE). The structure includes any attached additions, garages, decks, sun rooms, or any other structure attached to the main structure. (Decks or porches that extend into a more restrictive zone will require the entire structure to meet the requirements of the more restrictive zone.)[8]

h. No Structures Entirely or Partially Over Water - New construction, substantial improvements and repair to structures that have sustained substantial damage cannot be constructed or located entirely or partially over water unless it is a functionally dependent use or facility.[9]

430.3.3 Utilities

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

430.3.4 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 Insurance Rate Maps.[10]

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, repairs to substantially damaged structures and other developments shall be permitted unless certification (with supporting technical data) by a registered professional engineer is provided demonstrating, through hydrologic and hydraulic analyses performed in accordance with standard engineering practice, that encroachments shall result in no (0.00 feet) increase in flood levels during occurrence of the base flood discharge. Fences in the floodway must be aligned with the flow and be of an open design.[11]

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

430.3.5 Standards for Stream without Base Flood Elevations, Floodways and/or Flood Mapping
(Also *See* **Section 520.11.9**)

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 430.3**, 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 that will increase base flood elevations more than one foot at any point along the watercourse, when all anticipated development is considered cumulatively with the proposed development.

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10 Amended December 14, 2010. Effective, December 17, 2010
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The Town Planner may request floodway data of an applicant for watercourses without FEMA-published floodways. When such data are provided by an applicant or whenever such data are available from any other source (in response to the Town's request or not), the Town of Hamden shall adopt a regulatory floodway based on the principle that the floodway must be able to convey the waters of the base flood without increasing the water surface elevation more than one foot at any point along the watercourse.

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

430.4 Flood Plain Development Permit
A Flood Plain Development Permit shall be required in conformance with the provisions of **Section 430**, after Commission approval and prior to the issuance of a 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.

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

a. Elevation in relation to mean sea level of the proposed lowest floor (including basement) of all structures;
b. The elevation and area flooded from the runoff of a 100-year storm utilizing standard hydrology and hydraulics methods such as those described in the Connecticut Department of Transportation Drainage Manual 2000, as amended, or other method approved by the Town Engineer and assuming development in accordance with the Zoning Map upstream.
c. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development;
d. Any proposed alteration must be accompanied by a report from the Conservation Commission assuring that the flood-carrying capacity of the watercourse is maintained, and
e. F.E.M.A., the D.E.P., adjacent communities and the Regional Planning Agency must be notified of any alteration.
f. A statement as to whether or not the proposed alterations to an existing structure meet the criteria of the substantial-improvement definition;
g. A statement as to whether there will be dry vehicular access to residential structures during the 100-year storm event;
h. Certification by a professional engineer that the standards of **this section** are met; and
i. When the application for a Development Permit is a part of another application required by these Regulations, the above information may be incorporated in the other application's drawings.

430.6 Application Stages
The administration of Section 430 by the Town Planner shall include:

a. Review all permit applications to determine whether proposed building sites will be reasonably safe from flooding.
b. Review all development permits to assure that requirements of Section 430 have been satisfied.
c. Advise permittee that additional federal or state permits may be required, and if specific federal or state permit requirements are known, require that copies of such permits be provided and maintained on file with the Development Permit. Such additional permit requirements may include, but not be limited to: Stream Channel Encroachment Line Permit, Coastal Area Management Permit, Water Diversion Permit, Dam Safety

Permit, Army Corps of Engineers 401 and 404 Permits.

d. Notify adjacent communities and the D.E.P., Inland Water Resources Management Division prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
e. Maintain all records pertaining to the provisions of this section.

430.7 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 or her submission of Improvement Location Survey for complete construction required for a Certificate of Zoning 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.

430.8 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.

430.9 Abrogation and Greater Restrictions

This regulation is not intended to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, where this regulation and another ordinance, regulation easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.[12]

430.10 Interpretation

In the interpretation and application of this regulation, all provisions shall be: 1) considered as minimum requirements; 2) liberally construed in favor of the governing body, and; 3) deemed neither to limit nor repeal any other powers granted under State statutes.[13]

Section 440 Open Space Development

440.1 Purpose

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

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

12 Amended December 14, 2010. Effective, December 17, 2010
13 Amended December 14, 2010. Effective, December 17, 2010

440.2 Applicability

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

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

440.3 Determination of Density and Zoning Modifications

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

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

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

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

440.4 Common Areas and Open Space

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

A homeowners' association comprised of the residents of the development shall be formed to maintain common areas and/or open space reserved for their use. An alternative maintenance mechanism to a homeowners' association, may be used provided that it is acceptable to the Town Attorney and the Commission and assures the ownership, use and maintenance of the "open space" for the intended purpose. An OSD shall require and be conditional upon organization and creation of one of the following entities for purposes of assuring maintenance of all common open space:

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

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

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

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

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

a. That such organization shall not be dissolved and shall not be relieved of the obligation to maintain any common open space or other common areas, *except by transfer to an organization conceived and established to maintain such common open space and other common areas herein above referred to*.

b. That, in the event the organization established to maintain common open space or other common areas, or any successor organization, shall at any time fail to maintain the common open space and other common areas in reasonable order and condition in accordance with approved plan, the Commission may serve written notice upon such organization and the residents of the development, setting forth the manner in which the organization has failed to maintain the common open space and other common areas in reasonable order and condition in accordance with the plan, and said notice shall include a demand that such deficiencies of maintenance be cured within 30 days thereof, and shall state the date and place of a hearing thereon to be held within 45 days of the notice.

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

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

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

Section 450 Village District Overlay Zones

Section 452 Spring Glen Village District

452.1 Purpose

The purpose and intent of the Spring Glen Village District Regulations is to protect the unique character of Spring Glen, which is a primarily residential neighborhood bounded to the North by the Spring Glen School on Whitney Avenue, to the South by Lake Whitney, to the West by the Mill River and the north basin of Lake Whitney, and to the East by the Hartford Turnpike and the North Haven Town Line. The Spring Glen Village District ("SGVD") extends along both sides of Whitney Avenue from Walden Street to Glendower Road. The SGVD includes in their entirety every first and second property back from this part of Whitney Avenue in Hamden, on both the East and West sides of the Avenue. It includes several properties on Ford Street that are the second property back from Whitney Avenue but located on the east side of Ford Street. The SGVD also includes every property, and structure on a property, that is commercial or mixed use in Spring Glen and every property that abuts these commercial and mixed use properties. (See the Spring Glen Village District Map. This map shall take precedence over the text in determining which properties are included and excluded from the SGVD Overlay Regulations.)

452.2 Authority

These Regulations are enacted pursuant to C.G.S. §§ 8-2 and 8-2j, as amended, to protect the distinctive character, landscape, and historic structures within the SGVD assuring that new construction, demolition, renovation, substantial reconstruction, and rehabilitation of property or properties within the SGVD and in view from Whitney Avenue will be in keeping with the established architectural features, scale and character of Spring Glen. The SGVD shall be an overlay district, the regulations of which shall be in addition to the regulations applicable to the underlying zone districts.

452.3 Neighborhood Character

The SGVD includes several homes of historical significance on Whitney Avenue, exhibiting Colonial, Federal, and Greek revival design. In the 20th century, residential development was primarily in the Colonial Revival style, and commercial architecture in the Tudor Revival style. Spring Glen grew as a result of early suburbanization of the New Haven area from the early 20th century through the 1930s. This growth was supported by public transportation on Whitney Avenue, such as trolleys, and resulted in small residential lot development around a village center. This circular residential neighborhood with a small nodal business district on Whitney Avenue is one of the defining characteristics of the Spring Glen neighborhood.

The fact that the form and size of the Spring Glen business district have remained relatively constant, and not spread down Whitney Avenue or encroached more deeply upon existing residential properties, has helped define Spring Glen as a unique village and walkable neighborhood. The Spring Glen business district has traditionally been the location of retail and service establishments serving the adjacent residential neighborhood. "No physical expansion" of the existing business district in Spring Glen should be permitted, as stated in the "Hamden Plan of Conservation and Development, 2004," page 131.

In addition to well-defined residential and commercial districts, Spring Glen is home to several religious institutions, private schools, and a public school along Whitney Avenue within walking distance of any home in the neighborhood. These institutions further define the SGVD of Spring Glen. The conversion of these properties to higher density housing than permitted under R-4 zoning regulations or commercial uses would negatively impact the village character, diversity, "walkability," and the public safety of pedestrians, especially children, of the Spring Glen neighborhood.

452.4 Criteria for Application of Village District Standards
In applying these regulations, the Planning & Zoning Commission shall consider the design, relationship, and compatibility of structures and site improvements including: plantings and landscaping, exterior signs, roadways and streetscape, lighting, street furniture, sidewalk paving, public art, fencing in regard to commercial and mixed use properties, and other objects in public view. These Regulations encourage the conservation and preservation of existing buildings and sites in a manner that maintains the historic and distinctive character of the SGVD. The goals of these regulations are consistent with the distinctive characteristics of the district identified in the Hamden Plan of Conservation and Development (effective September 1, 2004) at pages 118, 125, and 131.

452.5 Applicability of Regulations
452.5.1 These Regulations apply to the following activities: new construction, renovation, substantial reconstruction, or rehabilitation of any structure, property or properties within the SGVD. The scope of application of these regulations includes:
a. The design and placement of buildings;
b. The maintenance of public views, which includes the size and placement of signs;
c. Parking and vehicular circulation;
d. Pedestrian circulation and safety;
e. The hours and manner of operation of businesses; and
f. The uses of buildings and structures, as well as any other element or aspects that the Planning & Zoning Commission deems appropriate in order to protect the distinctive character of the SGVD.

452.5.2 The following projects and activities shall be exempt from review under the SGVD Overlay section of the zoning regulations:
a. Repairs, minor alterations, and maintenance of an existing structure, as well as exterior steps, walkways and driveways. These repairs, alterations and maintenance include, painting, choice of paint color, replacing roof shingles or other forms of roofing, adding windows, shutters, siding, stonework, brickwork, utility services, fencing, non-enclosed decks, adding a second story to an existing single story room of a house, or other changes in a structure's features that do not result in a significant impact on the design, function, architectural character or visual appearance of the structure;
b. Exterior architectural modifications that do not substantially alter the existing height, bulk or façade of an existing building or structure (with the exception of activities listed in I.B.1, above) and do not increase the lot coverage or footprint of the building (with the exception of non-enclosed decks);
c. Interior modifications that do not result in a change in use of the building.

452.6 Residential Zones
452.6.1 Permitted Uses and Structures in SGVD in Areas Zoned R-4
452.6.1.1 The SGVD, as it applies to properties in residential zones, is an overlay district for R-4 zoning. The areas of the SGVD zoned R-4 are primarily used for single-family homes and non-commercial civic institutions, such as schools and religious institutions. Any new construction or modification of existing structures shall not detract from the residential character of the R-4 areas.
a. Allowed by Zoning Permit: Accessory building; Keeping of Animals; Family Day Care Home (Children); Roomers and Boarders; Student Housing; and other uses which are required to be permitted by federal or state law;
b. Allowed by Site Plan: Residence- Single Family, Community Garden; Farmers Market; Telecommunications Facility;
c. Allowed by Special Permit: Civic Club, Lodge or Association (non-profit); Adult Day Care; Child Day Care, Nursery School & Group Day Care Home; Home Occupation; Library and Museum; Place of Public Assembly; Place of Worship; Preservation of Historic Structure; Multi-family Dwellings-Adaptive reuse to multifamily; College and University (non-profit); Elementary and Secondary School.

452.6.2 The following activities in SGVD R-4 zones shall require a special permit unless a property is exempt from such permitting requirements by state or federal law:
a. Any addition to the front or sides of a structure which increases its lot coverage, with the exception of non-enclosed decks.
b. The conversion of any property or structure into a use other than a single-family dwelling;
c. The conversion of any multi-family dwelling into any other use than a single-family dwelling.

452.6.3 Lot and Building Requirements in SGVD Area Zones in R-4
452.6.3.1 Many lots and structures in the R-4 area of the Spring Glen Village District are non-conforming. The following regulations apply to all new construction and modification of existing structures. Among other goals, these regulations are designed to preserve a small-scale, residential appearance, architectural integrity and pedestrian safety of the neighborhood:
a. Accessory structures shall not be located in front of buildings;
b. No parking lot shall be permitted in any required front or side yards of a single or multifamily residence, or any building that once had a residential use. Note: this provision concerns parking lots but not driveways;
c. No drive-through window is permitted for any purpose, and no kiosk for retail sales or rentals is permitted;
d. No structure, whether by new construction or modification of an existing structure, shall exceed 35 feet in height measured to the middle-peak of the roof-line excluding chimneys, antennas and similar features;
e. All structures must have pitched roofs. Pitch must be at least 6/12;
f. If any structure is destroyed for any reason to an extent exceeding 50% of its assessed value, it may be rebuilt or replaced but in such cases rebuilding or replacement will be considered new construction and subject to all the provisions of the SGVD Overlay that apply to new construction.

452.7 Commercial/Mixed Use Zones
452.7.1 Permitted Uses in SGVD Areas Zoned for Commercial or Mixed Use
452.7.1.1 The SGVD as it applies to non-residential zones is an overlay district for a commercial/mixed use district appropriate in uses and scale for Spring Glen.

452.7.1.2 The areas of the SGVD zoned for commercial/mixed use are bounded on the West side of Whitney Avenue by Park Avenue and Harmon Street, excluding the last lot on Harmon Street abutting Whitney Avenue, and on the East side of Whitney Avenue by Gilles Road and Haverford Street, excluding those lots adjacent to the south side of Haverford Street that are R 4. (See the SGVD Overlay Regulations Map for the location of commercial or mixed use areas in the SGVD). The purpose of the SGVD is to encourage appropriate development within Spring Glen's existing neighborhood commercial and mixed use areas by providing for limited retail, service, office, and multi-family development in a mixed-use district.

452.7.1.3The following are the only uses and accessory uses allowed in the SGVD areas zoned for commercial or mixed use:
a. Allowed by Zoning Permit: Accessory Building; Business and Personal Service less than 1,500sf of gross leasable space; Family Day Care Home (Children); Roomers and Boarders; Student Housing; Retail less than 1,500sf of gross leasable space; and other uses which are required to be permitted by federal or state law;
b. Allowed by Site Plan: Accessory Use; Community Garden; Animals/Grooming; Veterinary Hospital; Cemetery; Catering Facility; Home Occupation; Single Family Accessory Dwelling Unit; Residence-Single family; Farmers Market; Telecommunications Facility;
c. Allowed by Special Permit: Civic Club, lodge or Association (non-profit); Adult Day Care, Child Day Care, Nursery School and Group Day Care Home; Outdoor Café; Restaurant; Rehabilitation Facility-Out Patient less than 10,000sf of gross leasable space, Library and Museum; Bed and Breakfast; Office Building 1,500 to 10,000sf of gross leasable space; Place of Public Assembly; Place of Worship; Preservation of Historic Structure; Public Use and Public Utilities; Public Parking Lot; Recreation and Fitness less than 10,000sf of

gross leasable space; Multi-Family Dwellings-Adaptive Reuse to Multi-Family; Multi-Family Dwellings-New Construction; Retail-1,500sf to 10,000sf of gross leasable space; Sale of Alcohol, Package Store; College and University (non-profit); Elementary and Secondary School.

452.7.1.4 The following limitations, which do not apply to currently existing non-conforming uses and structures, apply to all areas zoned for commercial or mixed use in SGVD:
a. A restaurant shall have a minimum seating capacity of 10 persons.
b. No business may operate between 11:00pm and 6:00am unless it is a restaurant that has a permit to serve alcoholic beverages by the drink and thus for consumption on the premises.
c. No drive-through window is permitted for restaurants or food service of any kind. Drive-through windows are permitted for banks, pharmacies and dry cleaners. No kiosk for retail sales or rentals is permitted.

452.7.2 Lot and Building Requirements in SGVD Areas Zoned for Commercial and Mixed Use
452.7.2.1 The area zoned for commercial and mixed use in the SGVD is less homogeneous than the structures in the R-4 areas of the SGVD. In assessing the compatibility of a proposed structure, or modification of a structure, with the Spring Glen neighborhood in regard to such issues as its massing and site orientation, the Planning and Zoning Commission and the Spring Glen Village District Consultant should draw upon the commercial/mixed use district on the West side of Whitney Avenue from Park Avenue to Harmon Street, excluding the last lot on Harmon Street abutting Whitney Avenue. In regard to architectural style, proposed structures should compliment, rather than imitate, the architectural styles found in the commercial/mixed use district on the West side of Whitney Avenue from Park Avenue to Harmon Street, excluding the last lot on Harmon Street abutting Whitney Avenue. The present structures on the East side of Whitney Avenue from Gilles Road to Haverford Street shall not be used as a model or to establish standards for evaluating proposals in regard to such matters as massing, site orientation and style.

452.7.2.2 The following regulations apply to all areas zoned for commercial and mixed use in Spring Glen:
a. No building shall exceed 16,000 square feet in gross space whether it is one or two story, or has one or more than one use.
b. There shall be no more than four dwelling units per acre.
c. Buildings shall have pitched roofs: pitch must be at least 6/12.
d. Structures shall be one or two stories and no structure shall exceed 35 ft measured to the middle-peak.
e. Roof- top mechanical equipment should be shielded from view. The peak of a pitched roof on new structures should enclose roof-top mechanical equipment such as water tanks, air conditioners or elevator bulkheads wherever this is technically feasible. No mast, chimney or other structure shall extend more than 8 feet above a pitched roof.
f. A-frame signs are not permitted. The location of signage which is permitted by underlying zoning regulations may be altered on the recommendation of the SGVD Village District Consultant in order to protect pedestrian and automotive safety, preserve public views (e.g., of architecturally significant or historically significant buildings) or for other reasons which fall under section I.A, above.

452.8 Residential, Commercial and Mixed Use
452.8.1 The Application Process
a. All applications for new construction, renovation, and/or substantial reconstructions of any structure or structures whether occupied or not that is within the SGVD shall be consistent with the distinctive characteristics of the district identified in the Hamden Plan of Conservation and Development, effective September 1, 2004, and subject to review and recommendation by a Village District Consultant who must be a registered architect, landscape architect, or certified planner with relevant experience and who is appointed by the Planning and Zoning Commission after consultation with town staff and neighborhood associations, to serve for a period of one year with the possibility of annual renewal.
b. The Village District Consultant shall review every application made in the SGVD which is not exempt under

I.B. and report to the Planning & Zoning Commission within thirty-five days of receipt of the application. If the Village District Consultant finds that the application complies with the letter and intent of the SGVD Overlay Regulations the application shall proceed to the Zoning Enforcement Officer for the normal permitting process provided in the town-wide zoning regulations. If the Spring Glen Village District Consultant determines that an application is not consistent with the SGVD Overlay regulation, or the intent of the regulations, the matter will be referred to the Planning & Zoning Commission for further review. Such report and recommendations shall be considered by the Planning & Zoning Commission and entered into any public hearing record (e.g., a hearing regarding a Special Permit application) prior to the Planning & Zoning Commission making its decision on the application. Failure of the Village District Consultant to report within the specified times shall not alter or delay any other time limit imposed by the regulations.

c. The Planning & Zoning Commission may seek the recommendation of any town agency, regional agency or outside specialist with which it consults, including, but not limited to: the regional planning agency; the municipality's historical society; the Connecticut Trust for Historic Preservation; and The University of Connecticut College of Agriculture and Natural Resources. Any reports or recommendations from such agencies or organizations shall be entered into the public hearing record.

d. If the Planning & Zoning Commission grants or denies an application, it shall state upon the record the reasons for its decision. If the Planning & Zoning Commission denied an application, the reason for the denial shall cite the specific regulations under which the application was denied. Notice of the decision shall be published in a newspaper having a substantial circulation in the municipality. An approval shall become effective in accordance with subsection (b) of C.G.S. §§ 8-3c.

452.9 Information Required in Applications

452.9.1 The following information, in addition to the information listed in Special Permit Uses, sec. 8.6; Site Plan Approval, sec. 8.8; and Zoning Permits, sec 8.29.1, shall be required for all permit applications within the SGVD:

a. Detailed drawings showing site plan, roof plan, floor plans, exterior elevations, sections, and three-dimensional views to determine compatibility with the local architecture and a harmonious relationship with the surrounding neighborhood;

b. Building elevations and façades, including a description of materials, color, and texture of all major building materials including roof treatments;

c. The design, choice of paving materials, and placement of public walkways, roadways, passageways, and open plazas;

d. Pedestrian and vehicular circulation, including a detailed site plan indicating size and species of proposed plantings.

452.9.2 In addition, submission of the following information shall be required for all applications in the commercial or mixed use zone:

a. Details showing design, size, color, texture, and type of materials being used for such elements as light fixtures, light poles, street furniture, bicycle parking elements, and walkways, so that such features are complementary with the architecture of the neighborhood;

b. Signs, including details showing design, size, color, texture, and type of materials being used;

c. A pedestrian and automobile circulation plan which includes siting of building(s) to minimize the impact of automobile parking and driveways on the pedestrian environment, adjacent properties, and pedestrian safety;

d. Utilities, including designs which hide from pedestrian view utilities, loading docks, dumpsters, and other service equipment or service entrances, as well as designs which screen rooftop equipment, including but not limited to, air handling units, satellite dishes, and exhaust stacks;

e. Features related to human activity and safety, ensuring that entrances, porches, balconies, seating, and other elements promote use of the street front and provide places for neighborly interaction;

f. Any other elements that the Planning & Zoning Commission deems are appropriate to review in order to protect the distinctive character of the SGVD.

452.10 Criteria for Assessing Applications

Any application for new construction, renovation, substantial reconstruction, or rehabilitation of any structure, property or properties within the SGVD will be evaluated based upon the following criteria:

452.10.1. Impact on Public Views. The Planning & Zoning Commission shall consider the design, relationship, and compatibility of structures, plantings, signs, roadways, street hardware, and other objects in public view.

452.10.1. Standards in Other Sources. The Planning & Zoning Commission shall follow the conditions and goals identified in the "Hamden Plan of Conservation and Development 2004" (effective September 1, 2004) at pages 118, 125, and 131, and any amendments to the Hamden Plan of Conservation and Development 2004 regarding Spring Glen. In applications the Spring Glen Village District Consultant or the Planning and Zoning Commission deem appropriate, the "Connecticut Historical Commission – The Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" revised through 1990, as amended, may provide criteria of evaluation.

452.10.1. Statutory Standards. Applications shall comply with any and all specific standards and criteria set forth in applicable provisions of the Connecticut General Statutes, including but not limited to those in C.G.S. §8-2j.

452.10.1. Additional Standards and Criteria. Applications shall also be evaluated by the standards and criteria listed below:

a. The scale, proportion, massing, and detailing of any proposed building shall be in proportion to the scale, proportion, massing, and detailing of the district;

b. The proposed structure or modification to an existing structure shall be harmoniously related to its surroundings, to the terrain in the part of the SGVD in which it is located, and to the use and architecture of existing buildings in the vicinity that have a functional or visual relationship to the proposed building or modification;

c. The building and layout of a building and included site improvements shall reinforce existing buildings and streetscape patterns, and the placement and uses of a building and included site improvements shall not adversely impact pedestrian safety;

d. Proposed private roadways shall connect to the town road network wherever possible, and open spaces within any proposed project shall reinforce open space patterns of the district in form and siting;

e. The preservation of homes with significant architectural features shall take high priority in evaluating proposals;

f. The demolition, removal, or any other form of significant disruption or visual obstruction of structures with historical and/or traditional architectural elements shall be avoided;

g. In the commercial or mixed use zone, exterior signs, site lighting, accessory structures and landscaping shall work harmoniously with the existing architectural styles in the SGVD Overlay zone (which include buildings in the Colonial, Colonial Revival, Greek Revival and Tudor styles), and be compatible with their surroundings;

h. In the commercial or mixed use zone, utilities and other features shall be screened from pedestrian and most vehicular views where possible.

452.10.2. The Planning & Zoning Commission shall state on the record the reasons for any decision and, if the Planning & Zoning Commission denies an application, it shall cite the specific regulations under which the application was denied.

ARTICLE V BASIC STANDARDS

Section 500 Purpose

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

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

Section 510 General Requirements

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

510.1 Hours of Outdoor Construction

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

510.2 Continuation of Use

The continuation of an existing use where there is a change in ownership of a business requires a Zoning Permit.

510.3 Change in Use

A change of use may be allowed subject to Zoning Permit approval provided that:

a. The proposed use does not require Special Permit approval;
b. No significant site work is required, and;
c. The required parking is currently available.

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

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

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

Section 520 Environmental Conditions

520.1 Preservation of Special Features

The applicant shall preserve special features that enhance the value of a development and/or a 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, and ridgelines.

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

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

520.2 Alternative Preservation Plans

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

520.3 Air Pollution

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

520.4 Danger

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

520.5 Noise

(*See* Ordinance 100.02 enforced by the Hamden Police Department and **Section 510.1** of these Regulations)

520.6 Vibration

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

520.7 Refuse and Pollution

520.7.1 Dumpster & Solid Waste Disposal Location and Design

All dumpsters and trash compactors shall be appropriately screened and maintained and placed on concrete pads. Concrete pads shall be bermed on three sides to retain fluids. Dumpsters shall be plugged and covered. Dumpsters shall not be located within required setbacks when abutting a residential or mixed-use property.

520.7.2 Pollution

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

a. All hazardous materials and waste chemicals shall be stored inside on an impervious floor with some form of secondary containment.
b. Solid waste material shall be stored in an appropriately sized, covered, solid waste dumpster or other watertight container that is plugged to prevent the release of any liquids.
c. Waste material shall be disposed of by a licensed waste hauler in accordance with all applicable federal, state and local Regulations.

d. All servicing of vehicles and equipment shall be conducted indoors on an impervious surface.
e. All vehicle and equipment washing shall be conducted indoors.
f. There shall be absolutely no discharges of motor vehicle fluids or detergent chemicals to the environment.
g. If the property is located within the Mill River Watershed or an Aquifer Protection Area, the RWA shall be notified of any spills of hazardous materials.
h. RWA inspectors shall be granted access to any property located within the Mill River Watershed or an Aquifer Protection Area during the Authority's annual inspection program.
i. All fuel, oil, paint and other hazardous materials stored on-site shall be placed in a secondary container and kept in a locked indoor area with an impervious floor when not being used.
j. If fuel for construction equipment is stored on-site it shall be placed in a secondary containment system in a secured area.
k. Any on-site fueling and repairs shall be conducted over a portable spill containment system.
l. A supply of absorbent spill response material shall be kept on-site to clean up any spills of hazardous materials.
m. The RWA shall be notified of any spills of hazardous materials occurring within any public water supply watershed or aquifer[1] protection zone.

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

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

a. 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 conditions:
   i. The site is one acre or more in size;
   ii. The site is located on and has access to a major thoroughfare as designated on the Town Road classification map;
   iii. Structures to be crushed are at least 5,000 square feet in footprint; and
   iv. Crushing activity is limited to no more than four months.
b. Clear-cutting of one-half acre or more is not permitted.
c. Commercial excavation, and clay and gravel mining operations are prohibited.

520.8.1 General Requirements

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

520.8.2 *Exceptions*

The following shall not require a Zoning Permit:

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

1 Adopted, July 27, 2010. Effective, August 15, 2010.

d. Maintenane activities, such as dredging of ponds, steams and basins are allowed but may also require approval from the Inland Wetlan Commission, the Connecticut Department of Energy and Environmental Protection or the United States Army Corps of Engineers.[1]

e. Repairs of existing driveways, bridges, detention basins, retention basins, washed out/eroded slopes with fill amounts less than or equal to 2,000 cubic yards are allowed subject to obtaining a Zoning Permit. They may also require approval from the Inland Wetland Commission, the Connecticut Department of Energy and Environmental Protection and/or the United States Army Corps of Engineers.[2]

f. Repairs of existing driveways, bridges, detention basins, retention basins, washed out/eroded slopes with fill amounts greater than 2,000 cubic yards are allowed subject to obtaining Site Plan and Special Permit approval. They may also require approval from the Inland Wetland Commission, the Connectiut Department of Energy and Environmental Protection and/or the United States Army Corps of Engineers.[3]

520.8.3 Required Information

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

a. Existing contours in the area to be excavated re-graded or filled;
b. Proposed contours after completion of excavation, re-grading or filling;
c. Proposed vehicular access to a street;
d. An estimate of the number of cubic yards of material to be filled, excavated, graded, or removed;
e. An estimate of the number and types of trucks and other machinery to be used on the site;
f. The location(s) and type(s) of buildings, including temporary buildings, to be erected;
g. Hours of operation and number of calendar days anticipated to complete filling, excavating, grading, re-grading or removal; and
h. Details of any proposed blasting and storing of explosives.
i. To reasonably review an application, the Commission may require the submission of additional information about soil conditions, locations and depths of rockledge, ground water conditions, and other such information. The Commission may request such information for both pre- and post-development conditions.
j. Sedimentation and erosion control plans with all information required per **Section 520.9** of these Regulations.

520.8.4 Standards

Permits issued for natural resource removal, re-grading and filling activity in excess of 1,000 cubic yards shall be valid for up to two years and will require permit renewal for such activity every two years.

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

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

If the Commission finds that excavation, re-grading, removal or filling will not result in the creation of any

1 Effective November 15, 2012
2 Effective November 15, 2012
3 Effective November 15, 2012

drainage or sewage problems or other conditions that would impair the use of the property in accordance with these Regulations and that such excavation, re-grading, removal or filling will be in harmony with the general purpose and intent of the Zoning Regulations, the Commission shall issue a Special Permit and/or Site Plan with the following conditions:

a. Resulting slopes shall not increase the concentration or flow of water or sediment to adjoining properties;
b. Adverse drainage or sewage problems or other conditions which would impair the use of the property shall not be created or exacerbated;
c. No screening, sifting, washing, crushing or other processing of excavated or fill material shall be conducted on the premises unless said premises are located in a Manufacturing Zone or unless approved as part of a Special Permit and Site Plan application in accordance with **Section 520.8**.
d. There shall be no excavation within 20 feet of any street line or any other lot line unless one of the folllowing conditions is met:
    i. Excavation is of an elevation equal to or above the grade of an adjoining lot or street at the lot line or street line;
    ii. Excavation is within the area delineated by the footprint of an approved structure;
    iii. The adjoining property owners file a joint application that is approved by the Commission;
    iv. The adjoining property owner(s) document(s) that he/she/they have no objections to the proposed activity;
    v. The Town Engineer determines that the proposed activity will not adversely affect the adjoining properties.
e. Proper drainage shall be provided to prevent the collection and stagnation of water.
f. No sharp declivities, pits, depression or soil erosion problems shall be created, and no resulting slopes or banks shall exceed one foot of vertical rise to two feet of horizontal distance.
g. Any soil stored on-site for more than 30 days shall be stabilized and seeded. All stockpiled soil shall be protected by approved sedimentation and erosion controls.
h. Topsoil shall be spread uniformly over the excavated or filled area and over exposed rock surfaces that result from excavation or fill, to a minimum depth of four inches, in accordance with the approved contour plan. No excavated rock will be stockpiled on the premises, except that which is to be used on-site for erosion control or landscaping purposes.
i. When the excavation, re-grading, removal or filling operations have been completed, these and other vegetated areas destroyed shall be seeded with a perennial rye grass or similar planting.
j. Truck egress site(s) shall be equipped with anti-tracking pads. Access to and from the excavation site shall be located so as to minimize conflict with existing traffic patterns.
k. The premises shall be excavated, re-graded or filled in conformity with the approved plan.
l. All materials used as fill shall be noncombustible. Broken blocks, bricks, concrete, rocks and similar debris are allowable as fill when mixed with enough gravel or filler to create fill that is void of air pockets.

520.9 Sediment and Erosion Control Regulations

520.9.1 Purpose

Sedimentation and erosion controlls shall be installed whenever soil disturbance may cause sedimentation on or erosion of neighboring property and/or the deposition of sediment into the public water supply or public storm management system or into a wetlands or watercourse.

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

520.9.2 *Exemptions*

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

520.9.3 Procedures

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

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

520.9.4 Application

The application shall include the following:

a. A soil erosion and sediment control plan shall provide for the adequate control of accelerated erosion and sedimentation and reduces the danger from stormwater runoff at the proposed site based on the best available technology, found in the Connecticut Guidelines for Soil Erosion and Sediment Control (2002), as amended. Alternative principles, methods and practices may be used with prior approval of the Commission. The plan may be submitted as part of a Special Permit or Site Plan application as set forth in these Regulations. Plans shall include:
   i. A narrative describing the proposed project, a schedule for grading and construction activities including start and completion dates, sequence of grading and construction activities, sequence for installation and/or application of soil erosion and sediment control measures, and the sequence for final stabilization of the project site.
   ii. The design criteria, construction details, installation and/or application procedures, and operations and maintenance program for proposed soil erosion and sediment control measures and storm water management facilities.
b. A site plan complying with Article 7 and containing the following additional information:
   i. The proposed alterations on the site, including cleared, excavated, filled or graded areas;
   ii. The location of and design details for all proposed soil erosion and sediment control measures and storm water management facilities;
   iii. The sequence of grading and construction activities;
   iv. The sequence for installation and/or application of soil erosion and sediment control measures; and
   v. The sequence for final stabilization of the development site.
c. Any other information deemed necessary and appropriate by the applicant or requested by the Commission or its designated agent.

520.9.5 Standards

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

a. Plans for soil erosion and sediment control shall be developed in accordance with these Regulations using the principles outlined in Chapters 3 and 4 of the Connecticut Guidelines for Soil Erosion and Sediment Control (2002), as amended.
b. The minimum standards for individual measures are those in the Connecticut Guidelines for Soil Erosion and Sediment Control (2002), as amended.
c. The appropriate method from the Connecticut Department of Transportation Drainage Manual 2000 as amended, shall be used in determining peak flow rates and volumes of runoff unless an alternative method is approved by the Town Engineer.
d. The Commission may grant exceptions to the minimum standards when requested by the applicant if technically sound reasons are presented.
e. All erosion controls shall be installed prior to the commencement of construction activities.
f. All stockpiles of excavated material remaining on-site for more than a month shall be temporarily seeded or covered.

g. Erosion controls shall be inspected regularly and immediately after each rainfall, as well as maintained and modified as necessary.
h. Hay bales proposed for use on paved surfaces shall be replaced with a combination of filter fabric, concrete blocks and gravel, or by silt sack inserts.
i. If the property is located within the Mill River Watershed or an Aquifer Protection Area:
   i. The RWA shall be notified three days prior to the start of any construction activity.
   ii. RWA inspectors shall be granted access to the site to conduct routine inspections.

520.9.6 Conditions of Approval

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

a. Installation of measures necessary for sediment and erosion 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.

520.9.7 Inspections

Inspections shall be made by the Commission and/or its designated agent(s) during development to ensure:

a. Compliance with the approved plan, and
b. Control measures and facilities are properly performed, installed and maintained.

520.10 Grading of Slopes

520.10.1 Grading Standards

a. Slopes of paved surfaces must not be less than 1.0% in grade, nor greater than 5%..
b. Slopes of earth surfaces must not be less than 2.0% in grade in the general vicinity of buildings, to ensure drainage away from the buildings.
c. Unpaved driveways may not exceed 10% in grade. Paved driveways may not exceed 12% in grade. Changes in driveway grades require vertical transition curves. Lots recorded on the land records prior to the adoption of this section of the Zoning Regulations may exceed the above percentages only with the approval of the Town Engineer and the Town Planner.

520.11 Stormwater Management

520.11.1 Purpose

Changes to the land without proper consideration of stormwater impacts can be a significant source of pollution to Long Island Sound, its tributaries, the public water supply and other waters of the State of Connecticut and the Town of Hamden. These are valuable natural, economic, recreational, cultural and aesthetic resources. The protection and preservation of these waters is in the public interest and is essential to the health, welfare and safety of the citizens of the Town of Hamden.

The intent of these Regulations is to establish requirements for Stormwater Management Plans. Such plans should include design practices and technical standards that address any proposed change to the land that may alter hydrologic conditions. Stormwater Plans should also:

a. Preserve pre-development site hydrology to the extent possible;
b. Reduce the average total suspended solids (TSS) loadings by 80%;
c. Manage runoff velocity and volume such that the physical and biological character of the existing drainage systems is maintained or improved;
d. Prevent increases in downstream flooding and/or streambank erosion.

520.11.2 Applicability

No person shall develop land without having provided stormwater management measures that control or manage runoff from such development, except as provided within these Regulations. The stormwater management

measures must be consistent with the 2004 Connecticut Stormwater Quality Manual, as amended.

A Stormwater Management Plan shall be prepared for all development proposals, when it is determined by the Commission, the Town Planner or Town Engineer, that changes to the land associated with the proposal may significantly alter hydrologic conditions resulting in potential pollution and/or other adverse impacts to the surface water, ground water or other natural resources of the Town of Hamden.

520.11.3 General Requirements

Stormwater Management Plans shall include:

a. A narrative describing the project, the objectives of the Stormwater Management Plan including the potential impacts resulting from the proposed development, and a description of the practices, techniques, structures and facilities proposed in the Stormwater Management Plan to mitigate such impacts.
b. The existing features and proposed improvements;
c. The potential impacts resulting from the proposal or activity;
d. A description of the practices, techniques, structures and facilities proposed to mitigate such impacts,
e. A construction schedule including phasing and sequencing.
f. Identification of the Owner(s) of the property on which the development is proposed and identification of the Applicant submitting an application for approval and/or a permit.
g. Identification of the Responsible Person(s) for implementation of the Stormwater Management Plan during the construction period of the development including mailing address, 24-hour contact telephone number(s), facsimile number(s) and email address.
h. A description of the procedures to be implemented in the case of emergency environmental or severe rainfall events during the construction period of the development.
i. Identification of all known local, State and/or Federal regulatory approvals and/or permits that may be required to be obtained for the development.
j. A map based on United States Geological Survey quadrangle mapping depicting the following:
   i. Site of the development and vicinity,
   ii. Sub-regional drainage basin(s),
   iii. Identifying hydrologic unit code(s) within which the site of the development is located.
k. A description of the surface water and ground water resources, including identification of water quality classifications and the presence of impaired water-bodies as identified by the Connecticut DEP, on and in the vicinity of the site of the proposed development.
l. A description of the development, construction limitations and constraints of the site of the proposed development including:
   i. Areas of exposed bedrock.
   ii. Areas of shallow depth to bedrock surficial soils as defined by the U.S.D.A. Natural Resources Conservation Service Soil Survey.
   iii. Areas of high erosion hazard surficial soils as defined by the U.S.D.A. Natural Resources Conservation Service Soil Survey.
   iv. Areas of ground surface slopes greater than or equal to twenty (20) percent.
   v. Areas of potential shallow depth to ground water.

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

a. Timing of peak flows from sub-watersheds
b. Increased duration of high flow rates
c. Stability of the downstream channels
d. Distance downstream that the peak discharges are increased
e. Run-off prior to development from the 2 year to the 100 year flood events.

When stormwater detention structures are required, they shall be designed so that the peak flow after development shall not exceed the pre-construction peak

The applicant shall furnish projections of the increase of stormwater runoff created by the proposed development from the 2-year, 10-year, 25-year, 50-year and 100 year frequency, 24-hour duration Type III Distribution Storms, as computed with Technical Release #55, Urban Hydrology, Engineering Division, Soils Conservation Service, USDA, January 1975, as amended or by use of other methods conforming to sound engineering practice as set forth in this section. Rational method shall not be used in computing drainage flows in drainage basin areas in excess of two hundred (200) acres and shall not be used to compute drainage volumes or to design detention facilities.

520.11.4 Design Guidance and Recommendations

The following documents, incorporated in these Regulations by reference, give guidance and recommendations for the analysis and design of practices, techniques, structures and other facilities to be incorporated in the Stormwater Management Plan. Other standards of practice, engineering analysis and design, computational or sizing methodologies may be used upon review and approval of the Commission, or the Town Planner or Town Engineer.

The following documents are incorporated in these Regulations by reference:

a. Town of Hamden Engineering Standards, as amended;
b. Connecticut Council on Soil and Water Conservation and Connecticut Department of Environmental Protection, Connecticut Guidelines for Soil Erosion and Sediment Control, Bulletin No. 34, 2002, as amended.
c. Connecticut Department of Transportation, Connecticut Department of Transportation Drainage Manual 2000, as amended.
d. Connecticut Department of Environmental Protection, 2004 Connecticut Stormwater Quality Manual (Final Draft), as amended.
e. Hamden Engineering Department, The Hamden Stormwater Management Plan, 2004, as amended.

520.11.5 Design Practices and Technical Standards

Stormwater Management Plans shall incorporate the design practices and technical standards appropriate for the site conditions and proposed development.

The Commission, the Town Planner and/or the Town Engineer may require additional design practices and/or technical standards to be incorporated in the Stormwater Management Plan where a proposal will discharge stormwater runoff to an area identified as a sensitive surface water, ground water or other natural resource, which is impaired and/or experiencing existing flooding, stream channel instability or water quality problems.

520.11.6 Site Planning and Design

Site planning and design practices, best management practices (especially those referred to as non-structural practices) and practices referred to as Low Impact Development (LID) and Alternative Site Design techniques intended to mitigate the effects of changes to the land hydrologic conditions, shall be considered in the design of a development proposal.

These planning and design practices should:

a. Protect and preserve a site's natural features and systems including drainage systems, resource protection and buffer areas
b. Preserve vegetation
c. Avoid creating steeply sloped areas
d. Avoid excessive site grading

e. Minimize the area of impervious and managed surface coverage including sidewalks, streets, driveways and walkways
f. Encourage the disconnection of impervious and managed surfaces
g. Minimize changes in surface water drainage patterns
h. Promote temporary storage of stormwater runoff
i. Promote infiltration of stormwater runoff
j. Reduce increases in volume of stormwater runoff and changes in magnitude, frequency and duration of stormwater discharges to receiving waters
k. Generally prevent and minimize impacts to surface and ground water resources
l. Reduce or eliminate the use of curbing
m. Reduce use of storm sewers
n. Encourage use of permeable paving materials where practicable
o. Encourage use of bio-retention basins, rain gardens and swales

520.11.7 Stormwater Infiltration

The guidance and recommendations given in the 2004 Connecticut Stormwater Quality Manual, as amended, shall be the minimum used in the design of stormwater infiltration practices and techniques, and structures or facilities. Protection and improvement of the water supply is essential.

Where stormwater runoff is proposed to be infiltrated into natural soils and/or fill material, subsurface investigations including field testing to determine soil infiltration rates shall be made of the hydro-geologic conditions of the site and vicinity of the infiltration practice, technique, structure or facility.

If a stormwater infiltration practice, technique, structure or facility is also intended to function to control peak rates of discharge of stormwater runoff, the practice, technique, structure or facility shall be designed in accordance with the recommendations and guidance given in the Connecticut Department of Transportation Drainage Manual 2000, as amended.

520.11.8 Concentrated Stormwater Runoff

a. Where concentrated stormwater runoff is proposed to be discharged to a stormwater collection and conveyance system, man-made or natural channel, culvert, bridge, or other hydraulic structure due to site and design conditions, the hydraulic adequacy of the system, channel and/or structure shall be verified by the applicants civil engineer.

b. Where concentrated stormwater runoff is proposed to be discharged directly to the ground surface or directly to a wetland or watercourse, the stability of the outlet at the discharge location and the requirement for outlet and slope protection measures beyond the discharge location shall be determined.

c. Where it is determined that a system, channel, structure or discharge outlet location is hydraulically inadequate under existing conditions and/or will be hydraulically inadequate due to the proposed design, the Applicant shall:
   i. Improve stormwater collection and conveyance systems to a condition where the systems are hydraulically adequate to convey the peak discharges developed from the design post proposal or activity 10-year recurrence interval precipitation event,
   ii. Improve man-made or natural channels to a condition where the channels are hydraulically adequate to convey the peak discharges developed from the design post proposal or activity 10-year recurrence interval precipitation event,
   iii. Improve culverts or bridges to a condition where the culvert or bridge will safely convey the design post proposal or activity peak discharges
   iv. Determine the stability of the outlet of the conveyance system, channel or structure and the requirement

for outlet protection measures at the discharge location and for slope protection measures beyond the discharge location if applicable, or

v. Develop a site design that attenuates post construction peak rates of discharge equal to or less than levels of existing peak rates of discharge.

520.11.9 Stream Channel Protection

Where a development proposal will discharge stormwater runoff to a natural channel, the following criteria for stream channel protection shall be incorporated in the design of the proposal where the Commission or the Town Planner or Town Engineer, has determined that stream channel protection measures are required.

a. When stormwater runoff is discharged to a natural channel, the Applicant shall either:
   i. Improve the channel using methods and materials that will minimize the impacts on the physical, chemical and biological integrity of the natural channel system, and will preserve the natural channel characteristics to the maximum extent practicable, or;
   ii. Develop a site design that meets one or both of the "over-control" method criteria for stream channel protection by either:
   a) Attenuating the design post proposal or activity 24-hour duration, 2-year recurrence interval peak rate of discharge of stormwater runoff to the channel to one-half of its pre-development magnitude or less, or;
   b) Attenuating the post construction a 24-hour duration, 2-year recurrence interval peak rate of discharge of stormwater runoff to the channel to be less than or equal to the pre-development 24-hour duration, 1-year recurrence interval peak rate of discharge of stormwater runoff to the channel.

b. Where concentrated stormwater runoff is discharged to a natural channel that is experiencing channel instability under existing conditions, or has been identified by the Commission, or the Town Planner or Town Engineer as requiring additional protection, the Applicant shall either:
   i. Improve the channel using methods and materials that will minimize the impacts on the physical, chemical and biological integrity of the natural channel system, and will preserve the natural channel characteristics to the maximum extent practicable, or
   ii. Develop a site design that provides extended detention of the design post proposal or activity 24-hour duration, 1-year recurrence interval peak rate of discharge of stormwater runoff to the channel for a minimum period of 24-hours.

520.11.10 Over-Bank Flooding Protection

Where stormwater runoff is proposed to be discharged from the site of the proposal, the hydraulic adequacy of hydraulic structures and/or receiving channels to convey the design post proposal or activity 25-year, 50-year and 100-year recurrence interval peak rates of discharge shall be verified.

Where it is determined that a structure or receiving waterway is hydraulically inadequate under existing conditions and/or will be hydraulically inadequate due to the development proposal, redevelopment proposal or activity, the Applicant shall either:

i. Improve the hydraulic structure or waterway to a condition where the design post proposal or activity 25-year, 50-year and 100-year recurrence interval peak rates of discharge can be conveyed, or
ii. Develop a site design that will attenuate the design post proposal or activity 25-year, 50-year and 100-year recurrence interval peak rates of discharge to be less than or equal to the design existing condition 25-year, 50-year and 100-year recurrence interval peak rates of discharge.

520.11.11 Erosion and Sediment Control

The guidance and recommendations given in the Connecticut Guidelines for Soil Erosion and Sediment Control, 2002, as amended shall be the minimum standards used in the design of erosion and sediment controls.

520.11.12 Specific Data Required

All storm drainage calculations must be certified by a Connecticut licensed Professional Engineer. The Commission or the Town Planner or Town Engineer may require that the preparation of the Stormwater Management Plan include other professionals in the disciplines of landscape architecture, environmental sciences and others.

Copies of the Stormwater Management Plan shall be submitted with each application to the Planning and Zoning Commission for approval.

520.11.13 Design information shall include the following:

a. Drawings presented at a scale that will allow for clear identification of all existing conditions and post construction conditions on and in the vicinity of the site of the development. These drawings shall include:

General Data

i. Property boundaries
ii. Adjoining property owners
iii. Buildings and other structures
iv. Zoning District(s) and/or boundaries
v. Existing and proposed land use
vi. Existing ground cover conditions including vegetation types
vii. Proposed ground cover conditions
viii. Existing and proposed impervious surface and managed surface coverage areas
ix. Existing and proposed easements including those for access, utilities, drainage, maintenance and conservation or resource protection purposes
x. Existing and proposed areas subject to deed restrictions including those for conservation or resource protection purposes

Engineering Data

i. Existing ground surface elevation contours preferably referenced to the North American Vertical Datum of 1988 (NAVD88) and proposed ground surface elevation contours. Benchmark(s) should also be shown.
ii. Utility company facilities and services
iii. Drinking water supply reservoir and well locations
iv. Ephemeral, intermittent and/or perennial watercourses
v. Surface water bodies
vi. Special Flood Hazard Areas or boundaries and base flood elevations where determined, floodways or boundaries and/or stream channel encroachment lines
vii. Resource protection areas and boundaries
viii. Aquifer protection district areas or boundaries
ix. Public water supply watershed areas or boundaries
x. Areas of ground surface slope greater than or equal to twenty (20) percent
xi. Areas of exposed bedrock

Hydrological and Soil Data

i. Inland Wetland areas or boundaries
ii. Inland Wetland regulated areas or boundaries
iii. Surfical soil types classified by hydrologic soil group as defined by the Natural Resources Conservation Service Survey
iv. Areas of shallow depth to bedrock surficial soils as defined by the U.S.D.A. Natural Resources Conservation Service Survey
v. Areas of high erosion hazard surfical soils as defined by the U.S.D.A. Natural Resources Conservation Service Survey
vi. Areas of potential shallow depth to groundwater

vii. The locations of all subsurface investigations
viii. Surface water drainage patterns and watershed and/or catchment boundaries
ix. The locations of all stormwater collection, conveyance and management systems and other hydraulic structures including, culverts, bridges and dams
x. Tributary land areas to appropriate points for purposes of hydrologic and hydraulic analysis and hydrologic and hydraulic design of proposed practices and techniques, and structures or facilities
xi. Travel time component and time of concentration flow paths for purposes of hydrologic and hydraulic analysis and design of proposed practices and techniques, and structures or facilities

b. Subsurface soil investigation information for the design of all practices, techniques, structures and facilities where the determination of soil classifications and depths to groundwater, restrictive soil layers and/or rock are required, and where the determination of particle gradation analyses and in-situ soil properties including soil infiltration rates are required.

c. A description of design methodologies and computer models used, and hydrologic, hydraulic and water quality design computations for all practices and techniques, and structures and facilities. In general, this information should be submitted in the form outlined in the hydrologic and hydraulic design and analysis documentation requirements of the Connecticut Department of Transportation Drainage Manual 2000, as amended.

d. Structural design and supporting information and geo-technical design and supporting information for certain stormwater management system components including, storm sewers, channels, outlet protection measures, culverts, bridges, dams, spillways, outlet works and other structures, as required by the Town Engineer.

e. Drawings including plans, profiles, sections and typical details of all stormwater management system components at adequate scale(s) and containing sufficient detail to clearly depict the intent of the design and the details of construction and/or installation.

f. The Commission may, at its sole discretion, require the applicant to submit a hydrologic study of pre-development site conditions conducted at a level of detail commensurate with the probable impact of the proposed activity as determined by the Town Engineer.

g. Post Proposal or Activity Stormwater Management Operation and Maintenance Plan including:

i. A description of the operation and maintenance tasks and an implementation schedule.
ii. Identification of the Responsible Person(s) for implementation of the Stormwater Management Operation and Maintenance Plan including mailing address, 24-hour contact telephone number(s), facsimile number(s) and email address.
iii. Agreements, declarations of covenants and restrictions, easements and/or other legal instruments governing the requirements for operation and maintenance of all post construction proposal or activity stormwater management measures as required by the Commission, or the Town Planner or Town Engineer as its administrative agent, and the Town of Hamden Attorney.

The applicant shall submit the following data for review by the Town Engineer:

a. Topographic Contour Map(s) showing drainage area(s)
b. Narrative and computations including, but not limited to, the following:
   i. Method used to calculate stormwater runoff
   ii. Runoff characteristics of the property pre- and post-development

iii. Drainage calculations
iv. Maximum velocity and quantity at point(s) of discharge from the system
v. Design calculations for all drainage piping and structures

c. Narrative and computations for detention structures including, but not limited to, the following:
i. Inflow and outflow hydrographs for detention area
ii. Maximum storage volume
iii. Design of spillway or other measures for the release of excess flows beyond that of the design capacity of the structure
iv. Flood routing of all runoff greater than the design capacity of the detention facility
v. Time required for the facility to drain completely
vi. Materials used in facility construction
vii. Methods employed to avoid clogging the discharge mechanism
viii. Safety measures
ix. Proposed landscaping and vegetative measures used to stabilize slopes and bottom surfaces.

520.11.14 *Exemptions*

a. Upon written request, the Commission, at the request of the Town Planner or Town Engineer, may waive these Regulations in whole or in part, when the development proposal, redevelopment proposal or other activity will upon completion, have less than five-thousand (5000) square feet of impervious surface coverage, and disturb less than one (1) acre of land surface area, or where due to special conditions related to the site or vicinity of the proposal or activity, the requirements of these Regulations, in whole or in part, may not be feasible or prudent. No waiver request shall be approved that would cause an adverse impact to the surface water, ground water and other natural resources of the Town of Hamden. The Applicant shall demonstrate to the satisfaction of the Town Engineer, that approval of a waiver request will meet this standard.

b. Activities defined as Agricultural Uses shall be exempt from these Regulations.

c. Development that does not require Special Permit and/or Site Plan approval are exempt from demonstating that there will be no increase in runoff.

520.11.15 Standards and Criteria for Decision

No stormwater management plan may be approved without a finding that the plan is consistent with these Regulations and the following general criteria:

a. Design and planning for site development shall provide for minimal disturbance of pre-development natural hydrologic conditions, and shall reproduce such conditions after completion of the proposed activity, to the maximum extent feasible.
b. Pollutants shall be controlled at their source to the maximum extent feasible in order to contain and minimize contamination. Methods include but are not limited to sweeping of pavements, especially in the early spring, the use of sediment basins prior to infiltration and encouragement of sheet flow to filter strips.
c. Stormwater management systems shall be designed and maintained to manage site runoff in order to eliminate surface and groundwater pollution, prevent flooding and, where required, control peak discharges and provide pollution treatment.
d. Stormwater management systems shall be designed to collect, retain and treat the first inch of rain on-site, so as to trap floating material, oil and litter. On-site storage methods include but are not limited to landscaped depressions, grass swales, infiltration trenches and retention or detention basins.
e. Stormwater management systems shall use 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), including design of treatment practices for the Water Quality Volume or Water Quality Flow, as appropriate.
f. Stormwater runoff rates and volumes shall be controlled by slowing runoff velocities and encouraging infiltration. BMP methods for controlling runoff and encouraging infiltration include but are not limited to: the minimization of impervious surfaces, the use of grass or vegetative filter zones, landscape depressions,

slotted curb spacers, perforated pipes for conveying stormwater, establishment of buffers from streams, wetlands and water bodies, and any combination of methods, where appropriate.

g. Stormwater treatment systems shall be employed where necessary to ensure that the average annual loadings of total suspended solids following the completion of the proposed activity at the site are no greater than such loadings prior to the proposed activity. Alternatively, stormwater treatment systems shall remove 80% of total suspended solids from the site on an average annual basis. BMP methods for stormwater treatment include infiltration through vegetative strips, grass swales and detention basins.

520.11.16 Maintenance Covenents

Upon approval of the application but prior to the issuance of a Zoning Permit, the applicant shall file Covenants on the Land Records committing current and future landowners to ongoing maintenance of the approved stormwater treatment facilities. At a minimum the covenants shall include:

a. Provisions for annual inspection and maintenance of the facilities.
b. Submittal of annual reports to the Town Engineer documenting inspection dates, observations and actions.
c. An easement to Town personnel for "inspection" purposes.

Section 530 Lot, Block and Building Configuration

530.1 Front Yards / Build-To Lines

Specific to Zones R3, R4, R5, T3, T3.5, M and NC

The purpose of this section is to create a uniform location for buildings by requiring a build-to line.

Where buildings exist on adjacent lots, the Commission or its agent may require that a proposed building match one or the other of the adjacent front yard setbacks and heights rather than the provisions of these Regulations.

Specific to All Zones[1]

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 in 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. *See also* **Section 591.2 Visibiity at Intersections**

530.2 Rear Lots

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.

530.2.1[2] 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;

1 Effective November 15, 2012
2 Adopted, July 27, 2010. Effective, August 15, 2010.

e. Contain only one driveway and provide access for one lot only. The Commission may approve a shared access-way only where there is an environmentally sensitive crossing;
f. The maximum number of abutting access ways shall not exceed two.

530.2.2[1] 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 that provides adequate screening.
c. Rear lots shall be limited to 15% of the total lots proposed for a subdivision and may only be approved in conjunction with a subdivision.

530.3 Non-conforming Lots, Buildings and Uses
These Regulations shall not prohibit the construction of an otherwise permitted structure on, or an otherwise permitted use of, any lot, the area or width of which does not meet the minimum area or does not meet the minimum width requirements of the zone in which it is located, provided:
a. The lot was of legal size on the date it was created as a lot; and
b. All setbacks, coverage and other zoning requirements can be met. However; in those instances where the lot area or shape prevent conformance with one or more setback requirements, the requirement for that setback shall be the same as that in the most restrictive zone to which the lot area most nearly conforms;
c. The owner of the lot presents satisfactory evidence of compliance with this section.

Specific to Zones T4 and T5[2]
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 Commission shall determine the provisions of this Section that shall apply. The modification of existing buildings is permitted by Special Permit and/or Site Plan Approval if such changes result in increased compliance with the specifications of these Regulations.

On parcels of 10 or more acres, proposed increases to existing building coverage that do not comply with these Regulations are permitted subject to Special Permit approval, provided that a plan for full build-out that meets these Regulations is approved by the Commission as part of the Special Permit application.[3] The purpose of full build-out plans is to, where possible, limit curb cuts, link driveways, internal roadways and greenspace on adjacent parcels. Unless waived by the Commission, such linkages and coordinated development between adjacent properties shall be required.

Exceptions: Where pre-existing non-conforming structures do not meet the frontyard setback and/or the build-to-line as of the effective date of these Regulations, the applicant shall be exempt from complying with these requirements once when the proposed additional building coverage meets the following criteria:

Table 5.1 One-time Additional Building Coverage Allowed

Existing Building Coverage*	One-time Additional Building Coverage Allowed
1 to 10,000 sf	5% of the existing building coverage**
10,001 to 50,000 sf	4% or 500 sf, whichever is greater
50,001 to 100,000 sf	3% or 2,000 sf, whichever is greater
100,001 to 250,000 sf	2% or 3,000 sf, whichever is greater
250,000+ sf	5,000 sf

**As of the effective date of these Regulations as shown on the Town Assessor's[4] field card(s).*
*** Effective November 15, 2012*

1 Adopted, July 27, 2010. Effective, August 15, 2010.
2 Effective November 15, 2012
3 Effective November 15, 2012
4 Adopted, July 27, 2010. Effective, August 15, 2010.

530.3.1 Reconstruction

Nothing in these Regulations shall prevent the reconstruction of a building or structure suffering structural damage due to a fire or other casualty amounting to 50% or less of the building relative to its condition prior to such damage, as determined by the Building Inspector, or prevent the restoration of a wall or structural member or reconstruion 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.[1]

530.4 Height Limitations

Building height shall be measured from the average elevation of the finished grade adjacent to the exterior walls of the building to the :

a. Highest point of the roof, including any parapet, in the case of a flat roof;
b. Top of the lower slope of a mansard roof;
c. Average height between the eaves and the ridge of a gable, hip or gambrel roof or other roof type.

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

When the finished ground level slopes away from the exterior wall, the vertical distance will be calculated based upon 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.

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:

530.4.1 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.

530.4.2 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.

530.4.3 Flagpoles of up to 75 feet in height;

530.4.4 Water tanks, of any height, where the Commission has granted a Special Permit.

530.4.5 Roof-top equipment for non-residential buildings (such as HVAC equipment, ventilators, sky lights, 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.

530.4.6 See **Section 672** regarding height limits of amateur radio antennas.

530.4.7 Gas station, 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.

1 Adopted, July 27, 2010. Effective, August 15, 2010.

530.5 Calculation of Lot Area

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

Figure 5.1 EXAMPLE: Lot Area Calculation	
Total Land Area	80,000 sf
minus Wetlands	-10,000 sf
minus Slopes Exceeding 20% grade	-10,000 sf
Lot Area	**60,000 sf**
This lot would be a legal and conforming lot in an R-2 zone, but not an R-1.	

530.6 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 540 Site Amenities

540.1 Accessory Buildings

See **Section 230 Accessory Structures** for accessory building requirements in Residential Zones and **Table 3.4 Summary of Transect Zones** for accessory building requirements in Transect Zones.[1]

540.2 Landscape Standards

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

Any tree/plant selected to be planted in a Hamden right-of-way that is not listed below must be approved by the Commission:

Table 5.2 List of Recommended Street Trees for Town Rights-of-Way*

Species	Mature Size	Preferred for:	Possible Negatives	Best Cultivars
English Oak, *Quercus robur*	40-60 ft	easy to transplant, tolerant	acorns, mildew problems	*Fastigiata* (upright forms for street planting)
Oriental Flowering Cherry, *Prunus serrulata*	20-35 ft	spring flowers, less wire interference	spreading habit, life expectancy	*Kwansan*
Paperback Maple, *Acer griseum*	20-30 ft	bark, fall color	availability, winter dieback	
Eastern Redbud, *Cercis canadensis*	20-30 ft	flowers, highly tolerant	stem canker, seed pods	*Forest Pansy, Oklahoma*

1 Effective November 15, 2012

Table 5.2 List of Recommended Street Trees for Town Rights-of-Way*				
Species	**Mature Size**	**Preferred for:**	**Possible Negatives**	**Best Cultivars**
Kousa Dogwood, *Cornus kousa*	20-30 ft	flowers later, more disease/insect-resistant	low branching, wide crown, fruit	*C. x rutgersensis* hybrids *(C. florida x C. kousa)*, Milky Way
Sargent Cherry, *Prunus sargentii*	20-30 ft	spring flowers, bark		*Columnaris*
Sawtooth Oak, *Quercus acutissima*	35-45 ft	better transplanter, longevity	availability, acorns	
Shingle Oak, *Quercus imbricaria*	50-60 ft	highly tolerant, longevity	acorns, size	
Japanese Maple, *Acer palmatum*	20-25 ft	red foliage, fall color, less wire interference		*Bloodgood*
Dogwood, *Cornus florida*	25-30 ft	white or pink spring flowers	dogwood borer, anthracnose	*Cherokee Chief/Princess, Cloud Nine*
Honey Locust, *Gleditsia triacanthos var. inermis*	30-70 ft	fall color, open habit	bean pod, fruit	*Shademaster* (plant seedless varieties only)
Ginkgo, *Ginkgo biloba*	50-80 ft	fall color	wet soil, plant only male trees	
London Planetree, *Platanus x acerifolia*	70-100ft	highly tolerant, interesting bark	anthracnose, disease susceptible	*Bloodgood*
Linden, *Tilia cordata*	40-70 ft	highly tolerant, pyramidal habit		*Greenspire*
Japanese Zelkova, *Zelkova serrata*	50-80 ft	resemblance to Elm, highly tolerant		*Green Vase, Village Green*
Red Maple, *Acer rubrum*	40-60 ft	fall color, columnar & spreading cultivars		*October Glory, Red Sunset*
Katsira tree, *Cercidiphyllum japonicum*	20-40 ft	fall color	trunk splitting in young trees	
Trident Maple, *Acer buergerianum*	25-35 ft	fall color, bark, drought tolerant, less wire interference	availability, winter dieback	
Hedge Maple, *Acer campestre*	25-35 ft	tolerant to stress, less wire interference	availability, heavy seed crops	*Queen Elizabeth*
American Elm *Ulmus americana*	60-120 ft	high arching limbs	DED, plant resistant cultivars only	*Valley Forge*
American Hornbeam, *Carpinus carolinian*	20-30 ft	fall color, less wire interference		
Turkish Filbert, *Corylus colurna*	40-50 ft	pyramidal habit, drought tolerant	availability, nuts	
Pin Oak, *Quercus palustris*	60-70 ft	easy to transplant, pyramidal habit, fall color	acorns, size	
Lace-bark Elm, *Ulmus parvifolia*	40-50 ft	bark, resistant to Dutch Elm disease, highly tolerant	availability	*Allee*

* Effective November 15, 2012

No tree listed on the Connecticut Invasive Plant List, issued by the Connecticut Invasive Plants Council, as invasive or potentially invasive, may be planted in a Hamden right-of-way.[1]

1 Effective November 15, 2012

540.3 Landscaping, Screening and Buffer Areas

540.3.1 General Requirements

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

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

540.3.2 Front Landscaped Area

The purpose of 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 in all zones *except for T3.5, T4 and T5*. Where front yard landscaping is required, grass or other ground cover shall be used and appropriate trees and shrubs shall be included. At a minimum, one shade tree having a diameter at breast height (DBH) of two inches shall be planted within the front landscaped area for each 50 feet or fraction thereof of lot frontage.

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

540.3.3 Screening of Surface Parking Lots

a. In the absence of a building facade along any part of a frontage line, a streetscreen shall be built in the same plane as the facade.
b. Streetscreens should be between 3-1/2 and 4-1/2 feet in height. The streetscreen may be replaced by a hedge or fence. Streetscreens shall have openings no larger than necessary to allow for pedestrian and one-way automobile access.

540.3.4 Buffer Area

The purpose of the buffer area is to provide privacy from noise, headlight glare, and visual intrusion to residential dwellings. A buffer area shall be required along all side and rear boundaries of a Special Permit use, a T3.5, T4, T5 or Special District lot abutting any lot in a Residential Zone (R1 – R5), T2, T3 zone. Such buffer area shall comply with at least the following minimum standards:

The minimum width of buffer areas shall be as follows:

Table 5.3 Minimum Width of Buffer Areas	
Special Permit Uses in or adjacent to any Residential Zone	10 ft
T3.5, T4, T5, Town Green District	10 ft
Manufacturing, Newhall Center	50 ft

a. The buffer area shall be located within the boundaries of the subject property within the Manufacturing, Newhall Center, T3.5, T4 or T5 Zone;
b. The buffer area may be located on abutting property in a residential zone provided:
   i. The owners of the abutting residential property(s) agree in writing;
   ii. Said agreement is recorded on the land records and runs with the land;
   iii. The Commission approves said agreement with such stipulations regarding maintenance and upkeep, as it deems necessary.
c In cases where a less restrictive use is permitted to extend into a more restrictive zone, the Commission shall determine the minimum width of the buffer area.
d. 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 that the buffer area meets the intent of these Regulations.
e. The buffer area shall be planted with evergreens of such type, height, spacing and arrangement as the Com mission 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' on center. Non-evergreen planting may be included to supplement evergreen planting, but shall not take its place
f. An earthen berm, wall, or fence of location, height, design and materials approved by the Commission may be substituted for any portion of the required planting and/or buffer area.
g. Where the existing structure, topography and/or landscaping provide adequate screening, the Commission may modify the planting and/or buffer area requirements.

550 Sign Regulations

550.1 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.

550.2.1 Figure 5.2 Examples of Signs

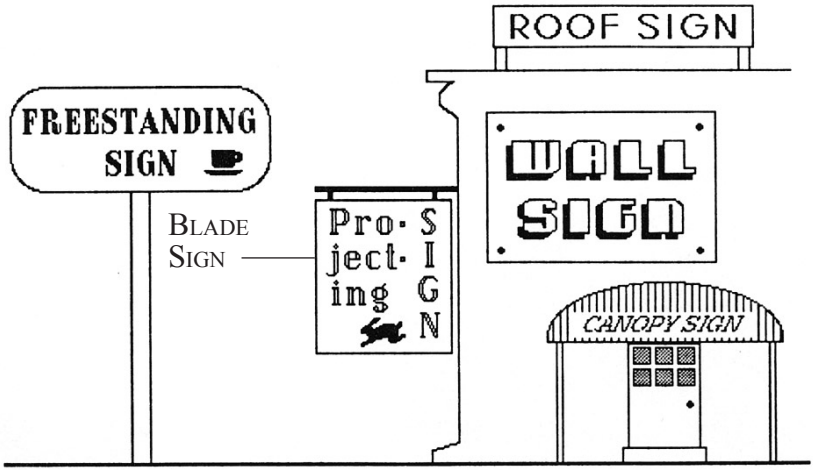


Figure 5.2 Examples of Signs

550.2 Signage Standards

550.2.1 General Standards

General to All Zones

a. 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, or displayed on a free standing or canopy sign.
b. Buildings with a secondary facade may have an additional address number, no more than 6 inches measured vertically, that shall be attached to the building in proximity to a secondary entrance or at a mailbox.
c. No signs shall be placed with their top edge higher than 24'-0" from grade.
d. A maximum of two signs is allowed per use.
e. The maximum area for all signage, unless explicitely stated otherwise shall be limited to one square foot per linear foot of facade length.

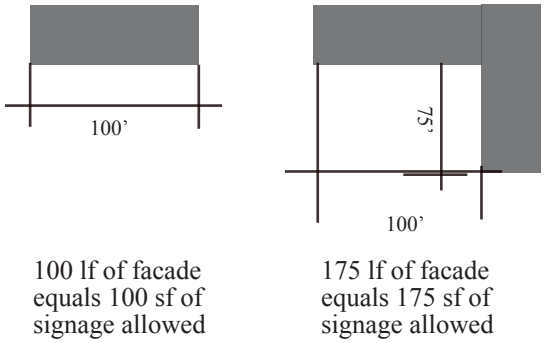


Figure 5.2.1 EXAMPLE of Frontage Linear Footage and Allowable Sign Square Footage Calculation.

f. There shall be no signage permitted beyond that specified in this section. Signage may be further regulated by village district regulations (*See* **Article IV**).

550.2.2 Illumination

Specific to all zones.

a. No sign shall be animated or flashing, except for a time, temperature, or other public service device employed as a part of otherwise non-flashing, non-animated display.
b. Signage in all zones may be externally illuminated, *except that signs within the shopfront glazing may be neon lit.* When a sign is illuminated from an external source, the light source shall be effectively shielded so as to prevent beams or rays of light from being directed onto adjoining properties or traveled roadways.
c. Self-illuminated signs shall be such that all direct light sources are completely covered.

550.2.3 Wall Mounted Sign

Specific to zones, T2, TG

One wall mounted sign, not to exceed two-feet in height or five-feet in length may be attached to the building in proximity to the principal enterance.

550.2.4 Wall Mounted Signs

Specific to zones T3, T3.5, T4, T5, M, NC

a. A wall mounted sign may be applied to the primary facade of each building. Wall signs shall not exceed 3 feet in height and shall not exceed the total square footage allowed per section 550.2.1.e.
b. All wall mounted signs on the a single facade shall have the top edges aligned with each other.
b. 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.
c. Theater marquee signs shall not project beyond the end of the marquee.

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

550.2.5 Canopy Sign Standards
Specific to zones R4, R5, T1, T2, T3, T3.5, T4, T5, TG, NC

The address number, no more than 6 inches measured vertically, shall be shown on a canopy sign unless displayed on a free standing sign. Signage on a canopy shall not exceed 1 foot in height and shall not exceed the total square footage allowed per section 550.2.1.e.

550.2.6 Blade Signs / Projecting Signs
Specific to zones T2, T3, T3.5, T4, T5, M

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

550.2.7 Free-Standing Sign Standards
Specific to zones T3.5, T4, T5, M, TG, NC

a. Only one freestanding business sign shall be permitted on a lot, except as provided in **Section 550.2.16.** A freestanding business sign shall be limited to identifying the names and addresses of the business or businesses occupying the lot, except as provided herein.
b. A freestanding sign shall be located entirely within the property lines of the lot and shall be screened from the view of adjoining residential zones on the street frontage on the same side of the street.
c. No sign structure shall conflict with the corner visibility requirements in **Section 530.1 and 591.2** of these Regulations.
d. No freestanding sign shall exceed a height of 20 feet as measured from the ground to the top of the sign sructure.
e. The bottom edge of all free-standing signs shall be at least 10 feet above ground level, except as provided in **Section 550.2.14** 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 550.2.16**.

550.2.8 Temporary Signs
Specific to all zones

a. Signs temporarily attached to a window or door, announcing sales or special features are permitted, provided that they do not exceed 50% of the area of a window or door, and provided that they are in place for not more than 30 days. The signage should be affixed in locations that allow police to check that there are no crimes in progress.[1]
b. Special advertising devices, including but not limited to plaques, banner, pennants and streamers, are permitted for a period of not more than 30 days after the opening of a new business, provided that they do not constitute a public nuisance.
c. Non-profit organizations and municipal agencies may employ temporary signs not exceeding 32 square feet in total area, advertising special activities in any zone for a period not to exceed 14 days. No zoning permit is required. The signs must be removed immediately after the event.
d. Sponsor signs and banners at public ball fields are permitted for the duration of a single sporting season.

1 Effective November 15, 2012

e. A real estate sign advertising the sale or lease of the premises on which such sign is displayed shall not exceed 6 square feet in total area and shall be set back from any street line at least 5 feet. When a property is sold or rented, this sign may be replaced by one temporary sign not exceeding 6 square feet in 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 or lease, whichever is less.
f. Contractor's signs may be displayed on a building or construction site. Such signs shall not exceed 16 square feet in total area.
g. Lawn signs shall not exceed 4 square feet.

550.2.9 A-Frame [1]
a. A-Frame signs not exceeding 6 square feet on each of two sides are permitted.
b. No A-Frame signs may be located within the Town or State Right-of-Way.
c. All A-Frame signs must be located within 15'-0" of the primary intrance to the building where the advertised activity takes place.
d. A-Frame signs shall not obstruct sidewalks.
e. A-Frame signs may not create any obstruction to street, or access, or egress visibility.
.

550.2.10 Billboard Prohibition and Roof-top Signs
Specific to all zones
Billboards and roof-top signs are prohibited.

550.2.11 Maintenance
Specific to all zones.
a. The installation, alteration, repairing, maintenance and inspection of lighted signs shall conform to requirements of local codes and ordinances.
b. All signs, together with their supports, braces, guy wires and anchors shall be kept in good repair and in safe condition.
c. 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.

550.2.12 Measurement of Area
Specific to all zones.
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, A-frame 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.

550.2.13 Sign Prohibitions
Specific to all zones.
The following signs shall be prohibited in any zone:
a. Traffic signs that are not approved by the appropriate State or Local traffic authority.
b. Any artificial light or light-reflecting device that is located where such light distracts the attention of users of a public highway and which competes for attention with, or may be mistaken for, a traffic signal;
c. String or festoon lights;
d. Exposed neon, fluorescent, and/or incandescent tubing or lamps, raceways, ballast boxes and transformers or other electrical apparatus;
e. Flashing, moving, flickering, blinking, illuminated animation, moving lights or floodlight illumination;

[1] Effective November 15, 2012

f. Signs of a temporary character or purpose, except as provided in **Section 550.2.8**, irrespective of the composition of the sign or material used, therefore, including, but not limited to, paper signs and/or stickers used as signs and/or affixed to store windows;
g. Moving signs;
h. Signs designating the name and/or the stamp of the sign contractor or sign company and attached to a business sign advertising another use, product, service, or activity, *except for an identification sign not to exceed five square inches in size;*
i. Signs attached to or painted on railroad trestles or bridges;
j. Roof signs and billboards;
k. All signs not expressly permitted by these Regulations.

550.2.14 Signage in Primarily Residential Zones
Specific to zones R1, R2, R3, R4, R5, T1, T2, T3
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. Sign shall not exceed a total surface area of 1½ square feet.
b. Bulletin boards and signs on the premises of churches, schools and similar non-profit institutions. Signs shall not exceed 16 square feet in total area and may be part of the architecture of the building.
c. Signs advertising the use of a premises for Special Permit uses. Such signs shall not exceed 16 square feet in total area.
d. Freestanding signs shall be no more than 6 feet in height and shall comply with **Sections 530.1 and 591.2** of these Regulations.

550.2.15 Signage in the Town Green and Newhall Center Zones
Specific to zones TG, NC
Signs are permitted for the uses specified in Table 6.1 and subject to the following limitations:

Business signs including wall and freestanding signs advertising a business or businesses located on the premise, are subject to the following requirements:
a. The total aggregate surface area of all business signs on a lot shall not exceed one square foot for each linear foot along the frontage of the building containing the business's principal entrance.
b. In mixed-use or multi-tenant buildings, the total sign area for said building shall be pro-rated on the basis of 1 square foot of sign for each linear foot of building frontage.
c. No single 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. This identification sign shall not exceed two square feet in area and shall be exempt from the total allowable sign area.*
d. Directional signs for pedestrian and vehicular movement, including entrance and exit signs, shall not exceed two square feet in area nor shall they exceed 24 inches in height. *Exemption: Horizontal directional signs applied to the surface of a parking area are exempt from this provision.*

550.2.16 Shopping Center Signs
Specific to all zones.
This section shall apply only to the existing buildings in shopping centers constructed prior to the effective date of these Regulations. Shopping centers built or substantially altered after this date shall be subject to the sign regulations for the appropriate 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 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. This 100 square feet is in addition to the

area of signage allowed based upon linear feet along a facade.

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

550.3 Procedures

550.3.1 Permits

No sign, except as provided in **Section 550.1 through 550.3.2** shall be constructed, erected, altered or otherwise changed unless approved by variance. Political signs, traffic control signs and directional signs are exempted from these provisions.[1]

550.3.2 Applications

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

560 Sidewalk Standards

560.1 Sidewalks Along Private Streets

a. Sidewalks shall be required on both sides of the street in T4, T5, and NC zones. The minimum width of a sidewalk shall be 5 feet.
b. Sidewalks shall be required on at least one side of the street in T3, R4, R5 and M zones. The minimum width of a sidewalk shall be five (5) feet .
c. All sidewalks shall be constructed of concrete.
d. The Commission may, at its discretion, waive these requirements, provided that the application gives due consideration to pedestrian safety.

570 Fences and Walls

a. Fences shall be erected so that the outer, decorative surface faces away from the property on which the fence is erected.

[1] Effective November 15, 2012

b. Fences of any type located within the first 25 feet of the front property line shall not exceed four feet in height. Fences within required side and rear yards shall not exceed six feet in height.
c. No fence of any type shall be erected or maintained that unreasonably or dangerously interferes with the visibility to or from a driveway.
d. A minimum of five feet must be left between the closest faces of terraced retaining walls.

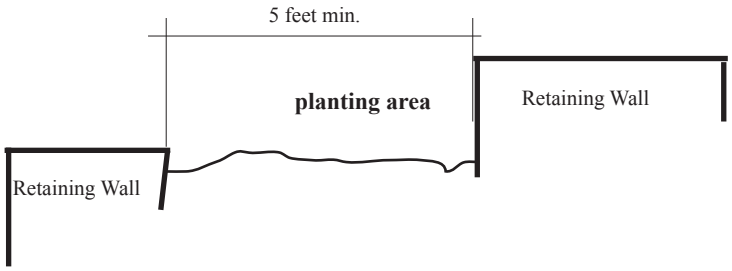


Figure 5.3 Terraced Retaining Wall Configuration

580 Outdoor Lighting

Specific to all zones.

580.1 Purpose

These regulations are intended to provide specific standards regarding lighting, in order to:
a. Enhance public safety and welfare,
b. Maximize the effectiveness of site lighting,
c. Prevent unnecessary upward illumination
d. Avoid illumination of adjacent properties, and
e. Reduce glare.

580.2 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 within 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. Shield direct light source(s) so that they shall not be visible at the property line at ground level or above when adjacent to residential property and in all residential zones.
g. When more than four luminaries are proposed for a site, the Commission may require a photometric plan from the manufacturer or a qualified engineer that demonstrates compliance with ‘a’ and ’b’ above

580.3 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.
c. Lighting fixtures for building security or aesthetics and any display purposes shall, *except as may otherwise be approved, be:*
   i. Top downward (not upward or sideways);
   ii. Full cut off; or
   iii. Fully shielded/recessed.

580.4 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.

580.5 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.

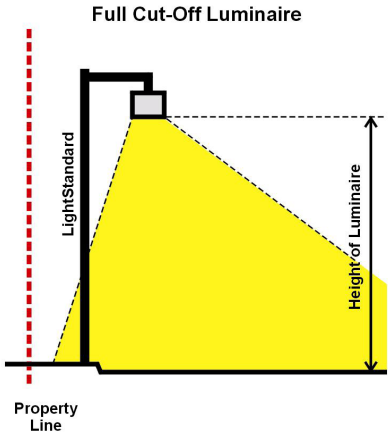
580.6 Hours of Operation

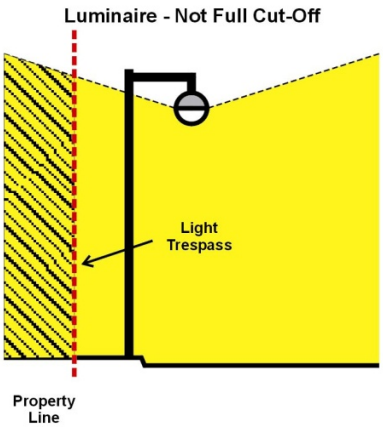
Any unnecessary lighting shall be reduced after the close of business. The applicant may be required to control the lighting through timing devices and/or motion detectors.

Figure 5.4 Luminare Types

580.7 Footcandle Standards for Exterior Lighting

On-site lighting is limited to between 0.5 and 1.5 footcandles, unless specifically listed below or otherwise approved by the Commission.





Full Cut-off Luminaires
REQUIRED

Non-Full Cut-off Luminaire
NOT ALLOWED

Table 5.4 Footcandle Standards			
Use	**Max. Exterior fc**	**Use**	**Max. Exterior fc**
Accessory Building & Use	0.2	Hospital	5.0
Adult-Oriented Establishment	2.4-0.6	Nursing Home	5.0
Agriculture		Medical Office	0.8-0.2
Commercial Farm	0.2	Rehabilitation Facility - Out Patient	2.4-0.6
Community Garden	0.1	Heliport	3.6-0.9
Truck Garden	0	Home Occupation	0.2
Animals		Library & Museum	0.8-0.2
Animal Day Care	0.2	Lodging	
Animal Training Facility	0.2	Vehicle Storage	20.0
Grooming	0.2	Accessory Use	1.0
Keeping of Animals	0.1	Commercial	20.0
Kennel	0.2	Natural Resource Removal	2.4-0.6
Stable	0.2	Office Building	2.4-0.6
Veterinary Hospital	0.2	Open Space Development	0.2
Business & Personal Service	0.8-0.2	Place of Public Assemble	0.8-0.2
Cemetery	0.1	Place of Worship	0.8-0.2
Civic Club, Lodge or Association (non-profit)	0.8-0.2	Public Parking Lot & Public Garage	1.5-0.5
Community Residence	2.4-0.6	Public Use & Public Utility	0.2
Day Care		Residential	0.2
Adult Day Care	2.4-0.6	Multi-Family Dwellings	2.4-0.6
Child Day Care Center, Nursery School or Group Day Care Home	0.8-0.2	Managed Residential Care Facility	2.4-0.6
Family Day Care Home	0.2	Refuse Disposal	2.4-0.6
Food Service		Research, Development & Medical Laboratory	0.8-0.2
Catering Facility	0.8-0.2	Retail	
Outdoor Cafe	0.1	≤20,000 sf gross leasable space	0.8-0.2
Restaurant	0.8-0.2	>20,000 sf gross leasable space	2.4-0.6
Take-out Food Service	2.4-0.6	Sale of Alcohol	0.8-0.2
Funeral Home	2.4-0.6	Sale of Fire Arms	2.4-0.6
Golf Course & Country Club	2.4-0.6	Schools	2.4-0.6
Health Care Facility		Storage	
Bed & Breakfast	0.2	Warehouse & Wholesale w/ indoor storage	0.8-0.2
Hotel / Motel	2.4-0.6	Outdoor Storage	3.0
Inn	0.8-0.2	Accessory Use	8.0
Rooming & Boarding House	0.2	Primary Use	8.0
Manufacturing	0.8-0.2	Student Housing	0.2
Motor Vehicle Uses		Telecommunications Facility	0.1
Gas Station, Service & Repair, Rental	2.4-0.6	Wind Energy Conservation System	0.1
Car Sales	20.0		

Section 590 Infrastructure

590.1 Utilities

Specific to all zones.

590.1.1 General Requirements

No development plan shall be approved unless:

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

590.1.2 Sanitary Sewers

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

590.1.3 Individual Services

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

590.1.5 Water Supply

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

Section 591 Traffic, Parking & Loading Requirements

Specific to all zones.

591.1 Off-Street Parking and Loading Regulations

591.1.1 Applicability

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

591.1.2 Location of Parking and Loading Facilities

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

Parking spaces required for any use in a Non-Residential zone shall consist of one or more of the following:

a. Those located on the same lot as the principal use, and/or;
b. Legal on-street parking spaces, as determined by the Hamden Traffic Authority or its agent, State Traffic Commission or the Connecticut Department of Transportation corresponding to the lot frontage, (both frontages in the case of corner lots). No spaces within 25 feet of a bus stop or a street corner or within 10 feet of

a fire hydrant may be counted, and/or;[1]

c. Parking spaces by purchase or lease for 25 years from a parking lot or garage within 300 feet, and/or;
d. Spaces available in a public parking garage located within 300 feet.

Note: "Legal" on-street parking spaces must:
1. Be at least 25 feet from any intersection of two or more streets;
2. Allow for fifty feet of space at bus stops so that buses can pull to the curb;
3. Avoid blocking the visibility of drivers exiting driveways;
4. Be at least 25 feet long.[2]

591.1.3 Required Parking and Loading Spaces

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

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

1 Effectvie November 15, 2012
2 Adopted, July 27, 2010. Effective, August 15, 2010.

Table 5.5 Required Parking Spaces for Residential Zones & Special Districts[a b c d] (Parking Requirements for T-Zones are located on Table 3.1)		
Building &/or Property Uses(s)	**Function**	**Parking Requirement**
Accessory Building		As determined by the Commission
Accessory Use		As determined by the Commission
Adult-Oriented Establishment	RETAIL	3 spaces per 1,000 sf of gross floor area
Agriculture		
Commercial Farm	OTHER	As determined by the Commission
Community Garden	OTHER	1 space for each 5 plots offered
Truck Farm	RETAIL	3 spaces per 1,000 sf of net floor area
Animals		
Animal Day Care	RETAIL	1 space per every 2 employees and 1 space per 10 licensed animal capacty
Animal Training Facility	RETAIL	1 space per every 2 employees and one space per animal during peak size class
Grooming	RETAIL	3 spaces per 1,000 sf of gross leasable area
Keeping of Animals	RETAIL	
Kennel	RETAIL	1 space per every 2 employees and 1 space per 10 licensed animal capacty
Stable	OTHER	As determined by the Commission
Veterinary Hospital	RETAIL	5 spaces per 1,000 sf of gross area
Business & Personal Service	RETAIL	4 spaces per 1,000 sf of gross leasable area
Cemetery	CIVIC	As determined by the Commission
Civic Club, Lodge or Association (non-profit)	CIVIC	1 space for each 3 legal occupants, as defined by the Fire Marshall
Community Residence		
Mentally Ill Adults - Group Home	RESIDENTIAL	2 spaces
Mentally Retarded Persons - Group Home	RESIDENTIAL	2 spaces
Sober Houses & Drug Treatment Facility	RESIDENTIAL	As determined by the Commission
Conference Center Development	CIVIC	1 space for each 3 legal occupants, as defined by the Fire Marshall
Day Care		
Adult Day Care	OTHER	1 space per every employee and 1 space per 8 licensed client capacity; sufficient drop-off and pick-up stacking space must be provided
Child Day Care Center, Nursery School & Group Day Care Home	OTHER	1 space per every employee and 1 space per 8 licensed client capacity; sufficient drop-off and pick-up stacking space must be provided
Family Day Care Home (children)	OTHER	1 space per every employee and 1 space per 8 licensed client capacity; sufficient drop-off and pick-up stacking space must be provided
Food Service		
Catering Facility	RETAIL	4 spaces per 1,000 sf of gross leasable area
Outdoor Cafe	RETAIL	0 additional spaces
Restaurant	RETAIL	16 spaces per 1,000 sf of patron floor area
Take-out Food Service	RETAIL	4 spaces per 1,000 sf of gross leasable area
Funeral Home	OTHER: CIVIL SUPPORT	1 space for every 3 legal occupants, as defined by the Fire Marshall, plus 3 spaces for special vehicles
Golf Course & Country Club	CIVIC	1 space for every 3 legal occupants, as defined by the Fire Marshall, plus 3 spaces for special vehicles
Health Care Facility		

Table 5.5 Required Parking Spaces for Residential Zones & Special Districts[a b c d] (Parking Requirements for T-Zones are located on Table 3.1)		
Building &/or Property Uses(s)	**Function**	**Parking Requirement**
Hospital	OTHER: CIVIL SUPPORT	1 space for each 2 employees plus 1 space for each 4 beds
Nursing Home	OTHER: CIVIL SUPPORT	1 space for each 2 employees plus 1 space for each 4 beds
Medical Office	OFFICE	5 spaces per 1,000 sf of gross floor area
Rehabilitation Facility - Out-Patient	OFFICE	1 space for each 2 employees plus 1 space for each 4 beds
Heliport	CIVIC	As determined by Commission
Home Occupation	RESIDENTIAL	As determined by Commission
Library & Museum	CIVIC	1 space for each 3 legal occupants, as defined by the Fire Marshall, plus 3 spaces for special vehicles
Lodging		
Bed & Breakfast	LODGING	1 space for each room offered for rent plus additional spaces required for other uses associated with a Bed & Breakfast, as determined by the Commission, plus 2 for owner occupied unit
Hotel / Motel*	LODGING	1 space for each room offered for rent plus additional spaces required for other uses associated with a Hotel / Motel*, as determined by the Commission, plus one per employee on maximum size shift
Inn	LODGING	1 space for each room offered for rent plus additional spaces required for other uses associated with an Inn, as determined by the Commission, plus 1 per employee on maximum size shift
Rooming & Boarding House	LODGING	1 space for each room offered for rent plus additional spaces required for other uses associated with a Rooming & Boarding House, as determined by the Commission
Manufacturing		
Accessory Use	OTHER	1 space for each 2 employees during the largest daily work shift or 1 space for each 500 sf of gross floor area, whichever is greater
Primary Use	OTHER	1 space for each 2 employees during the largest daily work shift or 1 space for each 500 sf of gross floor area, whichever is greater; Parking area for office area computed separately
Motor Vehicle Uses		
Gas Station, Service & Repair, Rental	RETAIL	4 spaces per 1,000 gross leasable floor square feet of area [e]
Car Sales (new & used)	RETAIL	1 space for each 5 cars offered for sale
Vehicle Storage	OTHER	As determined by the Commission
Accessory Use	OTHER	As determined by the Commission
Natural Resource Removal**	OTHER	As determined by the Commission
Office Building		
Office Space	OFFICE	3 spaces per 1,000 sf of gross floor area
Open Space Development	RESIDENTIAL	Calculate based upon dwelling unit composition
Place of Public Assemble &/or Worship	CIVIC	1 space for every 3 legal occupants
Public Use & Public Utility	CIVIC	As determined by the Commission
Public Parking Lot & Public Garage	CIVIC	As determined by the Commission
Residential		
Single-Family Accessory Dwelling Unit	RESIDENTIAL	1 space per dwelling unit
Accessory Dwelling Unit, Other	RESIDENTIAL	1.5 space per dwelling unit
Multi-Family Dwelling (adaptive re-use or new construction	RESIDENTIAL	1-1/2 spaces per dwelling unit for efficiency and 1 BR units; 2 spaces for 2 or more BR's
Managed Residential Care Community	RESIDENTIAL	1 space for each employee during largest daily work shift; 1 space per 2-2BR dwelling units; plus 1 space per 3-single or efficiency dwelling units

Table 5.5 Required Parking Spaces for Residential Zones & Special Districts[a b c d] (Parking Requirements for T-Zones are located on Table 3.1)		
Building &/or Property Uses(s)	**Function**	**Parking Requirement**
Single-Family Dwelling	RESIDENTIAL	2 spaces
Two-Family Dwelling	RESIDENTIAL	4 spaces
Three-Family Dwelling	RESIDENTIAL	6 spaces
Refuse Disposal		
Resource Recovery, Transfer Station, Volume Reduction Facility	OTHER	As determined by the Commission
Research, Development & Medical Laboratory	OTHER	1 space per 500 sf gross leasable floor area
Retail and Financial Institutions [e]	RETAIL	4 spaces per 1,000 sf of gross leasable floor area
Schools		
Business School	OTHER	1 space for each employee plus 1 space for each 2 non-residential students plus 1 space for each 4 resident students
College & University	OTHER	1 space for each employee during the largest daily work shift, plus 1 space for each 2 non-residential students plus 1 space for each 4 resident students
Athletic Arenas, On-campus	OTHER	Indoor Athletic Arenas, with a seating capacity of 3,000 to 7,000 owned and operated by a College or University and located on a campus of said institution shall, provide 1 off-street parking space for every 3 seats. The Commission, may, at its discretion, allow for up to one-third of the parking spaces required under this regulation to be unpaved, environmentally sensitive parking spaces. Said spaces shall be designed and constructed to specifications acceptable to the Commission.
Dormitories	LODGING	As Determined by the Commission
Elementary & Secondary School	OTHER	As Determined by the Commission
Storage		
Warehouse, wholesale w/ indoor storage	OTHER	As Determined by the Commission
Outdoor Storage	OTHER	As determined by the Commission
Accessory Use	OTHER	As determined by the Commission
Primary Use	OTHER	As determined by the Commission
Student Housing	RESIDENTIAL	1 space per student
Telecommunications Facility	CIVIC	As determined by the Commission
Wind Energy Conservation System	OTHER	As determined by the Commission

[a] The shared parking factor from Article III my be applied to parcels with more than one use.
[b] Parking is not allowed within the front yard setback for student housing.
[c] Stacking of parking spaces for single-family homes is permitted.
[d] At the Commission's discretion, stacking of parking spaces may be permitted for small non-residential uses.
[e] Amended, July 27, 2010. Effective, August 15, 2010.

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

591.1.4 Required Truck-Loading Spaces

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

591.1.5 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.

591.1.5.1 General Design (*See also* **Section 540** Site Amenities)

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

591.1.6 Surfacing and Drainage

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

Residential driveways do not require a zoning permit. However, if they are paved with impervious material the total percentage of impervious surface of the lot may not exceed the maximum amount allowed per Table 2.1.[1]

591.1.7 Curb Cuts, Ingress and Egress

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

Parking Aisles

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

Table 5.6 Parking Aisle Width

Design Arrangement	One-Way Aisle Width	Two-Way Aisle Width
90° parking	24 feet	24 feet
60° parking	18 feet	24 feet
45° parking	13 feet	24 feet
30° parking	11 feet	24 feet
Parallel parking	12 feet	24 feet

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

1 Effective November 15, 2012

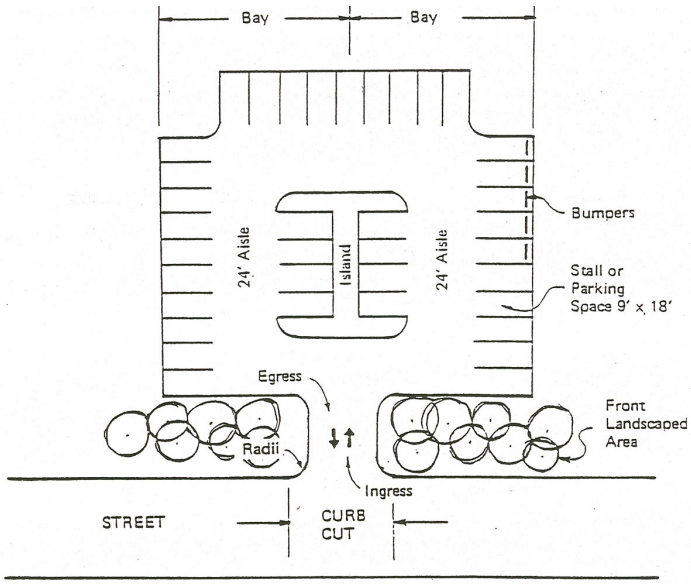


Figure 5.5 Typical Arrangement for 90° Parking

591.1.8 Parking Spaces

a. All parallel parking spaces shall measure at least 9 feet by 22 feet and all other parking spaces shall measure at least 9 feet by 18 feet, exclusive of driveways and aisles, except as provided below and shall have access to a street or alley by way of a driveway.
b. Except for those at one- or two- or three-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.
c. All parking spaces, except for one and two- or three-family dwellings, shall be marked by painted lines, curbs or other means.

591.1.9 Spaces for Small Cars

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 applicant is encouraged to use the difference in area between each small-car space and standard parking space for additional landscaping on the site.

591.1.10 Parking Lot Sidewalks

a. For parking lots for more than 30 cars, every other double bay shall provide for sidewalks on a raised curbed area consistent with sidewalk requirements below. 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.
b. Where no wheel stops are provided, the sidewalk shall be 6 feet wide. Where wheel stops are provided, the minimum width of the sidewalk shall be five (5) feet. All sidewalks shall be constructed of concrete.

591.1.11 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.

591.1.12 Attended Parking for Events

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

591.1.13 Drive-through Window Service and Queue Space

591.1.13.1 General Requirements

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

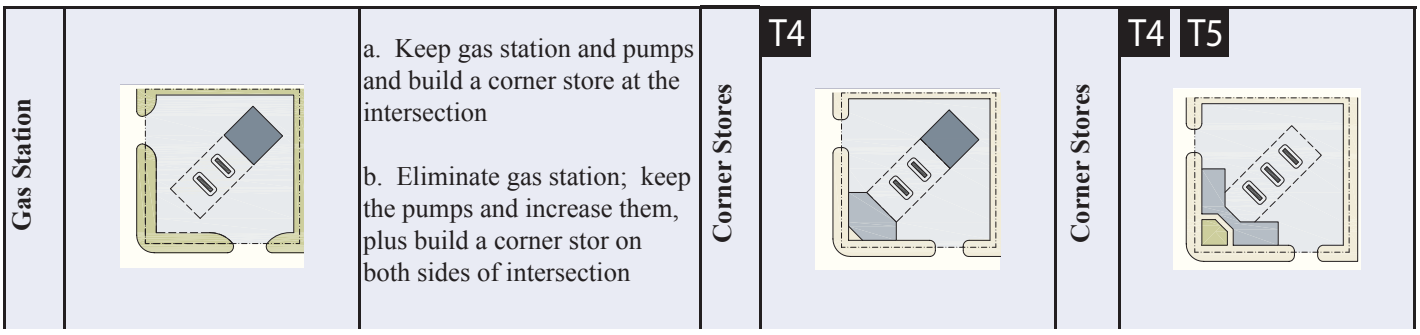


Figure 5.5.1 Examples of Re-Design of Existing Gas Station Condition

591.1.14 Queue Space Standards

a. Minimum queue space shall be provided for uses as specified in **Table 5.7**. 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. Each queue space shall have a dimension of 9 feet in width by 18 feet in length.

Table 5.7 Required Queue Spaces	
Use	**Required Queue Spaces***
Automatic Teller Machine (ATM), drive-up type	4 per machine
Bank Drive-up window	8 for each window in a separate lane
Pharmacy Drive-up window	4 for each window
Take-out food service	8 for each window
Other	As determined by the Commission

*Unless modified by the State Traffic Commission

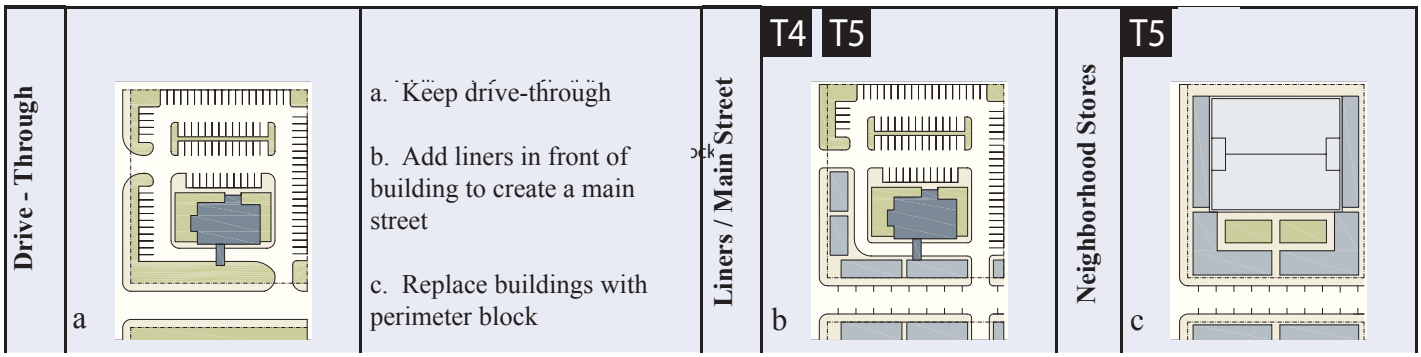


Figure 5.5.2 Examples of Re-Design of Existing Drive Through Designs

591.1.15 Landscaped Parking Area (*See also*, 540.3.4 Buffer Area)

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

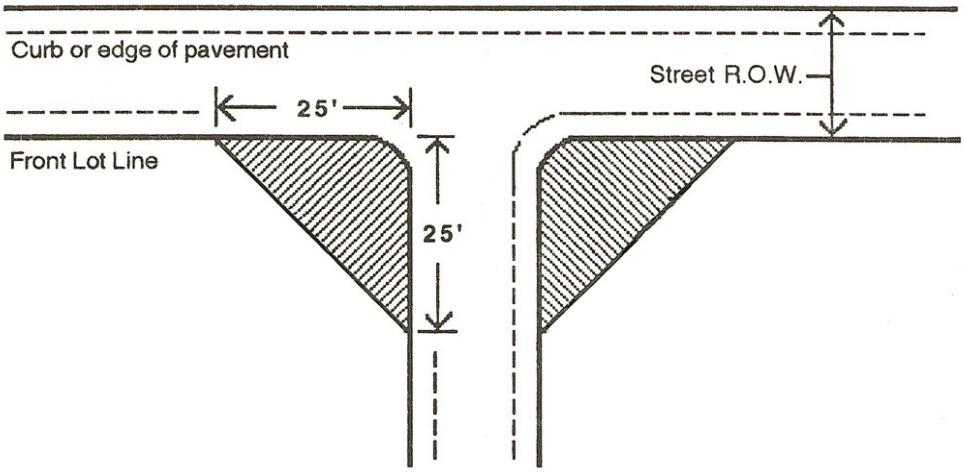
a. Where 30 or more parking spaces are required, there shall be at least 10 square feet of interior landscaping for each parking space within the paved portion of the parking area and at least one tree for every 5 parking spaces or fraction thereof.
b. Each separate landscaped area shall contain a minimum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

591.2 Visibility at Intersections

591.2.1 Corner Lots and Visibility

No structure, wall, fence, shrubbery, trees or signs shall be erected, maintained, or planted on any lot that unreasonably or dangerously obstructs or interferes with the visibility of drivers on a curve or at a street intersection.

The minimum clearance shall require a clear space between the elevations of 3 feet and 7 feet above the street grade within 25 feet of the intersecting street lines that border corner lots. (*Also See* **Section 530.1**)



Shaded area to be kept clear of plantings, fences, walls or other visual barriers between three and seven feet above street grade.

Figure 5.6 Visibility at Street Intersections

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Section 600 Purpose

Section 610 Site Plan & Special Permit Uses

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

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

Table 6.1 Allowed Uses by Zone

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

Table 6.1 Allowed Uses by Zone

Section	USES	R1	R2	R3	R4	R5	T1	T2	T3	T3.5	T4	T5	M	NC	TG
	Adult Day Care	SP	SP	SP	SP	SP		SP	SP	SP	SP	S	SP	SP	
	Child Day Care, Nursery School & Group Day Care Home	SP	SP	SP	SP	SP		SP	SP	SP	SP	S	SP	SP	
	Family Day Care Home (Children)	P	P	P	P	P		P	P	P	P	P			
638	Food Service														
	Catering Facility & Food Processing Establishment									S	S	S	S		
	Outdoor Cafe									S	S	S	S		
	Restaurant									S	S	S	S	S	
	Take-out Food Service										S	S	S		
	Funeral Home										SP	SP	SP		
	Golf Course & Country Club	SP	SP	SP	SP	SP		SP							
640	Health Care Facility														
	Hospital										SP	SP			
	Nursing Home					SP					SP	SP			
	Medical Office (See Office Building)														
	Rehabilitation Facility - Out-Patient	SP	SP	SP		SP				SP	SP	S			
642	Heliport											SP			
644	Home Occupation	P/S/SP	P/S/SP	P/S/SP	P/S/SP	P/S/SP		P/S/SP	P/S/SP	P/S/SP	P/S/SP	P/S/SP	P/S/SP		
	Library & Museum	SP	SP	SP	SP	SP		SP	SP	SP	SP	SP	SP	SP	SP
646	Lodging														
	Bed & Breakfast							SP	SP	SP	SP			SP	
	Hotel / Motel										SP	SP	SP[c]	SP	
	Inn										SP	SP		SP	
	Roomers & Boarders	P	P	P	P	P		P	P	P	P				
	Rooming & Boarding House	SP	SP	SP	SP	SP					SP	S			
648	Manufacturing														
	Accessory Use										S	S	S		
	Primary Use														
	Light Manufacturing										S	S	S		
	Heavy Manufacturing												S		
650	Motor Vehicle Uses														
	Gas Station, Service & Repair, Rental									SP[fg]	SP	SP	SP		
	Car Sales											SP	SP		
	Vehicle Storage												SP		
	Accessory Use		P	P	P	P									
	Natural Resource Removal[b]	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP
	Office Building (including Medical)														
	≤1,500 sf gross leasable space								SP[g]	SP	P	P	P	P	
	>1,500 sf to ≤10,000 sf gross leasable space[g]								SP[g]	SP	S	S	S	S	
	>10,000 sf to ≤20,000 sf gross leasable space										SP	S	S	S	
	>20,000 sf gross leasable space										SP	S	S	SP	
	Open Space Development	SP	SP	SP	SP				SP		SP				
	Place of Public Assembly							SP	SP	SP	SP	SP	SP	SP	P
658	Place of Worship	SP	SP	SP	SP	SP		SP	SP	SP	SP	SP	SP	SP	
660	Preservation of Historic Structure	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP
662[k]	Public Use & Public Utility	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP

Table 6.1 Allowed Uses by Zone															
SEC-TION	USES	R1	R2	R3	R4	R5	T1	T2	T3	T3.5	T4	T5	M	NC	TG
656	Parking Garage										SP	S	SP	SP	SP
	Public Parking Lot[e]								SP[g]	SP[eg]	SP	S	SP	SP	SP
	Recreation & Fitness, Commercial														
	≤10,000 sf gross leasable space									SP	SP	S	S	SP	
	>10,000 sf gross leasable space										SP	S	S	SP	
	Residential														
620	Single-Family Accessory Dwelling Unit	P	P	P	P	P		S	S	S	S	S			
	Accessory Dwelling Unit, Other	P	P	P	P	P		P	P	SP	P	P		P	
652	Multi-Family Dwellings														
	Adaptive Re-use to Multi-Family		SP	SP	SP	SP			SP	SP	SP	SP		SP	
	Managed Residential Care Community[f]		SP	SP	SP	SP			SP	SP[f]	SP	SP		SP	
	New Construction				SP	SP				SP	SP	SP		SP	
	Low Density														
	Single-Family	P	P	P	P	P		P	P	P	P	P			
	Two-Family[f]					P				P[f]	P				
	Three-Family[f]					P				P[f]	P				
	Refuse Disposal														
664	Resource Recovery, Transfer Station, Volume Reduction Facility												SP		
	Research, Development & Medical Lab.										SP	S	S		
666	Retail and Financial Services														
	≤1,500 sf gross leasable space								SP[g j]	P	P	P	S	SP	
	>1,500 sf to ≤5,000 sf gross leasable								SP[g j]	S/SP[i]	S	S	S	SP	
	>5,000 sf to ≤10,000 sf gross leasable space[g]								SP[g j]	S/SP[i]	S	S	SP	SP	
	>10,000 sf to ≤20,000 sf gross leasable space									SP	SP	S	SP	SP	
656	>20,000 sf to 250,000 sf gross leasable space[d]										SP[d h]	SP[d]	SP		
	Farmers Market	S	S	S	S	S		S	S	S	S	S		S	S
	Sale of Alcohol, Package Store[gj]								SP[gj]	SP	SP	S	SP		
	Sale of Fire Arms												SP		
668	Schools														
	Business School ≤50 students at peak[g]									SP[g]	S	S	S	S	
	Business School >50 students at peak[f g]									SP[f g]	SP	SP	S	S	
	College & University	SP	SP	SP	SP	SP			SP	SP	SP	SP		SP	
	Dormitories		SP	SP	SP	SP			SP	SP	SP	SP		SP	
	Elementary & Secondary School	SP	SP	SP	SP	SP			SP	SP	SP	SP		SP	SP
	Regional Educational Service Center	SP	SP	SP	SP	SP			SP	SP	SP	SP		SP	SP
	Storage														
	Warehouse & Wholesale w/ indoor storage										SP		S		
654	Outdoor Storage														
	Accessory Use										SP		SP		
	Primary Use												SP		
670	Student Housing	P	P	P	P	P		P	P	P	P	P			
672	Telecommunications Facility	S	S	S	S	S	S	S	S	S	S	S	S	S	S

Table 6.1 Allowed Uses by Zone															
SEC-TION	USES	R1	R2	R3	R4	R5	T1	T2	T3	T3.5	T4	T5	M	NC	TG
676	Wind Energy Consesrvation System[f]	SP	SP	SP	SP	SP		SP	SP	SP[f]	SP	SP	SP	SP	

P - Zoning Permit **S-Site Plan Application** **SP-Special Permit Application** **Blank Space - Not Allowed**
M - Manufacturing **NC – Newhall Center** **TG – Town Green District**

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

[b] **See Section 520.8**

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

[d] Not allowed on Whitney Avenue.

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

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

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

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

[i] Use shall require a Special Permit north of West Woods Road in a T3.5 Zone

[j] Use shall not be allowed in T3 Zone between James Street and the I-40 Connector.

[k] Amended, July 27, 2010. Effective, August 15, 2010

[l] Amended, July 24, 2012. Effective, August 15, 2012

Section 620 Accessory Dwelling Units in Single-Family Homes

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

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

620.1 Dwelling Units, Accessory to Non-Residential Use

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

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

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

Section 622 Adult Oriented Establishments

622.1 Purpose

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

622.2 The primary purposes of this Section are to:

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

622.3 Consistency with Federal and State Law

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

622.4 Relevant Definitions

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

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

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

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

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

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

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

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

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

Adult Personal Service Business shall mean a business, whether as a primary use or accessory use having as a principal activity a person, while nude, partially nude, or fully clothed, providing personal services for a person of the same or other sex, on an individual basis, in an open or closed room, and which excludes minors by virtue

of age. It includes, but is not limited to, the following activities: massage parlors, exotic rubs, modeling studios, body painting studios, tattoo parlors, wrestling studios and individual theatrical performances. It does not include activities performed by persons pursuant to, and in accordance with licenses issued to such persons by the State of Connecticut.

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

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

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

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

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

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

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

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

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

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

Sexual Activities as used in this Regulation is not intended to include any medical publications or films or *bona fide* educational publications or films, nor does it include any art or photography publications that denote at least 25% of the lineage of each issue to articles and advertisements dealing with subjects of art or photography, nor

does this definition apply to any news periodical that reports or describes current events and that, from time to time, publishes or shows photographs or depictions of nude or semi-nude persons when describing cultures in which nudity or semi-nudity is indigenous to the population.

Obscene Material or Performance is obscene to minors if it depicts a prohibited sexual act and, taken as a whole, it is harmful to minors. For purpose of this subsection "harmful to minors" means:
That quality of any description or representation, in whatever form, of a prohibited sexual act, when it predominantly appeals to the prurient, shameful or morbid interest of minors;
It is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material for minors; and
Taken as a whole, it lacks serious literary, artistic, educational, political or scientific value for minors.

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

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

Regulated Uses
Regulated adult-oriented establishments include, but are not limited to the following:
a. Adult Bookstore
b. Adult Cabaret
c. Adult Entertainment
d. Adult Media Outlet
e. Adult Mini-Motion-Picture Theater
f. Adult Motion-Picture Theater
g. Adult News wrack
h. Adult Novelty
i. Adult Personal Service
j. Adult Retail Establishment
k. Adult Video Arcade
l. Businesses a/k/a:
    i. Encounter Studio
    ii. Exotic Dance Studio
    iii. Juice Bar
    iv. Modeling Studio
    v. Rap Studio
    vi. Sensitivity Studio
    vii. or any other term of like impact.

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

a. Such establishments shall be a minimum of 100 feet from public, parochial or private schools, daycare centers, public parks, (including the Farmington Canal Greenway), playgrounds, recreational lands, or other areas where numbers of minors regularly travel or congregate in any zone, municipal boundary lines, residen-

tially zoned property or libraries and 1,000 feet from other adult-oriented establishments.

b. For the purposes of this section, distances shall be measured in a straight line, without regard to intervening structures or objects, from the nearest portion of the building containing or proposing to contain an adult-oriented use, to the nearest boundary of the use herein specified.

c. Nor shall any such establishment be located within 100 feet of the property line of any church, convent, monastery, synagogue, mosque or similar place of worship, or cemetery.

d. Pursuant to **Section 718**, such establishments shall be subject to Special Permit and Site Plan approval by the Planning and Zoning Commission, for a limited period of time, not to exceed one year with annual renewal required. The following site specific criteria shall apply:

   i. All exterior signs shall comply with **Section 550** and no exterior sign shall contain any photographic or artistic representation of specified anatomical areas as defined in the Hamden Town Ordinance.

   ii. All building openings, entries, windows, doors shall be located covered or screened in such a manner as to prevent view into the interior of the building from any public right-of-way or adjacent properties.

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

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

   v. Stairways, sloping or rising paths and building entrances and exits shall be well illuminated. No spotlight-type fixtures attached to the building are permitted.

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

Exemptions

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

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

b. Electrolysis treatment by a licensed operator of electrolysis equipment;

c. Hospitals, nursing homes, medical clinics or medical offices;

d. Barbershops or beauty parlors that offer massage to the scalp, face, neck or shoulders only;

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

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

Variances

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

Required Registration

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

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

a. The correct street address of the premises;
b. The name of the owner of the premises, or the names of the beneficial owners if the property is in a land trust, or the names of the owners in interest of a corporation or limited-liability corporation;
c. The address and phone numbers of the owner or beneficial owners or owners in interest;
d. The trade name of the regulated adult-oriented establishment;
e. The names(s), address(es) and telephone number(s) of the owner(s), beneficial owner(s) or the major stockholders or limited-liability partners, or partners of the regulated adult-oriented establishment;
f. The date of the initiation of the regulated adult-oriented establishment;
g. The issuance date of the license to operate an adult-oriented establishment issued by the Hamden Police Chief or his/her designee; and
h. If the building is leased, a copy of the lease shall be furnished.

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

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

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

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

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

Any person, partnership or corporation that is found to have violated this regulation (Section 622) shall be fined a definite sum not to exceed $100 for each violation.
Each violation of this regulation (Section 622) shall be considered a separate offense, and any violation continuing more than one hour of time shall be considered a separate offense for each hour of violation.

Section 624 Agriculture

624.1 Commercial Farm

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

a. Any structure housing animals shall be located at least 100 feet from any lot line.
b. No livestock or farm animals shall be permitted to graze or feed within any required yard.
c. Any run, paddock or barnyard shall be a minimum of 100 feet from any lot line.
d. A fence of sufficient height to assure containment of the animals shall properly enclose any run, paddock, or barnyard.
e. Buildings or stands for the sale of produce are permitted subject to Site Plan approval and the following conditions:
    i. The building or produce stand is accessory to the primary use of the property.
    ii. The produce stand does not exceed a gross floor area of 500 square feet.
    iii. The building or produce stand meets the yard requirements of the applicable zone for a principal building.

624.2 Community Garden

Community Gardens are permitted subject to the following conditions:

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

624.3 Farmer's Market

See **Section 724** Temporary Permits

Section 626 Animals

626.1 Animal Day Care

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

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

626.2 Animal Training Facility

Animal Training facilities are permitted subject to the following conditions:

a. Each lot shall have a minimum area of 80,000 square feet.
b. Outdoor exercise areas for animals shall be a minimum of 100 feet from any lot line.
c. Open exercise areas shall be properly enclosed by a fence of sufficient height to assure containment of the animals and such areas shall be maintained in a sanitary and odor-free condition at all times.
d. All stalls, pens and similar enclosures for animals shall have a floor made of concrete or other impervious

material, which shall contain adequate drainage facilities connected to a sanitary system for proper washing and maintenance.

e. Overnight boarding is prohibited.

626.3 Grooming

Animal grooming facilities are permitted subject to the following conditions:

a. Each lot shall have a minimum area of 20,000 square feet.
b. Buildings containing animals shall be a minimum of 20 feet from any lot line.
c. All stalls, pens and similar enclosures for animals shall have a floor made of concrete or other impervious material, which shall contain adequate drainage facilities connected to a sanitary system for proper washing and maintenance.
d. Overnight boarding is prohibited.

626.4 Keeping of Animals

The keeping and raising of domestic farm animals other than pigs, fur-bearing animals and fowl is permitted as an accessory use subject to the following conditions *except for the keeping of hens per Section 626.4.1 of these Regulations:*[1]

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 Quinnipiac Valley Health District.

626.4.1 Keeping of Hens[2]

The limited keeping of female chickens (*Gallus domesticus*), referred to as hens, for the health, convenience and personal enjoyment afforded by such use, in a manner which preserves the quality of life of the surrounding neighborhood, is permitted subject to the following conditions:

a. No more than six (6) hens may be kept.
b. Hens may be raised only in the following zoning districts: R-1, R-2, R-3, R-4, R-5, T-3, T3.5.
c. Hens may be raised only as a non-commercial, accessory use.
d. Hens shall be confined to a fenced enclosure located in a rear or side yard only. The enclosure shall be at least 20 feet fromany property lines.
e. Within the fenced enclosure, a well-maintained structure (henceforth referred to as a coop) shall be required for the hens. The coop must be no greater than 6 feet in height and impermeable to rodents, wild birds, and predators, including dogs and cats. The hens must be kept inside the coop from sunset to sunrise.
f. The coop and enclosure must be clean and odor-free, kept in a neat and sanitary condition at all times, with adequate light and ventilation in a manner that will not disturb the use or enjoyment of neighboring lots due to noise, odor or other adverse impact.
g. Any portion of the coop directly visible from a property boundary or directly visible from a street line shall be screened by either a fence or a landscaped buffer substantial enough to conceal the structure.
h. Odors from hens, hen waste, or other hen-related substances shall not be perceptible at the property boundaries.
i. Provision must be made for the storage and removal of hen droppings. All stored droppings shall be covered by a fully enclosed structure with a roof or lid over the entire structure. All other droppings not used for composting or fertilizing shall be removed. In addition, the coop, enclosure and surrounding area must be

1 Amended, July 27, 2010. Effective, August 15, 2010.
2 Amended, July 27, 2010. Effective, August 15, 2010.

kept free from trash and accumulated droppings.

j. perceptible noise from hens shall not be loud enough at the property boundaries to disturb persons of reasonable sensitivity.
k. No rooster shall be kept on any property.
l. The keeping of hens shall conform to standards set by the Quinnipiack Valley Health District, as amended.
m. The keeping of hens requires the issuance of a Zoning Permit.
n. The Zoning Permit application must be accompanied by a plot plan showing the allowable footprint(s) for fenced enclosure and the permissible location(s) of the coop, as well as the footprint of the coop. Once approved, the enclosure and coop may be moved anywhere within the allowable area(s) without the need for a new zoning permit.
o. Compliance with CGS Section 25-43 and Regulations of Connecticut State Agencies 19-13-B32.

626.4.2 Keeping of Falconry Raptors

The limited keeping of falconry raptors, referred to as raptors, for the pursuit of falconry, in a manner which preserves the quality of life of the surrounding neighborhood, is permitted subject to the following conditions:

a. Compliance with Regulations of Connecticut State Agencies Section 26-67e.
b. No more than three (3) raptors may be kept.
c. Raptors may be kept only in the following zoning districts: R-1, R-2, R-3, R-4, R-5, T-3, T-3.5.
d. Raptors may be kept only as a non-commercial, accessory use. No propagation of raptors shall be permitted.
e. Raptors shall be confined in a well-maintained structure in accordance with Section 26-67e-9(b-e) of the Regulations of Connecticut State Agencies located in a rear or side yard only. The raptor housing shall be at least 20 feet from any property lines.
f. The structure must be impermeable to rodents, other wild birds, and predators, including dogs and cats. When outdoors on the property, and not accompanied by a licensed falconer, raptors must be kept inside the structure from sunset to sunrise.
g. Odors from raptors, raptor waste, or other raptor-related substances shall not be perceptible at the property boundaries.
h. The keeping of raptors shall conform to standards set by the Quinnipiac Valley Health District, as amended.
i. The keeping of raptors requires the issuance of a Zoning Permit.
j. The Zoning Permit application must be accompanied by a plot plan showing the allowable footprint(s) and the permissible location(s) of the raptor housing. Once approved, the structure may be moved anywhere within the allowable area(s) without the need for a new zoning permit.
k. Compliance with CGS Section 25-43 and regulations of Connecticut State Agencies 19-13-B32.1.[3]

626.5.5 Stables[4]

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

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

626.5.6 Kennels[5]

Boarding and breeding kennels 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 200 feet from any lot line of

3 Amended, July 24, 2012. Effective, August 15, 2012.
4 Effective November 15, 2012
5 Effective November 15, 2012

property located in R1, R2, R3, R4, R5, T1, T2, T3 and T3.5 zones.

c. Open exercise areas shall be properly enclosed by a fence of sufficient height to assure containment of the animals and such areas shall be maintained in a sanitary and odor-free condition at all times.
d. All stalls, pens and similar enclosures for animals shall have a floor made of concrete or other impervious material, which shall contain adequate drainage facilities connected to a sanitary system for proper washing and maintenance.

626.6 Veterinary Hospitals

Veterinary Hospitals are permitted subject to the following conditions:

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

Section 628 Cemeteries

Cemeteries are permitted subject to the following conditions:

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

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

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

a. Each lot shall have a minimum area of 80,000 square feet.
b. Outdoor recreation facilities such as, but not limited to, swimming pools, tennis courts, putting greens, and basketball courts are permitted as accessory uses, provided the minimum lot area is 200,000 square feet.
c. Buildings, off-street parking, swimming pools, ball diamonds, picnic areas and other recreation uses, shall occupy not more than 80% of the area of the lot.
d. No off-street parking or recreation facility shall be located in any required yard.
e. Sanitary sewers shall serve the lot.

Section 632 Community Residences

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

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

632.1 Sober Houses & Drug Treatment Facilities

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

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

Section 634 Conference Center Development

Conference Center Developments are permitted subject to the following conditions:

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

Section 636 Day Care

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

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

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

636.2 Family Day Care Home

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

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

636.3 Adult Day Care

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

a. If the use is an accessory to a dwelling, not more than 25% of the existing floor area of the dwelling unit shall be used for day care purposes.
b. No outdoor apparatus shall be located in any required front or side yard. Either a fence or foliage screen shall screen outdoor apparatus. This screening shall be of such type and location as to provide privacy to adjoining properties, but shall not be so constructed or located as to constitute an unsafe situation for the users of the outdoor apparatus.
c. Public water service and sanitary sewers are required. The Commission may waive either or both of these utility requirements, subject to a technical report from a qualified staff authority that on-site systems for sew-

age disposal and/or potable water supply are adequate.

d. The day care center shall not create any excessive noise, dust, smoke, odor or unsightly condition that would constitute a public nuisance to adjoining properties.

e. No overnight stays are allowed.

Section 638 Food Service

638.1 Outdoor Café

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

a. [6]

b. The outdoor eating area shall not exceed 50% of the indoor eating area;[7]

c. The outdoor eating area shall be largely open to the elements and shall not be permanently enclosed with a roof or walls;

d. All food and beverages shall be served at the table;

e. Outdoor eating areas shall be operated on a seasonal basis not to exceed six months in a calendar year and shall be exempt from providing parking spaces other than those required for the restaurant;

f. The outdoor eating area shall be landscaped with planters, window boxes, planted pots and/or planted beds containing appropriate trees, shrubs and/or flowers to provide privacy and ambiance for diners;

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

Section 640 Health Care Facilities

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

a. There shall be a minimum lot area of 40,000 square feet, or 1,500 square feet for each patient bed, or as required by the applicable zone, whichever is greater.

b. Each lot shall have front, side, and rear yards with depths of at least 50 feet each.

c. Any emergency entrance shall have direct access to a public street with a minimum pavement width of 50 feet.

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

Section 642 Heliports

Heliports are permitted subject to the following conditions:

a. Heliports are accessory to the primary land use; they are not commercial in nature, not held out or open to the general public, nor allowed to charge a fee at any time.

b. There will be no overnight storage of helicopters as a normal operation, no fueling or storage of maintenance materials.

c. The facility will have a favorable FAA airspace determination that is current and complies fully with all recommendations and/or conditions made by the FAA. A copy of the full FAA Form 7480 Application and response from the FAA will be part of the application package. The facility will be limited to the size of the helicopters that it was designed for and that will be specifically stated in the application and zoning permit.

d. The facility will comply with all the applicable licensing guidelines and regulations for such facilities as defined by the State of Connecticut Department of Transportation (DOT). The written acknowledgement from that department that it meets such requirements is needed as part of the application package.

6 638.1.a Deleted. Amended, July 27, 2010. Effective, August 15, 2010

7 Effective November 15, 2012

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

Section 644 Home Occupation

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

644.1 The home occupation or office shall:

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

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

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

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

Section 646 Lodging

646.1 Bed & Breakfast

Bed & Breakfasts are allowed subject to the following conditions:

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

646.2 Hotel/Motel/Inn

General Requirements for Hotels, Inns & Motels

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

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

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

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

646.3 Roomers & Boarders[8]

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

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

Section 648 Manufacturing

648.1 Accessory Use

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

a. The goods produced or processed shall be sold exclusively on the premises.
b. The area used for such purposes shall be entirely within the building occupied by the principal use.
c. The area used for such purposes shall not exceed 50% of the area devoted to retail sales or 20% of the gross floor area of the building, whichever is less. This provision shall not be applicable to businesses primarily

[8] Effective November 15, 2012

involved in food processing such as bakeries.

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

648.2 Primary Use

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

Section 650 Motor Vehicles

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

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

a. Each lot shall have a minimum area of 20,000 square feet and shall have at least 150 feet of frontage on one street.
b. All fuel pumps and service equipment shall be setback from any lot line by at least 15 feet and located in the rear of the lot.
c. Curb cuts shall be at least 25 feet from any other curb cut or street intersection.
d. Trash, garbage and unusable vehicle parts shall be temporarily stored within the principal building or within a covered container or receptacle that is suitably screened from adjoining properties.
e. The outdoor display, exhibition, and storage of motor vehicles is permitted as an accessory use subject to the provisions in **Section 654** *Outdoor Storage.*
f. Freestanding signs for gas stations shall comply with **Section 550.2.10**. However, the total surface area of 32 square feet may be increased by one square foot for posting each fuel price provided that the total surface area of the sign does not exceed 36 square feet and the posted prices are an integral part of the face of the sign.
g. Sanitary sewers and a public water supply shall serve the lot.
h. All hazardous materials and waste chemicals shall be stored inside on an impervious floor with some form of secondary containment.
i. Scrap metal or other parts in contact with lubricant shall be stored in a watertight container to prevent the accumulation and contamination of stormwater.
j. Solid waste material shall be stored in an appropriately sized, covered, solid waste dumpster or other watertight container that is plugged to prevent the release of any liquids.
k. Waste material shall be disposed of by a licensed waste hauler in accordance with all applicable federal, state and local regulations.
l. All servicing of vehicles shall be conducted indoors on an impervious surface.
m. All vehicle washing shall be conducted indoors.
n. There shall be absolutely no discharges of motor vehicle fluids or detergent chemicals to the environment.
o. Any vehicles that are leaking automotive fluids shall be stored in a garage or at minimum on an impervious surface where the leaks can be contained and cleaned up.
p. RWA inspectors shall be granted access to any property located within the Mill River Watershed or an Aquifer Protection Area during the Authority's annual inspection program.

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

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

a. Only one commercial vehicle not exceeding 11,000 pounds gross vehicle weight (GVW) may be parked or stored on a lot provided it also does not exceed 10 (ten) feet in height from the base of the wheel to the top (including any cargo) or 10 (ten) feet in cargo (box) length, subject to the issuance of a Zoning Permit by the Zoning Enforcement Officer.
b. By Special Permit, one commercial vehicle exceeding the requirements referred to above may be parked or

stored on a lot, subject to Special Permit approval and the following :

i. The Commission shall consider such factors as proposed screening; proximity to adjacent lots and buildings; the size, intended use, and hours of operation of the vehicle in question; other vehicles on the property; character of the neighborhood.

ii. No commercial vehicle shall exceed thirteen feet, six inches (13'6") in height from the base of the wheel to the top (including any cargo).

iii. No commercial vehicle shall exceed 26,000 pounds GVW.

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

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

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

650.2.4 Commercial vehicles subject to Special Permit approval shall be screened along the closest residential property line by appropriate evergreen trees, shrubs, fence, or a combination thereof. Exceptions and modifications may be considered by the Commission taking into consideration topography and proximity of adjacent residential structures.

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

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

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

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

use, if specifically authorized by the Commission.

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

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

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

Section 652 Multi-Family Dwellings

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

652.1 General Requirements

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

Table 6.3 Allowed Locations for Multi-Family Housing*

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

Table 6.3 Allowed Locations for Multi-Family Housing*		
T3.5, T-4, T-5	**R-4, T-4 & T-5**	**R-5, T-4 & T-5**
		Mix Avenue

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

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

Table 6.4 Minimum Lot Requirements for Multi-Family Dwellings*						
Lot Requirements	**Zone**					
	R-3	**R-4**	**R-5**	**T3.5**	**T-4**	**T-5**
Lot Size	80,000 sf	40,000 sf	20,000 sf	per Table 3.4		
Continuous Frontage on streets listed in Table 6.3	200 ft	160 ft	120 ft			
Lot Area per Dwelling Unit	8,500 sf	6,500 sf	6,500 sf			
Useable Open Space per Dwelling Unit	1,000 sf	1,000 sf	750 sf	25%	10%	10%

* Effective November 15, 2012

c. *Held for future use*
d. There shall be no parking in any required yard.
e. Sanitary sewers and a public water supply shall serve the lot.
f. The size and appearance of any proposed multi-family building or development shall be compatible and harmonious with the residential character and appearance of buildings in the immediate vicinity of the proposal and shall not be detrimental to the appropriate and orderly development of any adjacent lot or building.
g. *Unused*[9]
h. Where townhouses are used, they 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. Each unit shall have use of and direct access to private opoen space in the form of a patio, balcony or yard with a minimum area of 100 square feet.[10]
i. In the case of multifamily buildings that are not townhouses, private open space of at least 45 square feet shall be provided as follows:
   T3.5 Zone: A patio or yard, for the ground floor;
   R-4, R-5 and T-4 Zone: A patio or yard, for the ground floor and palconies for the second floor.
   T-5 Zone: A patio or yard, for the ground floor and balconies for the second and third floor.[11]
j. Open space shall be of such size, shape, topography, general character, and location as to be useful. The community open space shall be accessible to all residents of the multi-family development and be in location(s) central and convenient to the development, in the opinion of the Commission. The community open space shall contain active and passive recreational facilities suitable and appropriate for the residents of the development. The community open space shall be the focus or central point of the multi-family development. Common mailboxes shall be located within the useable community open space. Community swimming pools shall not be included to meet the minimum usable community open space. In instances where the topography, shape of the parcel or similar factor makes provision of the usable open space infeasible or impractical, the Commission may accept other amenties as substitutes.[12]
k. All multi-family developments shall be designed to be oriented towards and enhance the streetscape. The priority shall be the enhancement of the streetscape of existing public streets within the Town but, where applicable, the development shall also include a design that creates a well-designed pedestrian-oriented streetscape for internal private streets. Such orientation shall include the following elements:

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i. *Unused*[13]
ii. Parking lots shall not have prominent frontage along the public street, *except for entrances and driveways to such parking lots*.
iii. The character of the architecture along the street shall be consistent with that of the nearby neighborhood, in terms of size, scale, and design features.
iv. Garage door entrances shall not face the public street unless otherwise approved by the commission.
v. Where internal or private streets, driveways, accessways or other methods of internal access are utilized, the garages shall be placed and oriented such that they do not visually dominate the private streets, driveways, or accessways that are designed to be the primary pedestrian entrance to dwelling units.

l. All multi-family developments shall contain a comprehensive walkway system to provide safe pedestrian circulation separate from the vehicular travel ways. In areas where the Commission determines that the street system does not conform to a convenient pattern of pedestrian circulation, particularly in the vicinity of parks, playgrounds, schools, trails or other public or semi-public places, the Commission may require off-site pedestrian connections.
m. No wall of any building shall exceed 100 feet in length in an unbroken plane, without an offset of at least five feet. All walls 30' or more in length shall have varied surface material that will avoid the creation of a monotonous appearance.
n. All multi-family developments of 25 units or greater shall have a common room for use by the residents for recreational and social activities. Such room shall be centrally located and shall have a minimum area of 500 square feet, or 5 square feet per unit, whichever is greater.
o. All efficiency and one-bedroom units shall have a minimum floor area of 600 square feet.
p. All two-bedroom units shall contain a minimum floor area of 900 square feet and three-bedroom units shall have a minimum floor area of 1,200 square feet.
q. Common areas, including usable open space, club houses, common rooms and pools must be constructed during the initial phase of any multi-phase project, and must be completed prior to the issuance of a Certificate of Zoning Compliance.[14]

652.2 Adaptive Re-Use to Multi-Family Dwellings

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

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

Table 6.5 Density Computation	
Type of Dwelling Unit	**Computation Factor**
1 BR	600
2 BR	900
3 BR	1,200

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

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

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

652.3 Affordable Housing in Multi-Family Dwellings

6**52**.3.1 Purpose

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

652.3.2 Maximum Sale Price of Affordable Housing Units

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

Step 1 Determine area median income and the statewide median as published by the U. S. Department of Housing and Urban Development for the Town of Hamden, and use the lower of these figures.

Step 2 Adjust median income identified in Step 1 by family size by assuming that 1.5 persons will occupy each bedroom of an affordable unit, *except in the case of a studio or zero-bedroom unit, in which case 1.0 person shall be assumed*. Family size adjustment shall be made based upon the following percentages:

Table 6.6 Adjustment to Affordable Housing Units Based on Family Size

Number of Persons in Family	1	2	3	4	5	6	7	8

Table 6.6 Adjustment to Affordable Housing Units Based on Family Size								
Percentage Adjustment	70%	80%	90%	100% (BASE)	108%	116%	124%	132%

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

Step 3 Calculate 80% of Step 2.

Step 4 Calculate 30% of Step 3. This number represents the portion of household income to be used for housing costs.

Step 5 Divide step 4 by 12 months to determine the maximum monthly housing payment.

Step 6 Determine, by reasonable estimate, monthly housing expenses, including real property taxes for the Town of Hamden; real property insurance; any common-interest ownership or similar fee required of all unit purchasers or owners; and heat and utility costs, excluding television, telecommunications, and information technology services.

Step 7 Subtract Step 6 from Step 5 to determine the amount available for mortgage principal and interest.

Step 8 Using the amount resulting from Step 7, apply a 30-year mortgage term and interest rate that is commercially reasonable and available to households likely to apply to purchase such units, in order to determine the financeable amount.

Step 9 Calculate down payment. The maximum allowable down payment used in calculating the maximum sale or resale price of an affordable unit shall be the lesser of 20% of the total sale price or 20% of the Connecticut Housing Finance Authority (CHFA) maximum sales price limit for a comparably sized unit in the area, as published by the CHFA.

Step 10 Add Steps 8 and 9 to determine the maximum sale or resale price.

652.3.3 Maximum Cost of Affordable Rental Units

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

Step 1 Determine area median income and the statewide median as published by the U. S. Department of Housing and Urban Development for the Town of Hamden, and use the lower of these figures.

Step 2 Adjust median income identified in Step 1 by family size by assuming that 1.5 persons will occupy each bedroom of an affordable unit, *except in the case of a studio or zero-bedroom unit, in which case 1.0 person shall be assumed*. Family size adjustment shall be based on Table 6.7.

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

Step 3 Calculate eighty 80% of Step 2.

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

Step 5 Divide Step 4 by 12 months to determine the maximum monthly housing payment.

Step 6 Determine the fair market rent for a unit with the same number of bedrooms in Hamden as published by the U. S. Department of Housing and Urban Development.

Step 7 Multiply the U. S. Department of Housing and Urban Development fair market rent as determined in Step 6 by 120%.

Step 8 The maximum monthly housing payment for occupants of the subject rental unit shall be the lower of the results of calculations in Steps 5 and 7.

Step 9 Determine, by reasonable estimate, monthly expenses for heat and utility costs for which the tenant is directly responsible, excluding television, telecommunications, and information technology services, but including any other periodic fees for which the tenant is directly responsible, such as common charges in the case of a common-interest ownership community.

Step 10 Deduct the estimate of tenant-paid utilities and fees determined in Step 9 from the maximum monthly housing payment in Step 8. The result is the maximum amount that the developer/owner may charge for this rental unit as the monthly contract rent.

652.3.4 Requirements for Affordable Units

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

652.3.5 Affordability Plan

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

a. All elements set forth in section 8-30g (b) (1) of the Connecticut General Statutes.
b. The designation of the person or entity who will be qualified and responsible for administration of the affordability plan including the following:
   i. Ensuring that households applying for affordable units qualify within applicable maximum income limits;
   ii. Assuring the accuracy of sale or resale prices or rents, and providing documentation where necessary to buyers, sellers, lessors, lessees, and financing institutions;
   iii. Maintaining minimum percentages in a set-aside development;
   iv. Reporting compliance to the Town Planner and the Town Attorney; and
   v. Executing the affirmative fair-housing marketing plan.
c. An affirmative fair-housing marketing plan that conforms to the requirements of Sections 8-30g-7(a)(2) and 8-37ee-1 of the Regulations of Connecticut State Agencies.
d. The maximum sale price, resale price or rent for the affordable units, as determined in accordance with the requirements of 652.1 and 652.3 above.
e. A description of the projected sequence in which affordable units shall be built and offered for occupancy.

Such description shall consist of a narrative and schematic plan describing the construction sequence of the proposed site development and the location of the affordable and market-rate units with each phase of the sequence.

652.4 Managed Residential Community

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

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

Table 6.7 Minimum Lot Requirements for Managed Residential Community

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

e. Sanitary sewers and a public water supply shall serve the lot.
f. The size and appearance of any proposed Managed Residential Community shall be compatible and harmonious with the character and appearance of buildings in the immediate vicinity of the proposal and shall not be detrimental to the appropriate and orderly development of adjacent lots or buildings.
g. Each dwelling unit shall have no more than two permanent occupants.
h. No parking shall be allowed in the setbacks adjoining residential zones.
i. Accessory buildings shall not be located in required setbacks that adjoin residential zones.
j. The site area accessible to residents shall have no slope greater than 5%, which is within the Americans with Disabilities Act (ADA) requirements, i.e., everything accessible to the residents should meet ADA requirements.
k. A van drop-off area and parking spaces shall be located at the main entry for the convenience of residents.
l. Loading spaces should be provided in accordance with the requirements of **Section 591**; access to loading spaces should be designed so as not to interfere with normal traffic, and shall be screened.
m. No less than 25% of the total area of usable open space shall be contiguous. Natural geological features and specimen trees should be preserved in these areas.
n. Outdoor space designed for use by the residents should be 50 sq. ft. per unit, with a minimum of 2,000 sq. ft., landscaped, and provide benches, paved walkways, site lighting and beneficial views, and be shielded from heavy traffic. With Commission approval only, an indoor atrium may substitute for up to 33% of the required outdoor space.
o. All Managed Care facilities containing more than 5 dwelling units shall set aside a minimum of 20% of the dwelling units as Affordable Housing Units as provided for in Section 8-30g of the Connecticut General Statutes, as amended and shall comply with the Affordable Housing in Multi-Family Dwellings section of these Regulations.

Section 654 Outdoor Storage in Non-Residential Zones

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

a. The outdoor storage of vehicles, materials and equipment shall be located on the same premises as the principal use or building.
b. All outdoor storage areas shall be located in the side or rear yards except as provided herein.
c. All outdoor storage areas shall be screened from view by suitable landscaping and fencing except as provided herein.
d. The outdoor display of vehicles when accessory to a use permitted in accordance with **Section 650** shall be exempt from provisions B and C above.
e. In no case shall stored materials exceed the height of the screening or fencing,
f. No outdoor storage area shall be located within 10 feet of any lot line.
g. All equipment and vehicles in a storage area shall be in operable condition.
h. No tractor-trailer or truck loaded with merchandise shall be parked in a lot for a period exceeding seven consecutive days in one calendar month.

Section 656 Parking Garages and Big Box Retail

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

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

Section 658 Places of Worship

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

a. [15]
b. No off-street parking shall be located in any required front or side yard.
c. The front door shall be oriented toward the street where possible.

Section 660 Preservation of Historic Structures

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

Section 662 Public Uses & Public Utilities

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

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

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

664.1 Preamble

15 Language removed. Amended March 13, 2012. Effective Date March 31, 2012.

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

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

664 .2 General Standards

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

664 .3 Specific Standards

664 .3.1 Lot Area

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

664.3.2 Setbacks

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

664.3.3 Lot Coverage

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

664.3.4 Maximum Height

No building or structure shall exceed 40 feet in height.

664.3.5 Landscaping and Buffer Area

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

664.3.6 Access to Site Area

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

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

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

664.4 Operating Conditions and Procedures

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

664.5 Closure

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

664.6 Conditions

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

Section 666 Retail

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

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

666.1 Design Standards for Stores over 20,000 square feet

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

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

Section 668 Schools

6.26.1 Business Schools

Business schools are allowed subject to Table 6.1.

668.2 Colleges & Universities

Colleges and Universities are permitted subject to the following standards:

a. The combination of abutting and nearby lots functioning as a campus shall have a minimum area of 120,000 square feet or 1,000 square feet for each student based on enrollment capacity, whichever is greater.
b. Each lot shall have two side yards of at least 50 feet each.
c. Each lot shall have a rear yard of at least 50 feet.
d. For commonly owned adjoining properties, required side and rear yards are applicable only to the perimeters of such properties.
e. Sanitary sewers and a public water supply shall serve the lot.
f. The maximum building height shall be consistant with that of the underlying zone.
g. *Exceptions in the case of parcels with steep slopes:*

   The maximum building height shall be 60 feet subject to the following conditions:

   i. The building shall be located on a lot having a minimum lot size of 200 acres; and
   ii. The building is located on a lot with at least 40% of the property has at least a 20% grade; and
   iii. No building on the lot shall be in excess of 35 feet in height above the highest elevation on the lot.

iv. The property on which the building is located must be at least 500 feet from any neighboring municipality.

668.3 Elementary & Secondary Schools

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

a. Each lot shall have a minimum area of 120,000 square feet or 1,000 square feet for each student based on enrollment capacity, whichever is greater.
b. Each lot shall have two side yards of at least 50 feet each.
c. Each lot shall have a rear yard of at least 50 feet.
d. Off-street parking, active sports facilities, such as tennis or basketball courts or ball diamonds, shall not occupy space in any required rear or side yards. Play apparatus such as a swing set, a jungle gym, a see-saw and similar equipment may be located no closer than 20' from any lot line subject to the following:
e. Prior to installation of such equipment, a Zoning Permit shall be obtained from the Zoning Enforcement Officer.
f. Fencing or screening shall be required for any equipment installed, if deemed necessary by the Town Planner.
g. Sanitary sewers and a public water supply shall serve the lot.

670 Student Housing

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

670.1 Owner-Occupied Buildings

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

mum square footage;

viii. Submission of floor plans and, thereafter, any proposed modifications thereto;

ix. Initial and thereafter renewal registration and certification of owner occupancy. Renewal registration must be received by August 1st of each year;

x. A Zoning Permit must be obtained;

xi. The Zoning Permit will automatically renew each year upon submission of the registration form and fee, provided that the ZEO has not made a finding of non-compliance with the provisions of this section.

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

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

a. Building Official approval for current building-code compliance,

b. Health Official approval for current housing-code compliance;

c. Fire Marshall approval for fire safety-code compliance

d. No exterior changes to existing buildings unless required for compliance with building, housing or fire code;

e. The demonstrated provision for off-street parking at one space per student, with at least two spaces per dwelling unit having unimpeded access;

f. No parking in any required front yard, or side yard that is unpaved as of November 14, 2006;

g. Parking is prohibited within 10 feet of the rear yard line;

h. The landlord shall be responsible for providing trash receptacles and recyclable bins and posting instructions regarding Town of Hamden pick-up schedules;

i. Submission of floor plans and, thereafter, any proposed modifications thereto;

j. Initial and renewal registration of student rental housing providing 24-hour contact person in Connecticut to resolve complaints;

k. Compliance with following density: A maximum of 4 students per dwelling unit, provided compliance with housing code for minimum square footage;

l. A Zoning Permit must be obtained;

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

670.3 Student Housing in Multiple-Dwelling-Unit Buildings

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

a. Student housing units located within existing multiple-unit buildings as of the effective date of this section are not subject to the provisions of **Section 670** unless they are converted to either a multiple-unit student housing building in which more than 50% of the units are occupied by students or are converted to a dormitory.

b. Multiple-dwelling-unit buildings existing as of the effective date of this section and converted to multiple-unit student-housing building in which more than 50% of the units are occupied by students shall comply with the following conditions:

i. Current building, housing, and fire code compliance as of the date of the conversion;

ii. Initial and thereafter renewal registration of student rental housing providing 24-hour contact person in Connecticut to resolve complaints;

iii. Side and rear yards shall be adequately screened from adjoining properties by a suitable landscape buffer of at least 10 feet;

iv. Off street parking must be provided in amounts sufficient to meet student demand, i.e., one space per student;

v. Submission of floor plans and thereafter any proposed modifications thereto;

vi. Special Permit, Site Plan and Zoning Permit;

vii. The Zoning Permit will automatically renew each year upon submission of registration, provided that the ZEO has not made a finding of non-compliance with provisions of this section. A renewal registration form

and fee must be received by August 1st of each year;

670.4 New Construction Multiple-Unit Student-Housing Buildings

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

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

672 Telecommunications Facility

672.1 Purpose

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

672.2 No Permit Required

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

672.3 Zoning Permit Required

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

672.4 Permitted by Site Plan Approval

a. Commercial Satellite Dish Antenna - A ground-mounted or roof-mounted satellite dish antenna in a Manufacturing, T3.5, T4, or T5 zone that does not comply with **Section 672.2**.
b. Other Antennas on Existing Structures - Any other antenna which is not attached to a tower, provided:
   i. The antenna complies with all applicable FCC and FAA regulations;
   ii. The antenna complies with all applicable building codes;
   iii. The antenna does not extend more than 10 feet above the highest point of the structure; and
   iv. The antenna is screened or designed and installed to be architecturally compatible with the structure in question.

672.5 Permitted by Special Permit

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

672.6 Requirements for Special Permit Applications

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

tower, and equipment, depending on the nature of the installation.

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

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

v. Tower heights shall not exceed 200 feet.

672.7 Bonding

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

674 Transfer Station

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

676 Wind Energy Conservation Systems

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

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

ARTICLE VII APPLICATION STANDARDS, PROCEDURES AND ZONING ENFORCEMENT

700 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.

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

A public hearing is required for amendments to the Zoning Map and Regulations, Special Permits and any applications submitted to the Zoning Board of Appeals.

Whenever the Commission schedules a public hearing, the applicant shall place a sign or signs on the affected property, clearly visible to passers by, 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 the 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/her agent certifying that this sign was installed and maintained in accordance with the provisions of this section.

In addition to the sign notice required above, 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 every property owner (of record on the date of filing the application) whose property, according to Town Land Records, is located within, abutting, or directly across the street from all boundaries of the proposed change in the zoning map change.
All applications to a Commission shall include the following:

a. The required number of copies of the complete application form signed by the applicant(s) and the owner(s) of the property;
b. A fee in the amount prescribed by ordinance; and
c. A list of all property owners required to be notified, together with stamped envelopes appropriately addressed.

Exemptions: The provisions of **Sections 700, 702.4 and 702.6**[1] *shall not apply to applications initiated by the Commission.*

702 Zoning Amendments & Standards

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

702.1 Authority

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

1 Amended, July 27, 2010. Effective, August 15, 2010.

702.2 Purpose
The purpose of these regulations is to protect the health, safety and welfare of Hamden's population, environment, infrastructure and economic viability by enabling, encouraging and qualifying the implementation of these regulations.

702.3 Application
Applicants requesting an amendment to the Zoning Regulations and/or Zoning Map may submit an application proposing such an amendment to the Commission.

Before the Commission shall consider any such petition, the following requirements shall be met and information submitted by the applicant:

702.4 Zoning Map Amendments
For all applications to amend the boundaries or classification of a zone, an applicant shall submit fifteen copies of an application, in writing, on forms provided by the Commission. Applications shall:
a. Signed by the party proposing the amendment or by the agent for such party;
b. Include a metes-and-bounds[2] description of the land to be included in the amendment;
c. Provide fifteen copies of a narrative stating the reason(s) for the proposed amendment;
d. Contain fifteen copies of a map showing north arrow, name of the petitioner(s) 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.
e. Include a map accurately drawn to a maximum scale of 50 feet and a minimum of 200 feet to the inch. The map may show other information considered pertinent by the applicant.
f. Supply a list of all property owners required to be notified in **Section 702.6**[3], and corresponding stamped envelopes appropriately addressed.
g. Sign posting per **Section700**.

702.5 Review Criteria for Change to Zoning Map
In acting upon a zone change, the Commission shall consider, as appropriate, the various factors favorable and unfavorable to such a change, including but not limited to:
a. The goals, objectives, and recommendations of the Plan of Conservation and Development;
b. The intent of zoning and of these regulations;
c. Changes that have taken place in the rate and pattern of development and land use within the Town and adjoining communities;
d. The supply of land available in the present and proposed zone;
e. The physical suitability of the land for the proposed zone;
f. The impact on the capacity of the present and proposed utilities, streets, drainage systems, and other improvements;
g. The general character and zoning of the neighborhood
h. Impacts on the surrounding area;
i. Traffic congestion impacts;
j. The environmental impacts; and
k. The health and general welfare of the community.

702.6 Additional Notice
In addition, for proposed Zoning Map amendments submitted by an applicant, the Commission shall give notice of any such hearing at least (10) days prior to the date of the hearing to the applicant filing the application and

2 Amended, July 27, 2010. Effective, August 15, 2010.
3 Amended, July 27, 2010. Effective, August 15, 2010.

to the property owners of record on the date of filing the application whose property, according to Town Land Records, is located within, abutting, or directly across the street from all boundaries of the proposed zoning map change.

702.7 Amendments to Regulations

For all applications to amend the text or diagrams of these Regulations, including any change in punctuation or wording, a written application is necessary. The applicant shall:

a. Provide 15 copies of the application to the Commission, setting forth the specific provision(s) to be amended and the proposed language thereof;
b. Be signed by the party proposing the amendment or by the agent for such party.
c. Include a narrative stating the reason(s) for the proposed amendment.

702.8 Review Criteria for Change to Zoning Text

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

a. The goals, objectives, and recommendations of the Plan of Conservation and Development;
b. The intent of zoning and of these regulations;
c. Changes that have taken place in the rate and pattern of development and land use within the Town and adjoining communities;
d. The impact on the capacity of the present and proposed utilities, streets, drainage systems, and other improvements;
e. Traffic congestion impacts;
f. The environmental impacts; and
g. The health and general welfare of the community.

702.9 Referrals

The Commission may refer any application to amend these Zoning Regulations and/or the Zoning Map to any Town department or other agency the Commission deems appropriate. The Commission 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.

702.10 Public Hearing and Notice

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

702.11 Adoption of Amendment

In the case of a zoning map amendment when a protest is filed with the Commission at a public hearing and is signed by the owners of twenty percent (20%) or more of the area of the lots included in such proposed amendment, or of the lots within 500 feet in all directions from the lots included in the proposed amendment. In the case of either an amendment to the Zoning Map or the Zoning Regulations if the Planning Section of the Commission recommends denial, such amendment shall not be adopted except by a vote of two-thirds of the entire membership of the Commission.

702.12 Effective Date of Amendments

Zoning Regulations and boundaries of zones, shall become effective at a time fixed by the Commission, provided notice has been published prior to the set effective date in a newspaper having a substantial circulation in the Town.

718 Special Permit Standards and Procedures

718.1 Authority and Purpose

All non-residential uses established by the Zoning Board of Appeals shall require Special Permit review and approval by the Commission.

718.2 Applications

Applications for a Special Permit shall include the following:

a. Site Plan application as required in **Section 720**;
b. A narrative statement describing the proposed use;
c. Data must include:
   i. Building Location
   ii. Building Use
   iii. Parking Location
   iv. Landscaping
   v. Signage
   vi. Special Requirements
   vii. Hazard Mitigation
   viii. Natural Drainage and Sedimentation and Erosion Controls
   ix. Architectural Plans and Elevations
   x. Lighting Plans
   xi. General Performance Standards
   xii. Any other information, such as traffic or hydrology study deemed necessary by the Commission or staff to be necessary to determine conformity with the intent of these regulations.
d. Any revisions to maps and any additional information, such as a traffic report, that 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.
e. Proposed increases to existing building coverage per Section 310.2 that do not comply with Section 530.3 must have an approved Special Permit for full build-out that meets these Regulations. Plans for this Special Permit shall be to A2-T2 standards and shall be drawn to 1:100 scale. Subdivision applications and/or requests for acceptance of roadways by the Town shall not be granted prior to the approval of said Special Permit.
f. Additional Mapping Requirements for Parcels in T-Zones
   i. A Comprehensive Master Plan shall be required for any proposed substantial changes to building coverage in a T-zone. Comprehensive Master Plans shall be drawn to A2-T2 standards, shall meet all requirements for a Special Permit and Site Plan applications and shall show a Comprehensive Master Plan for full build-out of the entire parcel. The Commission will approve, approve with conditions or deny the Comprehensive Master Plan, in its entirety, as a Special Permit and Site Plan.

   ii. A Conceptual Master Plan shall be required for any minor changes to building coverage in a T-Zone. Conceptual Master Plans shall contain a detailed Site Plan for the area proposed for immediate development. Conceptual Master Plans shall also include a Conceptual Master Plan with enough detail to demonstrate the intent for future development. The Commission will approve, approve with conditions or deny the proposed immediate development as a Special Permit and/or Site Plan. The context of such approval will be based upon the Conceptual Master Plan.
g. A copy of all documentation, including surveys and plans should be provided in pdf format.[4]

h. If circumstances warrant, the Town Planner may waive any of the about requirements in consultation with the Chairperson of the Planning & Zoning Commission.[5]

4 Effective November 15, 2012
5 Effective November 15, 2012

718.3 Conformance to Requirements
Unless otherwise specified, a Special Permit use shall conform to all requirements of the zone in which it is located as well as with other applicable provisions of these Regulations.

Where two or more Special Permit uses apply to the same premises, the minimum requirements shall be the minimum requirements for each use as specified in these regulations, or in cases of two or more Special Permit uses in the same building, whichever requirements are more restrictive.

718.4 Theshold for Granting a Special Permit
In deciding whether or not to grant a Special Permit, the Commission shall give consideration to, but not be limited by, the following:

a. The health, safety and welfare of the public in general, and the immediate neighborhood, in particular, compliance with the Plan of Conservation and Development;
b. The location and size of the proposed use;
c. The nature and intensity of the proposed use and any operations involved in the use;
d. The safety and intensity of traffic circulation on the site and in adjacent streets;
e. The scale of the proposed site and structure(s);
f. The harmony and appropriateness of the use and site design in relation to the general area and to adjacent properties;
g. Compliance with the Zoning Regulations and the site plan objectives set forth in **Section 720**. Any permit granted under this Section shall be subject to any and all conditions and safeguards imposed pursuant to **Section 718.6**.

718.5 Conditions and Safeguards
The Commission may, if it finds that a Special Permit is appropriate, include reasonable conditions and safeguards related to the factors set forth in **Section 718.4**. 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.

718.6 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 Special Permit 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, *unless the Commission grants an extension in accordance with State Statutes.*

718.7 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.

718.8 Amendments or Modifications to Approved Special Permits
Applications for amendment(s) or modification(s) to an approved Special Permit that are necessitated by site conditions or by a change in circumstances, or that are deemed to be in the public interest, shall be made in the same manner as the original application; *except that amendments which are found to be of a minor nature or that do not materially alter the Special Permit may be authorized by the Town Planner or the Commission without another public hearing.*

The Planning staff shall determine whether a proposed deviation from approved Site Plans and/or Special Permits requires a Minor or a Major Amendment.

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 shall not subject the entire application to review by the Commission, only that portion necessary to allow the Commission to rule on the specific issue requiring 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 and complies with all appropriate zoning standards.

   The request for a Minor Amendment shall not subject the application to a 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.

718.9 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. If a legal ruling is made to reverse the Commission's denial of a Special Permit, the time period shall commence on the date of final disposition of such an appeal. Expired Special Permits shall be considered invalid.

718.10 Continuance

Notwithstanding any other provision of these regulations, when an amendment is adopted to these Zoning Regulations or boundaries of zones, a Special Permit that has been approved according to the regulation in effect at the time of filing shall not be required to conform to such amendment provided:

a. Construction of any of the proposed improvements, including but not limited to roads, sewer lines, landscaping, recreational facilities, etc. shall have commenced within 12 months from the effective date of the Special Permit and Site Plan approvals; and
b. Construction of the improvements is diligently pursued and brought 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 to the zoning regulations or boundaries of zones.

720 Site Plan Standards and Procedures

720.1 Authority and Purpose

No Zoning Permit shall be issued for any activity requiring Site Plan approval until the Commission has reviewed and approved the application.

720.2 Site Plan Procedure

720.2.1 Application

Each application for Site Plan approval shall be submitted on a form prescribed by the Commission, accompanied by ten sets of a Site Plan, as well as the applicable fee.

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.

720.3 Referrals

The Commission may refer any Site Plan application to any Town department or other agency that 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 the Commission in connection with its own responsibilities.

720.4 Site Plan Information

720.4.1 Any other information, such as a traffic or hydrology study deemed necessary by the Commission or staff to be necessary to determine conformity with the intent of these regulations.

720.4.2[6] All maps shall include an accurate class A-2/T-2 survey of the property and improvements, prepared by a land surveyor registered in the State of Connecticut unless waived by the Commission.

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, and not more than 50 feet.Site Plans shall include the following:

a. Title Block with date, name of developer(s), property owner(s), north arrow, revision date(s), numeric and graphic scale of plans, seals and signatures of all appropriate design professionals;
b. A key map at the scale of 1-inch equals 1000 feet showing the subject property and adjacent properties within 500 feet;
c. Boundary survey of the site, including distances with angles or bearings;
d. Zoning classification of property;
e. Area of lot;
f. Name of adjacent owners and zoning classification of each property;
g. Existing and proposed contours or spot grades at no more than 2-foot intervals;
h. 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;
i. Location of all existing and proposed uses and facilities not requiring a building, such as swimming pools, tennis courts, tanks, and transformers;
j. Sizes, arrangement, uses, and dimensions of all open spaces on the site;
k. Location and design of all existing and proposed sanitary sewers, storm drainage, water-supply facilities, electical / mechanical pad(s) and other underground and above-ground utilities;
l. Existing and proposed sidewalks, curbs and curb cuts, and adjacent streets;
m. Soil erosion and sedimentation control measures as required by Section 520.9 Sediment and Erosion and Control Regulations;
n. Drainage design for roof area(s), parking lot(s) and driveway(s);
o. Stormwater Detention Plans;
p. Locations and descriptions of all existing and proposed easements and rights-of-way;
q. 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

6 Amended, July 27, 2010. Effective, August 15, 2010.

coastal area boundary, the aquifer boundary and the West Rock Ridge Conservation area;

r. Location of existing stone walls;

s. Proposed landscaping to include the following:

   i. Location, general layout, type and size of buffer(s) or landscape area(s), plant material(s), fencing, screening devices, decorative paving, or other materials proposed;

   ii. Location of existing trees with a trunk caliper of more than 6 inches except in intensely wooded areas where the foliage line shall be indicated;

   iii. A statement to the effect that such landscaping does not include any species listed on the Connecticut Invasive Plant List.

t. 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;

u. Existing and proposed locations, heights and sizes of all outdoor lighting and sign locations. Lighting plan shall include the following:

   i. Location and the type of illuminating devices, fixtures, lamps, supports, reflectors, and other devices; any decorative lighting should be indicated;

   ii. 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);

   iii. Photometric data, such as that furnished by manufacturers or similar, showing the angle of cut-off or light emissions;

   iv. Wattage or power of the lights, and method of shielding from any adjoining residential area.

v. Fire lanes and traffic control signs as required by the Hamden Traffic Authority or Police and Fire authorities;

w. Outside storage areas with proposed screening;

x. Location of outside recycling and refuse storage area and proposed screening;

y. Provisions for water supply;

z. Proposed open space areas and any proposed site improvements to such areas;

aa. Information on endangered species or species of special concern, as listed on the Natural Diversity Data Base maintained by the Connecticut DEP; and

bb. 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.

cc. A copy of all documentation, including surveys and plans should be provided in pdf format.[7]

dd. If circumstances warrant, the Town Planner may waive any of the above requirements in consultation with the Chairperson of the Planning & Zoning Commission.[8]

720.5 Site Plan Objectives

In reviewing a Site Plan Application, 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.

720.5.1 Town Plan: That the proposed site plan shall be in general conformance with the intent of the Town Plan. However, the Town Plan shall not take precedence over specific provisions of the Zoning Regulations.

720.5.2 Public Safety: All buildings, structures, uses, equipment, or material are readily accessible for fire and police protection.

7 Effective November 15, 2012

8 Effective November 15, 2012

720.5.3 Traffic and Pedestrian Access: 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.

720.5.4 Circulation and Parking: Adequate parking and loading spaces are provided to prevent congestion; that all parking spaces and 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.

720.5.5 Landscaping and Screening: The general landscaping of the site complies with the purpose and intent of **Section 540.2** 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.

720.5.6 Lighting: 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.

720.5.7 Public Health: That all utility systems are suitably located, adequately designed, and properly installed to serve the proposed uses, and to protect the environment from adverse air, water, and land pollution.
720.5.8 Environmental Features: That the development of the site will preserve sensitive environmental land features, such as steep slopes, wetlands, and large rock outcroppings and will attempt to preserve public scenic views or historically significant features.

720.5.9 Neighborhood Character: 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 **Article V** Performance Standards.

720.5.10 Drainage: The design of stormwater drainage systems shall be such as to minimize soil erosion and maximize absorption of pollutants by the soil. Runoff from impervious areas shall be attenuated to reduce peak flow volume and sediment loads to pre-development levels. Practices as outlined in the 2004 Stormwater Quality Manual of the Connecticut DEP (as updated), shall be followed.

720.5.11 Soil Erosion and Sediment Control: The design of soil erosion and sediment control plans shall be such as to reduce the danger from storm water run-off, minimize non-point sediment pollution from land being developed and conserve and protect the land, water, air and other environmental resources of the Town.

720.6 Conformance to Requirements

Unless otherwise specified, a Site Plan use shall conform to all requirements of the zone in which it is located as well as to other applicable provisions of these regulations.

Where two or more Site Plan 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 Site Plan uses in the same building, whichever requirements are more restrictive.

720.7 Conditions and Safeguards
The Commission may, if it finds that a Site Plan is appropriate, include reasonable conditions and safeguards related to the factors set forth in **Section 720.6**. Any conditions of approval shall be so noted by stamping on the Site Plan accordingly and noting specific conditions on the plan.Any such conditions or safeguards attached to the granting of a Site Plan shall remain with the property as long as the Site Plan use is still in operation, and shall continue in force regardless of any change in ownership of the property.

720.7.1 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.

720.8 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.

720.9 Suspension
Any authorized Site Plan 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(s), user(s) and/or owner(s).

720.10 Amendments
The Planning staff shall determine whether a proposed deviation from approved Site Plans requires a Minor or a Major Amendment.

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 Site Plan shall not subject the entire application to review by the Commission, only that portion necessary to allow the Commission to rule on the specific issue requiring 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 and complies with all appropriate zoning standards.

   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.

720.11 Time Period and Expiration
In approving a Site Plan, the Commission may set time limits on the permit and/or require periodic renewal

of the permit. In the event a legal ruling is made to reverse the Commission's approval of a Site Plan, the time period shall commence on the date of final disposition of such litigation. Expired Site Plans shall be considered invalid.

720.12 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.

Notwithstanding any other provision of these regulations, when an amendment to these Zoning Regulations is adopted or boundaries of zones are modified, a Site Plan that has been approved according to the regulations in effect at the time of filing shall not be required to conform to such amendment provided:

a. Construction of any of the proposed improvements, including but not limited to roads, sewer lines, landscaping, and recreational facilities, shall have commenced within 12 months from the effective date of the Site Plan approvals; and
b. Construction of the improvements are diligently pursued and brought to substantial completion within the original time constraints set forth at the time of approval or within 3 years after the effective date of such amendment to the zoning regulations or modification of boundaries of zones.

722 Applications for Approval of Location of Use: Limitted Repairer's License and Car Sales
Applications for automobile repairer's and dealers and related licenses shall be approved by the Commission in accordance with Connecticut State Statutes.

724 Temporary Permits
Nothing in these Regulations shall prevent a church, school, civic association, social club, volunteer fire department, 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 commercial business may conduct a farmer's market, limited to 12 days in any calendar year.[9] A Zoning Permit may be issued to any member of the above group of organizations located within the Town of Hamden, for an event, as described and limited above, at permissible premises other than those of such organizations.

726 Zoning Board of Appeals

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

726.1.1 Decide Appeals
To hear and decide appeals where it is alleged that there is an error in any order, requirement or decision made by the official charged with Zoning Enforcement. A person, firm, corporation or entity to whom said decision has been directed shall make such appeals within fifteen days of the decision of the Zoning Enforcement Officer.

726.1.2 Vary the Application of the Regulations
To determine and vary the application of the Zoning Regulations in harmony with the general purpose and

9 Amended March 9, 2010. Effective April 15, 2010

intent and with due consideration for the Plan of Conservation and Development and for conserving the public health, safety, convenience, welfare and property values solely with respect to a parcel of land where, owing to conditions especially affecting such parcel, but not affecting generally the zone in which it is situated, a literal enforcement of the regulations would result in exceptional difficulty or unusual hardship so that substantial justice will be done and the public safety and welfare secured. Financial hardship alone shall not be considered an exceptional difficulty or unnecessary hardship.

726.1.3 Use Variances

726.1.3.1 Purpose:
Pursuant to Section 8-6, Connecticut General State Statutes, and to be consistent with the purpose and intent of the Hamden Zoning Regulations, and to avoid spot zoning in contravention to the Hamden Plan of Conservation and 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 variances.

726.1.3.2 Criteria for Use Variances
Use variances shall be granted only upon finding all of the following:

a. 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.
b. The hardship is not a self-inflicted hardship, resulting from a previous action by the applicant;
c. The applicant has demonstrated that no reasonable use of the property can be made for any use permitted in the applicable zone;
d. The applicant has demonstrated that (s)he has pursued all other alternatives available to him/her under the regulations;
e. The variance requested is the minimum variance necessary to allow a reasonable use of the land;
f. 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;
g. The applicant's request for a variance is consistent with the Comprehensive Plan of Conservation an Development, 2004, as it may have been amended from time to time.

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

726.1.3.4 All applications where a use variance has been granted shall be subject to Special Permit approv al by the Commission.

726.4 Flood Damage Prevention Variances

To hear and decide variances in accordance with Section 430 (Flood Plain Zones and Special Flood Hazard Areas) of the Hamden Zoning Regulations, adopted on December 7, 2009, effective January 1, 2010, as amended. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result. For variances which are granted allowing the construction of fully enclosed areas below base flood elevation (BFE), the resulting structure must conform to minimum federal standards of the National Flood Insurance Program cited in 44 CFR 60.3(c)(5) for such areas below BFE. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation (BFE), and that the cost of flood insurance will be commensurate with the increased risk resulting from the lowest floor elevation.[10]

10 Amended September 28, 2010. Effective October 15, 2010.

726.5 Procedures

726.5.1 Application

All applications and appeals to the Zoning Board of Appeals(ZBA) 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 726.6.3**, together with stamped envelopes appropriately addressed.

726.5.2 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.

726.5.3 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.

Whenever the Commission schedules a public hearing, the applicant shall place a sign or signs on the affected property clearly visible to passers by 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 the 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/her agent certifying that this sign was installed and maintained in accordance with the provisions of this section.

726.5.4 Board Action and Referral

The Zoning Board of Appeals in compliance with the time limits set forth in the Connecticut General Statutes shall take action on all requests, applications or appeals. The Board may attach reasonable conditions to the granting of variances to ensure compliance with the intent of the Zoning Regulations.

728 Staff Procedures

728.1 Enforcement

728.1.1 Authority and Purpose

The Zoning Enforcement Officer or other authorized official subject to appropriate supervision shall enforce these regulations. The Zoning Enforcement Officer is authorized to cause any building, structure, place, premise, or use to be inspected or examined and to order, in writing, the remedying of any condition found to exist therein or thereon in violation of any provisions of these regulations.

728.1.2 Enforcement and Penalties

Any official having jurisdiction may institute, in addition to other remedies, 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.

The owner or agent of a building or premises where a violation of any provision of such regulations has been committed or shall exist, or the lessee or tenant of any entire building or entire premises where such violation shall have been committed or shall exist, or the owner, agent, lessee or tenant of any part of the building or premises in which such violation has been committed or exists, shall be subject to the fines, injunctive procedures, and any other penalties prescribed by Connecticut General Statutes Chapter 124, as amended, including, when warranted, a separate violation for each day that a violation exists.

730 Administrative Permits

730.1 Zoning Permit

No building or structure shall be erected, added to, or structurally altered and no use, or reuse, shall be established until approved by the Commission or the 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.

730.1.1 Application: Every application for a 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.

730.1.2 Plot Plan: The application shall be accompanied by three copies of a plot plan based on a survey prepared by a land surveyor and/or engineer registered in the State of Connecticut (whichever is applicable), drawn to scale showing the actual dimensions of the lot to be built upon, the size of the building to be erected, the location of the building upon the lot, the dimensions of all open spaces, the setback lines observed by buildings, the location of driveways and curb cuts, and such other information as may be necessary. The Town Planner may authorize the ZEO to waive any of the plot plan requirements in cases where it is not needed to determine conformity with these regulations.

730.1.3 Expiration: A Zoning Permit application that is not approved by the Zoning Enforcement Officer within 180 days of receipt due to lack of completeness or lack of compliance with one or more Zoning Regulations is automatically deemed denied.[11]

730.2 Certificate of Zoning Compliance

No land shall be occupied or used and no building hereafter erected or altered shall be occupied in whole or in part for any purpose until a Certificate of Zoning Compliance shall have been issued by the ZEO, or other authorized official, stating that the premises or building comply with all the provisions of these regulations. Such a certificate is also required for any change, extension, or alteration in use that must be approved by the Town Planner or Commission, as required, prior to issuance of such certificate by the ZEO.

No Certificate of Zoning Compliance shall be issued until the applicant submits an Improvement Location Survey (As-Built) that meets the following requirements:

a. One Mylar and three paper copies of drawing to A-2/T-2 standards[12]
b. One digital copy of drawings to A-2/T-2 standards
c. Mylars and drawings shall be signed by the Engineer or Architect who signed the approved drawings. The Engineer or Architect shall certify that the project was built in accordance with the approved plans[13]
d. A narrative of use(s)

11 Effective November 15, 2012
12 Effective November 15, 2012
13 Effective November 15, 2012

e. If circumstances warrent, the Town Planner may waive any of the above requirements in consultation with the Chairperson of the Planning & Zoning Commission.[14] When the site work cannot be completed because of weather or other pertinent reason, a Conditional Certificate of Zoning Compliance may be issued for a period not to exceed 180 days, provided 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.

The ZEO may waive the requirement for a certified plot plan in cases where it is not needed to determine conformity with these regulations. No such Certificate of Zoning Compliance shall be issued by the ZEO until all zoning requirements and conditions have been met.

732 Digital Mapping Data Submission Requirements

In addition to the hard copies signed and sealed by a licensed land surveyor , all applications for a Certificate of Zoning Compliance shall accompanied by a digital file or set of files, meeting the following requirements:

The digital mapping data shall be delivered in one of the following formats:

a. AutoCAD dwg or dxf
b. ESRI shape file or geodatabase

If delivered as a series of tiled files, the features that cross sheet boundaries shall meet precisely at the match line.

Line work in files shall employ types for graphically differentiating features, such as dashed lines for unpaved roads. Continuous lines that have been broken to appear like a dashed line are not acceptable.

Map features and text shall be located on separate layers. Where text labeling covers an underlying map feature the text shall be moved to another location where possible. A portion of the line work may be removed, providing it does not compromise the in tent of the feature. For example, a portion of a contour line may be erased, but not the embedded elevation unless it can be relocated in close proximity to its original position.

Features shall be thematically organized in the CADD or GIS data structure. For example there shall be separate layers for buildings, roads, road centerlines, surface water, wetlands, etc. Having all these features in a single CADD layer or GIS file shall not be accepted.

Metadata which includes the method used to capture and map features, shall be submitted, together with the horizontal and vertical accuracy of the same.

14 Effective November 15, 2012

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ARTICLE VIII DEFINITIONS AND ABREVIATIONS

Section 800 Use of Terms

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

The language used in these Regulations is integral to their meaning and interpretation. Those terms not defined in **Article VIII or Section 622.4** shall be accorded their common accepted meanings (See Section 2.2). In the event of conflicts between these definitions and those of the Existing Local Codes, these Regulations shall take precedence.

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

Section 810 Specific Terms

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

a. The word “shall” is always mandatory.
b. The word “should” is recommended.
c. The word “may” is optional.
d. The words “occupied” or “used” include the words “designed, arranged or intended to be occupied or used”.
e. The words “zone”, “zoning district”, and “district” have the same meaning.
f. The word “person” also includes a partnership, association, trust, corporation or other legal entity.
g. The word “lot” includes the words “plot” or “parcel”.

Section 820 Undefined Terms

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

a. The State Building Code, as amended;
b. The Connecticut General Statutes, as amended;
c. The Illustrated Book of Development Definitions (Rutgers University, Center for Urban Policy Research (Piscataway, NJ), as amended;
d. Black’s Law Dictionary;
e. A comprehensive general dictionary; and
f. Hamden Town Ordinances

A

A-2 Survey: Depicts the position of existing conditions or proposed improvements and is prepared in accordance with the regulations of Connecticut State Agencies, Sections 20-300b-1 through 20-300b-20 and meet "the minimum standards for surveys and maps in the State of Connecticut".

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

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

Accessory Structure: A structure detached from a principal building located on the same lot and customarily incidental and subordinate to the principal building or use. (*See also* Accessory Building)

Accessory Dwelling Unit or Apartment: An apartment sharing ownership and utility connections with a single family home or an apartment in a mixed-use principal building. As with all dwelling units, an accessory dwelling unit or apartment must have its own cooking, eating and sanitary facilities. Accessory dwelling units in single-family homes are clearly subordinate to the primary dwellilng unit -- the home.[1]

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

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

Adult Day Care: An establishment having facilities and all necessary personnel for the care, guidance and/or supervision of adults on a regular basis for a part of the 24 hours in one or more days of the week. Animals shall not be boarded overnight.

Adult-Oriented Establishment: See **Section 622.4** Definitions.

Agriculture: The business, science and art of cultivating and managing the soil, growing, harvesting and selling sod, crops and livestock and the products of forestry, horticulture and hydroponics; breeding or raising livestock, poultry, fish, game and fur-bearing animals, dairying, beekeeping and similar activities.

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

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

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

1 Effective November 15, 2012

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

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

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

Apartment, Accessory: (*See* Accessory Unit)

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

Aquifer Protection Regulations: See separate Aquifer Protection Regulations

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

Arcade Frontage: A building that overlaps the sidewalk such that the first floor facade is a colonnade. The arcade frontage designation may be combined with a shopfront designation.

As Built: *See* Improvement Location Survey

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

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

B

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

Base Flood Elevation (BFE): The elevation of the crest of the base flood or 100-year flood. The height in relation to mean sea level expected to be reached by the waters of the base flood at pertinent points in the floodplains of coastal and riverine areas.[2]

Basement: A story of a building wholly or partially below grade and having a clear floor-to-ceiling height of not less than 6½ feet.

2 Amended December 14, 2010. Effective, December 17, 2010

B

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

Base Flood Elevation (BFE): The elevation of the crest of the base flood or 100-year flood. The height in relation to mean sea level expected to be reashed by the waters of the base flood at pertinent points in floodplains of coastal and riverine areas.[3]

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

Belt Course: A continuous row or layer of stones, tile, brick, shingles, etc. in a wall.

Big Box Store: Retail establishments in freestanding industrial-style one-story buildings, with floor areas of approximately 100,000 to 250,000 square feet.

Billboard Sign: A large, commercial sign, typically overhead, that directs attention to a business, commodity, service or entertainment conducted, sold or offered, at a location other than the premises on which the sign is located.

Block: The aggregate of private lots, passages, rear alleys and rear lanes, circumscribed by public or private vehicular roadways.

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

Boarder: See Roomer.

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

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

Build-To Line: The line with which the exterior wall of a building is required to coincide. Front porches and handicapped ramps shall be exempt from build-to-line 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. (*See also* Accessory Structure)

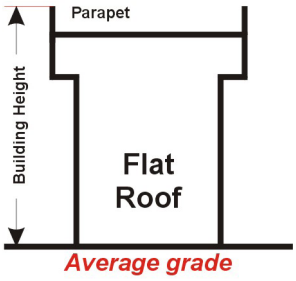
3 Adopted December 14, 2010. Effective December 17, 2010.

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

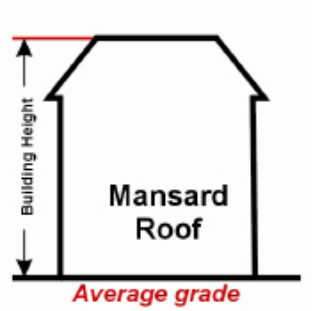
Building Coverage: The ratio of the horizontal area measured from the outer most exterior walls of all principal and accessory buildings, including swimming pools, sheds, deccks garages and tennis courts, to the total lot area.

Building Height: The vertical distance of a building measured from the average elevation of the finished grade adjacent to the exterior walls of the building to:

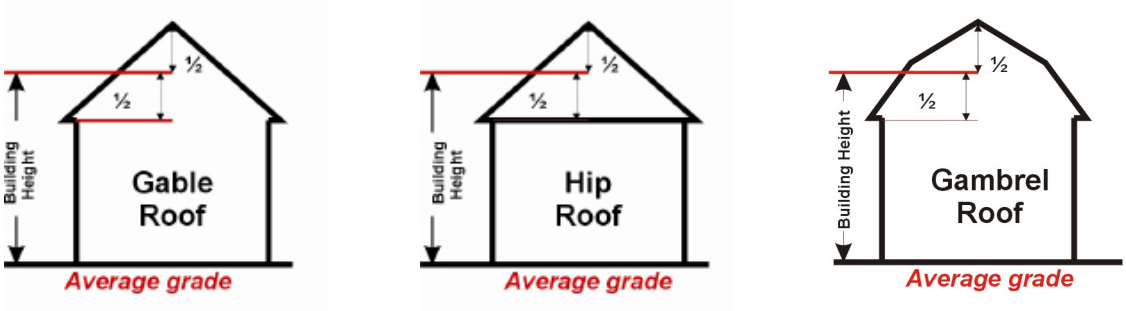
a. The highest point of the roof, including any parapet, for a FLAT ROOF



b. The top of the lower slope for a MANSARD ROOF



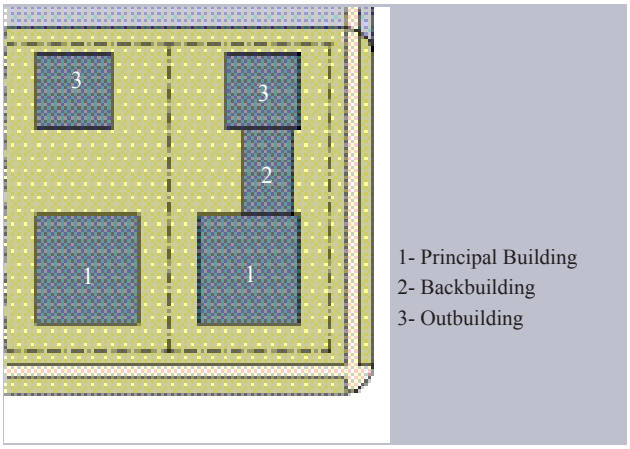
c. The average height between the eaves and the ridge for a GABLE, HIP, GAMBREL or OTHER ROOF TYPE



When the finished ground level slopes away from 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.

B
C

Building Location:



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

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

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

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

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

C

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

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

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

Cemetery: Property used for the interring of the dead.

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

Child Day Care Center: *See* Nursery School.
Civic: The term defining government and not-for-profit organizations dedicated to arts, culture, education, recreation, transit, and municipal parking, or for use(s) approved by the legislative body.

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

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

Civic Space: Designation for sites dedicated for civic buildings and/or open space. Civic spaces shall be generally designed as described in **Article III**, their type determined by the underlying Transect Zone. Civic space may be privately or pubicly owned.

Clear Cutting: The large-scale, indiscriminate removal of trees, shrubs, and undergrowth, typically.

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

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

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

Colonnade: A series of columns supporting one side of a roof, creating an arcade.

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

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

Commercial Farm: *See* Farm, Commercial

C

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

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

Community Garden: Owned and/or managed by a municipality or a non-profit organization containing plots leased for growing of fruits, vegetables and or flowers for personal use.

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

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

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

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

Contiguous: *See* Abut.

Convalescent Home: *See* Nursing Home.

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

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

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

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

Courtyard Building: A building that occupies the boundaries of its lot while surrounding one or more private patios. (*See* Article III.)

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.

Cross Block Passages: A minimum 8-foot-wide pedestrian access reserved between buildings.

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

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

D

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

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

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

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

Development: Any man-made change to improved or unimproved real estate, including but not limited to the construction of buildings or structures; the construction of additions, alterations or substantial improvements to buildings or structures; the placement of buildings or structures; mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment; the storage, deposition, or extraction of materials; the installation, repair or removal of public or private sewage disposal systems or water supply facilities;.or any use or extension of the use of land.[4]

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.

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

Dog Day Care: *See* Animal Day Care

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

Dormitory: (1) A building used for accommodating students with sleeping quarters with or without communal kitchen facilities and administered by an educational institution, college or uni-

4 Amended December 14, 2010. Effective, December 17, 2010

versity, trade school, training facility or similar entity. Dormitory includes fraternity and sorority houses. (2) Any building occupied by 15 or more individuals meeting the definition of student who were assigned to live in that building by an educational institution, college or university, trade school, training facility or similar entity shall be considered a dormitory under these regulations.

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

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

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

Driveway: A vehicular lane within a lot, often leading to a garage or parking area. *See* **Section 591**

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

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

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

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

Dwelling, One-Family: A building containing only one residence.

Dwelling, Two-Family: A building containing only two residence.

Dwelling, Three-Family: A building containing only three residence.

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

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

E

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

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

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

Egress: An exit.

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

Emission: A discharge of substances into the air.

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

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

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

Excavation: Removal or recovery of soil, rock, minerals, mineral substances or organic substances other than vegetation by any means from water or land on or beneath the surface. Activity or use of the land that results in a change in the natural or man-made cover or topography, and that may cause or contribute to erosion and sedimentation.

Existing Manufactured Home Park or Subdivision, Expansion: The preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).[5]

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

F

Façade: The exterior wall of a building facing a public or private right-of-way.

Facade, Primary: The exterior wall of a building exposed to public view and is adjacent to or fronting a public street, park or plaza.

Façade Width: The width of the exterior wall(s) of a building exposed to public view that is adja-

5 Amended December 14, 2010. Effective, December 17, 2010

cent to or fronts a public street, park or plaza.

F

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

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

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

Farm, Commercial: A farm containing at least 5 acres and producing vegetables, grains, grasses, trees, herbs, flowering plants, shrubs or fruit for the market, or the raising of livestock, farm animals, fish, birds or bees and the production of milk for the market. *Exception: No commercial farm may raise pigs or fur-bearing animals.*

Federal Emergency Management Agency (FEMA): The federal agency that administers the National Flood Insurance Program (NFIP).

Fence: A barrier of any material or combination of materials erected to enclose, separate or screen areas of land.[6]

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

Flood 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

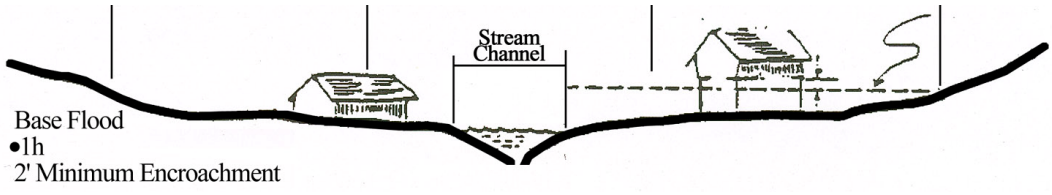
Flood Insurance Rate Map (FIRM): The official map in which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to Hamden.[7]

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

6 Amended December 14, 2010. Effective, December 17, 2010
7 Amended December 14, 2010. Effective, December 17, 2010

Floodplain Cross Section



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.

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.

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 all enclosed floors of a building, including cellars, basements mezzanines,penthouses, corridors, and lobbies from the exterior face of exterior walls, or from the centerline of a common wall separating two buildings, but *excluding any space with a floor-to-ceiling height of less than six feet six inches*.[8]

Floor Area, Gross Leasable (Floor Area, Net): The total of all floor areas of a building, *excluding stairwells and elevator shafts, equipment rooms, interior vehicular parking or loading; and all floors below the first or ground floor, except when these are used or intended to be used for human habitation or service to the public*. The Gross Leasable Floor Area is assumed to be 85 percent of the Gross Floor Area unless calculations that show otherwise are presented.[9]

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

Forecourt: A private frontage where a portion of the façade is close to the frontage line and the central portion is set back. *See* **Article III.**

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

8 Amended, July 27, 2010. Effective, August 15, 2010.
9 Amended, July 27, 2010. Effective, August 15, 2010.

F
G

Frontage: *See* Lot Line, Front.

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

Frontage Line: A lot line bordering a public or private vehicular roadway other than an alley. Facades facing frontage lines define the public realm and are therefore more regulated than the elevations facing other lot lines.

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.

Functionally Dependent Use or Facility: A use or facility that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities. The term does not include seafood processing facilities, long-term storage, manufacturing, sales or service facilities.[10]

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

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

G

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

Gallery Frontage: A building that provides a permanent cover over the sidewalk, either cantilevered or supported by columns. The gallery frontage designation may be combined with a shopfront designation.

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

Gas Station: Any lot, building or part thereof, used for the sale of vehicular fuels and accessories and which may include facilities for lubrication, washing and the servicing of vehicles as permitted by a limited repairers license as defined in Chapter 246 of the Connecticut General Statutes.
Geographic Information System (GIS): A computerized program in widespread municipal use that organizes data on maps.

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.

10 Amended December 14, 2010. Effective, December 17, 2010

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

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

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

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

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

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

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

Gross Leasable Space: *See* Floor Area, Gross (GFA)

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.

Guy Wire: A tensioned cable designed to add stability to a structure.

H

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: Waste that is dangerous or potentially harmful to human health or the environment. Hazardous waste can be liquids, solids, gases or sludges. They can be discarded commercial products like cleaning fluids or pesticides or the by-product of manufacturing processes. Solid or liquid wastes in the following classifications may be considered hazardous: 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. (Also *See CT General Statutues Sec. 22a-115*.)

Height: *See* Building Height

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.

H

I

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

Historic Structure: Any structure that is: (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historic significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) Individually listed on the State Register of historic places; or (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (1) By an approved state program as determined by the Secretary of the Interior or (2) Directly by the Secretary of the Interior in states without approved programs.[11]

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

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

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

Hotel: A hotel offers lodging accommodations to the general public and may include additional facilities and servies such as restaurants, meeting rooms, entertainment, personal services and recreational facilities. Maximum room capacity shall be determined by coverage, required parking and other ameneties. A commercial establishment offering in excess of 12 bedrooms for rent by the day or week, and often having public restaurant(s) and meeting room(s).

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.

I

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

Improvement Location Survey: A type of survey which depicts or notes the position, horizontally and, where required, vertically, between particular existing or proposed improvements with respect to the applicable municipal or statutory requirements. The purpose of this type of survey is to enable determination of compliance with said requirements.

11 Amended December 14, 2010. Effective, December 17, 2010

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

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

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

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

Ingress: An entrance.

Inn: A hotel with a maximum of 90 lodging rooms that provides traditional hospitality in a building that is residential in character and architecturally compatible with the surrounding area. Unlike motels, inns shall provide for a common public lobby or entry rather than direct entry to individual lodging rooms. Inns shall have building detail and finishes typically found in residential buildings within the Town.

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

J

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.

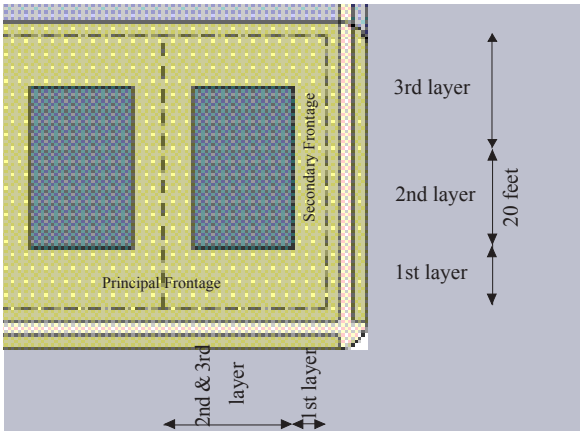
K

Kennel: An establishment in which more than 5 dogs or other domesticated animals more than a year old are housed, groomed, bred, boarded, trained, or sold, all for a fee or other compensation.[12]

12 Effective November 15, 2012

L
M

Layer: A range of depth of a lot within which certain elements are permitted.



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

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

Loading Space: An off-street space available for the standing, loading and unloading of one truck, excluding adequate maneuvering area.
Lodging: A premises available for the renting of bedrooms with housekeeping services and other accessory uses such as the service of at least one meal.

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

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

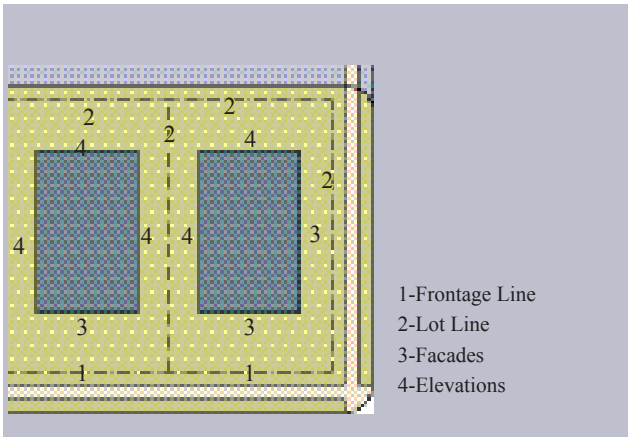
Lot, Corner: A lot abutting on the intersection of two or more streets or on two parts of the same street forming an interior angle of less than 135 degrees.

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

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

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

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



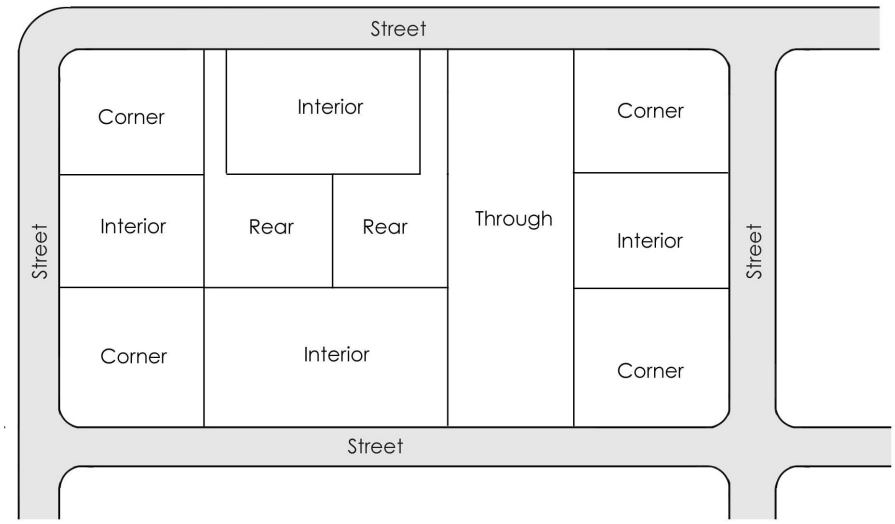
Lot Line, Front: The lot line separating a lot from a street right-of-way. In the case of a rear lot, the front lot line shall be considered the line most nearly parallel to and closest to a street providing lot frontage. Syn. Frontage.

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.

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

M

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

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

Manufactured Home: A structure, transportable in one 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."

Manufactured Home Park or Subdivision: A parcel or contiguous parcels of land divided into two (2) or more manufactured home lots for rent or sale.[13]

Manufactured Home Park or Subdivision, Existing: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured home are to be affixed (including, as a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before June 15, 1079, the effective date of the floodplain management regulations adopted by the community.[14]

Manufactured Home Park or Subdivision, Expansion of existing: The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading of the pouring of concrete pads).[15]

Manufactured Home Park or Subdivision, New: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed by June 15, 1979, the effective date of the floodplain management regulations adopted by the community.[16]

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

Manufacturing, Accessory Use: Any manufacturing process that is subordinate, incidental or supplementary to a non-manufactuing primary use.

Manufactured Home Park or Subdivision: A parcel or contiguous parcels of land divided into

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14 Amended December 14, 2010. Effective December 17, 2010.
15 Amended December 14, 2010. Effective, December 17, 2010
16 Amended December 14, 2010. Effective, December 17, 2010

two (2) or more manufactured home lots for rent or sale.[17]

Manufactured Home Park or Subdivision, Existing: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured home are to be affixed (including, as a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before June 15, 1979, the effective date of the floodplain management regulations adopted by a community.[18]

Manufactured Home Park or Subdivision, New: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after June 15, 1979, the effective date of the floodplain management regulation adopted by the community.[19]

Manufacturing, Light: The assembly or finishing of articles predominately from previously processed materials or finished products or parts. There is no outdoor storage of raw or semi-finished materials. All manufacturing takes place within the primary structure.

Market Value: The market value of the structure shall be determined by an independent appraisal by a professional appraiser prior to the start of the initial repair or improvement, or in the case of damage, the value of the structure prior to the damage occurring.[20]

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

Mean Sea Level (MSL): For purposes of the National Flood Insurance Program, mean sea level means the North American Vertical Datum (NAVD) of 1988 or other datum, to which the base flood elevations shown on a community's Flood Insurance Rate map are referenced.[21]

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

Mixed-Use: multiple functions within the same building or on the same paracel.

Motel: A motel offers lodging accommodations to the general public and is typically one- or two-stories with a majority of the rooms having direct access to the outside without the necessity of passing through a main lobby. Additional facilities and services such as restaurants, meeting rooms, personal services and recreational facilities may be included. Maximum room capacity shall be determined by coverage, required parking and other ameneties. *See also* 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.

17 Amended December 14, 2010. Effective, December 17, 2010
18 Amended December 14, 2010. Effective, December 17, 2010
19 Amended December 14, 2010. Effective, December 17, 2010
20 Amended December 14, 2010. Effective, December 17, 2010
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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.

N

Neighborhood Plan: A map, or set of maps, showing the desired intent of an area, typically including Transect Zone, Civic Zone and Special District designations. Text may accompany a Neighborhood Plan stating any desired special requirements.

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

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

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

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

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

O

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

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

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

Open Space: 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, ser-

vice areas, off-street parking at finished grade or loading areas; (d) devoted to landscaping, active or passive recreation and other like uses; (e) made available in the same proportion to all occupants of the building or buildings on a lot or parcel. Additionally, all roofed areas landscaped or developed for recreation; all landscaped areas above underground garages, exterior balconies and decks shall qualify as open space.

Passive Open Space: Forested land, stream corridor buffers, scenic overlooks and the like.

Recreational Open Space: Ball fields, playgrounds and the like.

Farmland: Fields, pastures and forested areas used to grow harvestable crops or trees and not containing buildings, equipment, paddocks or concentrated animal holding areas.

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

Outdoor Wood-Burning Furnace (Also called Outdoor Wood Boiler): An accessory structure or appliance designed to be located outside living space ordinarily used for human habitation and designed to transfer or provide heat, via liquid or other means, through the burning of wood or solid waste, for heating spaces other than where such structure or appliance is located, any other structure or appliance on the premises, or for heating domestic, swimming pool, hot tub or jacuzzi water. The term "Outdoor wood-burning furnace" does not include a fire pit, wood-fired barbecue or chiminea.[22]

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

P

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

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

Parking Lot: An off-street ground level area used for the temporary parking of registered motor vehicles. A parking lot is not the same as a driveway.

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

Parking Space: The area required for parking one automobile excluding passageways and driveways appurtenant to and giving access thereto.

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

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

Pervious Surface: Any material that is designed to permit full or partial absorption of stormwater into land, including green roofs.

22 Amended, September 28, 2010. Effective, October 15, 2010.

P
Q
R

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

Placement: The location of a building on its lot. *See* **Article III**

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

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

Plat: A map representing a tract of land, showing the boundaries and location of individual properties and streets; A map of a subdivision or site plan.

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

Plot: A single parcel of land; A parcel of land that can be identified and refereneced to a recorded plat or map.

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

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

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

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

Private Frontage: The privately held layer between the frontage line and the principal building façade. *See* **Article III**.

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

Public Frontage: The area between the curb of the vehicular lanes and the frontage line. *See* Article III.

R

Radius: *See* Turning Radius

Rational Method: A method of determining peak discharges from small drainage areas. This method is typically used to size storm sewers, channels and other drainage structures which

handle runoff from drainage areas of less than 200 acres.

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

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

Rear Yard Building: A building that occupies the full frontage line, leaving the rear of the lots as the sole yard. *See* Artile III.

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 Center: A downtown area that includes significant office and retail uses as well as government and other civic institutions of regional importance.

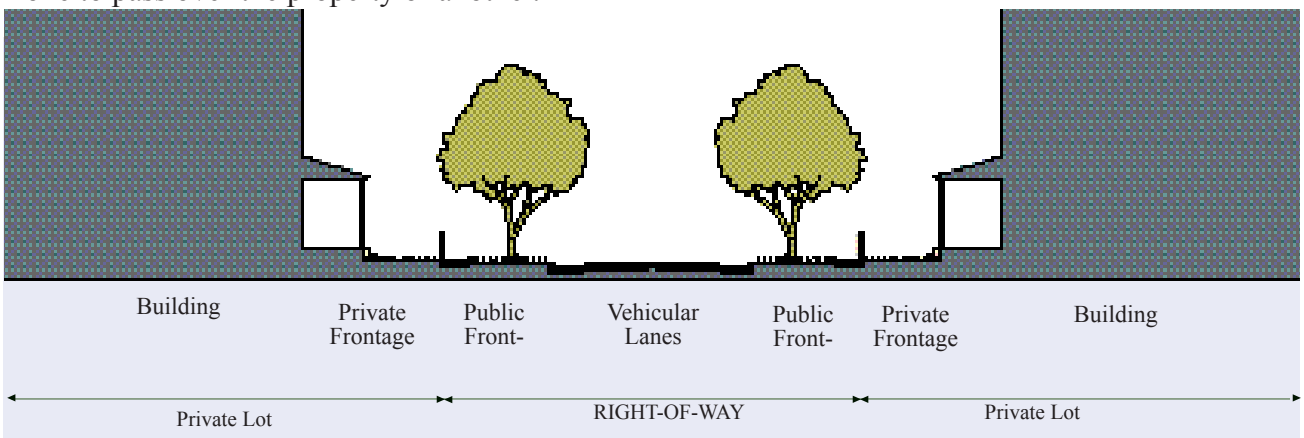
Regional Educational Service Center: A corporate body established under the laws of the State of Connecticut for the purpose of providing regional educational programs, services, and activities.

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

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

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

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



Roomer or Boarder: An individual other than a member of the family occupying a dwelling unit

or a part thereof who, for a consideration, is furnished sleeping accommodations and may be furnished meals or other services as part of the consideration. *Exception: The student housing provisions of these regulations will govern unrelated individuals meeting the definition of student.*

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.[23]

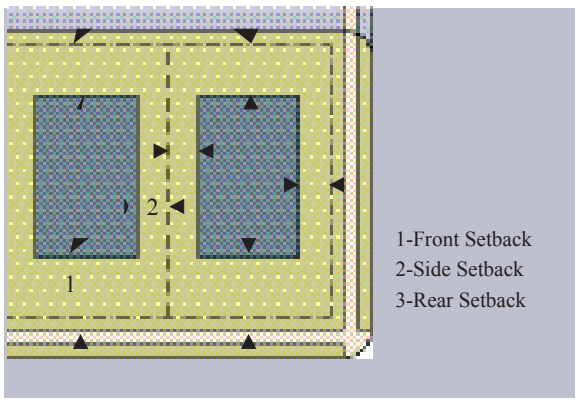
S

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

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

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

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



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

Shopfront: A private frontage wherein the facade is aligned close to the frontage line with the building entrance at sidewalk grade. See Figure 3.3 "PRIVATE FRONTAGES," in **Article III**.[24]

Shopping Center: A group of commercial establishments under the same roof or which are interconnected by walls, roofs, and enclosed malls or walkways, planned and developed in such a manner so as to make a common facility. This definition does not apply to mixed-use or non-

23 Effective November 15, 2012
24 Effective November 15, 2012

connected buildings.

Sign: Any object, device, display or structure that is used for attracting attention to any use, product, service, or activity. *Exception: A flag or insignia of any government or governmental agency, or of any fraternal, civic, charitable, or religious organization. Window displays lasting no more than 30 days are treated as temporary signage.*[25]

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

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

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

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

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

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

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.

Special Flood Hazard Areas, New Construction in: 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.

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 of construction 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

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a building, whether or not that alteration affects the external dimensions of the building.

S

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

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

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

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

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

Street Centerline: Describes the midpoint along the length of the street where the edges have been previously delineated.

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

Streetscreen: A freestanding wall built along the frontage line, or coplaner with the facade. It may mask a parking lot from the street, provide privacy to a sideyard, and/or strengthen the spacial definition of the public realm.

Structure: Anything constructed, formed or erected. A walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank, portable or mobile storage containers, canvas or plastic, Quonset hut type, "roll-off" construction dumpsters or other man-made facility or infrastructure, for occupancy, ornamentation or visual communication, whether installed on, above, or below the surface of land or water. Except as otherwise indicated structure shall be deemed to include buildings, swimming pools, tennis courts, signs, fences and walls more than 6 feet high other than retaining walls.[26]

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

Student Housing: A dwelling unit occupied primarily by unrelated individuals enrolled in a program of study at an educational institution, college or university, trade school, training facility or similar entity. (Housing which meets the definition of dormitory shall be considered a dormitory and not student housing.)

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

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

Substantial Improvement: Any combination of repairs, re-construction, alteration, or improve¬ments 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. 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.

The cost of any reconstruction, rehabilitation, addition, alteration, repair or other improvement of a structure shall be established by a detailed written contractor's estimate. The estimate shall include, but not be limited to: the cost of materials (interior finishing elements, structural elements, utility and service equipment); sales tax on materials, building equipment and fixtures, including heating and air conditioning and utility meters; labor; built-in appliances; demolition and site preparation; repairs made to damaged parts of the building worked on at the same time; contractor's overhead; contractor's profit; and grand total. Items to be excluded include: cost of plans and specifications, survey costs, permit fees, outside improvements such as septic systems, water supply wells, landscaping, sidewalks, fences, yard lights, irrigation systems, and detached structures such as garages, sheds, and gazebos.[27]

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.

27 Amended December 14, 2010. Effective, December 17, 2010

T

T-2 Survey: Surveys shall be prepared in accordance with the regulations of Connecticut State Agencies, Sections 20-300b-1 through 20-300b-20 and "the minimum standards for surveys and maps in the State of Connecticut", adopted by the Connecticut Association of Land Surveyors, Inc. on September 26, 1996. Where required, the horizontal and vertical accuracies for the survey shall be of an accuracy class A-2 and /or T-2, respectively. (*See also*, A-2 Survey)

Temporary Sign: Any object, device, display or structure, including a banner, pennant, poster, or advertising that is used for attracting attention to any use, product, service or activity, displayed for a maximum of thirty days.[28]

Terminated Vista Locations: A building with architectural articulation of a type and character that responds visually to the location, as approved by the Planning and Zoning Commission.

Thoroughfare: A major road or highway.

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

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

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

Transit Oriented Development (TOD): An overlay zone that allows for increased density where there is a concetration of development at nodes along public transit corridors, either rail or bus routes.

Truck Garden: A farm containing between two and

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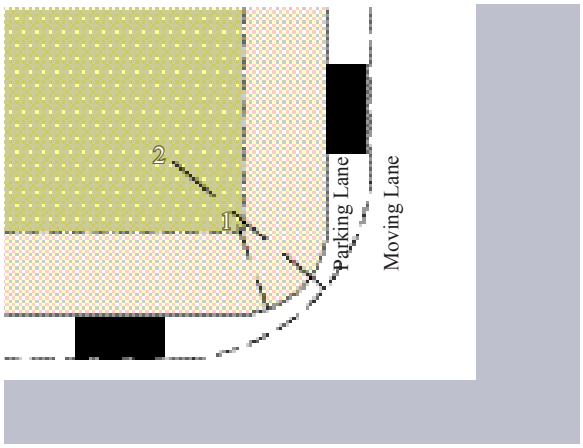
five acres and producing vegetables or fruit for the market. *Exclusion: The raising of animals.*

Turning Radius:



1-Radius at the Curb
2-Effective Turning Radius (± 8 ft)

U

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

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

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

Use, Commercial: Activity carried out for monetary gain.

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

V

[29]Variance From Zoning Regulations Governing Flood Plain Zones and Flood Hazard Areas: A grant of relief by a community from the terms of the floodplain management regulation that allows construction in a manner otherwise prohibited and where specific enforcement would result in unnecessary hardship.[30]

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

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

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

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

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

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

Violation of Regulations Governing Flood Plain Zones and Flood Hazard Areas: Failure of a structure or other development to be fully compliant with the community's floodplain management regulation. A structure or other development without required permits, lowest floor elevation documentation, flood-proofing certificates or required floodway encroachment calculations

29 Effective November 15, 2012

30 Amended December 14, 2010. Effective, December 17, 2010

is resumed to be in violation until such time as that documentation is provided.[31]

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

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

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

W

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.

Water Surface Elevation: The height, in relation to the North American Vertical Datum (NAVD) of 1988, (or other datum, where specified) of floods of various magnitudes and frequencies in the flood plains of coastal and riverine areas.[32]

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

31 Amended December 14, 2010. Effective, December 17, 2010
32 Amended December 14, 2010. Effective, December 17, 2010

Y

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

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

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

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

Section 840 Zoning Regulations Abbreviations

ac	Acre
ADA	Americans with Disabilities Act
APZ	Aquifer Protection Zone
CAM	Costal Area Management
CGS	Connecticut General Statutes
CHFA	Connecticut Housing Finance Authority
CMU	Concrete Masonry Units
DBH	Diameter at Breast Height
D.E.P	Department of Environmental Protection
DOT	Department of Transportation
EPA	Environmental Protection Agency
FAA	Federal Aviation Administration
FCC	Federal Communication Commission
FEMa	Federal Emergency Management Agency
ft	Feet
GFA	Gross Floor Area
GIS	Geographic Information System
GVWR	Gross Vehicle Weight Rating
HVAC	Heating Ventilating and Air Condition
HW	Highway
M-Zone	Manufacturing Zone
Max	maximum
Min	minimum
MPH	Miles per Hour
n/a	Not Applicable
NGVD	National Geodetic Vertical Datum
OSD	Open Space Development
PUD	Planned Unit Development
ROW	Right-of-way
R-Zones	Residential Zone
Sq. ft.	Square Feet
T-Zones	Transect Zones
TOD	Transit-Oriented Development
USDA	United States Department of Agriculture
ZBA	Zoning Board of Appeals
ZEO	Zoning Enforcement Officer

9.1 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

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

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

a. Be located within the boundaries of the development,
b. Conform to all the regulations of the B-l Zone.
c. Have a total floor area that does not exceed five per cent (5%) of the gross flood 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

A615.1 An applicant shall make application for the approval of a planned unit development to the Commission. The applicant shall accompany his application with an outline development plan as specified in this section.[1]

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

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

A615.4 An outline development plan must include both maps and written statement, and must show enough of the area surrounding the proposed planned unit development to demonstrate the relationship of the planned unit development to adjoining uses, both existing and proposed.

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

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

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

a. An explanation of the character of the planned unit development and the manner in which it has been planned to take advantage of the planned unit development regulations.
b. A statement of proposed financing.
c. A statement of the present ownership of all the land included within the planned unit development.
d. A general indication of the expected schedule of development.
e. The applicant shall file three copies of his outline development plan and written statement.

A616 Approval of Outline Development Plan

A616.1 Legal Procedure

a. A public hearing shall be held within 60 days from the time of application to the Town Planning and Zoning Commission Office.
b. All owners of property adjacent to the planned unit development shall be notified of said hearing by mail.
c. The hearing shall be legally advertised according to the procedure specified by State Law for a change in zoning regulations.
d. The results of the decision of the Town Planning and Zoning Commission shall be legally advertised within 7 days of said decision.
e. If the outline development plan is approved, the Zoning Section of the Town Plan & Zoning Commission shall amend the zoning map to show planned unit development. If the outline development plan is approved with modifications, the Zoning Section of the Town Plan & Zoning Commission shall not amend the Zoning Map until the applicant has filed with the Commission written consent to the plan as modified. No building permits may be issued on land within the planned unit development until final plans for the development have been approved by the Commission under the procedures provided in following sections.
f. Failure to act by the Commission within 60 days after the public hearing for Outline Development Plan approval shall mean approval by the Commission.

A617 Preliminary Development Plan

A617.1 An applicant seeking approval of a planned unit development shall submit a preliminary development plan, if an outline development plan has been approved, within six months following its approval.

A617.2 If an outline development plan has been submitted and approved, the Commission may authorize the submission of preliminary development plans in stages. If a preliminary plan (development) covering at least 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.

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

a. A map showing street systems, plot lines and plot designs.
b. Areas proposed to be conveyed, dedicated, or reserved for parks, streets, playgrounds, public buildings and similar public and semi-public uses.
c. 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.
d. 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.
e. 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.
f. Agreements, provisions or covenants that govern the use, maintenance and continued protection of the planned development and any of its open areas.
g. 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:
    i. An off-street parking and loading plan.
    ii. 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.
    iii. A landscaping and tree planting plan,
    iv. An economic feasibility report or market analysis.

A617.4 Map Standards for Preliminary Development Plans:

a. Drawn to a scale of 1" = 50'.
b. Survey Information: distances with angles and bearings by a registered surveyor or professional engineer
c. Contours at 5 foot intervals or less,
d. Proposed contour at 5 foot intervals or less,
e. Sanitary sewer and drainage or sewage treatment systems designed by a registered professional engineer,
f. Adjacent streets, names and widths,
g. North point, scale and date.
h. Adjacent property owners and use of adjacent property,
i. Limit of easements, right of way and areas for open spaces dedication,
j. Lot lines, areas and numbers.
k. Street locations, names, widths, radii, curve lengths, grades.
l. Sidewalks,
m. Name of owner.
n. Location of watercourses, trees, wet area and rock outcroppings.
o. Title of Development,
p. Total area of development,
q. Total area of land left in open space,
r. Total number of dwelling units with breakdown of different types, where applicable.
s. Total area to be used for roads
t. In the cases of multi-family or commercial buildings, the Site Plan requirements of Section 250 of these regulations must be met.

A618 Approval of Preliminary Development Plans

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

A618.2 The Commission shall approve the preliminary development plan if it is in compliance with the approved outline development plan, and if it complies with all other standards for the review of the planned unit developments which were not considered when the outline development plan was approved.

A618.3 Failure to act by the Commission within 60 days after the submission of a preliminary development plan shall mean approval by the Commission.

A619 Approval of Final Development Plan

A619.1 Within six months following the approval of the preliminary plan, the applicant shall file with the Commission a final development plan containing in final form the information required in the preliminary plan. In its discretion and for good cause, the Commission may extend for three months the period for the filing of the final development plan.

A619.2 The Commission shall give notice and provide an opportunity to be heard on the final development plan to:

a. Any person who appeared of record at the hearing on the outline development plan, if any.
b. Any person who has indicated to the Commission in writing his wishes to be notified.

A619.3 The Commission shall act within 60 days after filing of the final development plan.

A619.4 A planned unit development given final approval by the Commission must be filed in the office of the Town Clerk within 90 days after the final approval date or it will become invalid.

A620 Failure to Begin a Planned Unit Development

A620.1 If no construction has begun in the planned unit development within one year from the approval of the final development plan, the plan shall lapse and be no longer effective. In its discretion and for good causes, the Commission may extend for six months the period for the beginning of construction. If a final development plan lapses under the provisions of this section, the Planning Department shall remove the planned development from the zoning map and shall file a notice of revocation with the recorded final development plan. The zoning regulations applicable before the final development was approved shall then be in effect.

A621 Building Permits

A621.1 The Building Inspector shall issue building permits for buildings and structures in the area covered by the approved final development plan only if they are in conformance with the approved final development plan and with all other applicable ordinances and regulations. He shall issue a certificate of occupancy for any completed building or structure located in an area covered by the approved final development plan if the completed building or structure conforms to the requirements of the approved final development plan and all other applicable ordinances and regulations.

A622 Amendment to Final Development Plan

A622.1[2] No changes may be made in the approved final plan during the construction of the planned unit development except upon application to the Commission under the procedures provided below:

a. Minor changes in the location, siting and height of buildings and structures may be authorized by the 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%.
b. All other changes in use, any rearrangement of lots, blocks and building tracts, any changes in the provisions of open spaces, and all other changes in the approved final plan must be made by the Commission. No amendments may be made in the approved final plan unless then are shown to be required by changes in conditions that have occurred since the final plan was approved or by changes in the development policy of the Town of Hamden.
    i. Increase the total number of dwelling units within the planned unit development;
    ii. Increase the total area of lot coverage within the planned unit development; and
    iii. Decrease the total area of open space within the planned unit development.

A622.2 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

A623.1 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 then the rate at which open spaces and public and recreational facilities have been constructed and provided, he shall forward this information to the Commission which may revoke the planned unit development zone amendment.

A624 Progress Controls on Density and Open Space

A624.1 The Commission may require adequate assurance in a form and manner which it approves, that the open space shown in the final development plan will be provided. The following methods of assurance are intended as illustrative and they may be used singly or in combination:

a. The Commission may accept a bond, corporate surety, or other acceptable financial guarantee, in a form which complies with the provisions of the Town of Hamden and in an amount sufficient to purchase the open space shown in the final development plan or alternative acreage, which is equivalent in size and character.
b. The land shown as open space may be put in escrow, the escrow agreement to provide that the land is to be held in escrow until the Commission has certified to the escrow agent that the planned unit development has been completed, at which time the open space is to be conveyed to the Town of Hamden. The escrow agreement may provide for the release of the open space by the escrow agent in stages, the Commission to certify the completion of each stage of the planned unit development to the escrow agent. The escrow agreement must provide that a portion of the open space is to be conveyed to the Town of Hamden if the planned unit development is not completed. In this event, the open space which is conveyed is to bear the same proportion to the open space provided on the final development plan as the dwelling units that have been built bear to the total number of dwelling units which are allowable by the final development plan.

A625 Phasing of Non-Residential Construction

A625.1 If a planned unit development contains non-residential uses, these units may be constructed after 50% of the residential units are completed, and only if the Commission finds - and records its findings on the final development plan that the non-residential uses would be consistent with the comprehensive plan even though the residential areas of the planned unit development were not built or not completed.

A626 Changes after Completion of Construction

A626.1 The Commission shall issue a certificate certifying the completion of the planned unit development, and the Clerk of the Commission shall note the issuance of the certificate on the recorded final development plan.

A626.1 After the certificate of completion has been issued, the use of land and the construction, modification, or alteration of any buildings or structures within the planned unit development will be governed by the approved final development plan rather than by any other provisions of this zoning regulation.

A626.1 After the certificate of completion has been issued, no changes may be made in the approved final plan except upon application to the Commission under the procedure provided below:

a. Any minor extensions, alterations, or modifications of existing buildings or structures that may be authorized by this section may not increase the cube of any building or structure by more than 10%.
b. Any uses not authorized by the approved final plan, but allowable in the planned unit development as a permitted use

under the provisions of this Zoning Regulation or permitted as a Special Permit use in the zone in which the planned unit development is located, may be added to the final development plan under the procedures provided by the Zoning Regulations for the approval of Special Permit uses.

c. A building or structure that is totally or substantially destroyed may be reconstructed only in compliance with the final development plan unless an amendment to the final development plan is approved.
d. Changes in the use of open space may be authorized by an amendment to the final development plan.
e. All changes in the final development plan must be made by the Commission under the procedures authorized by these regulations for the amendment of the Zoning Map. No changes may be made in the final development plan unless they are required for the continued successful functioning of the planned unit development, or unless they are required by change in conditions that have occurred since the final plan was approved or by changes in the development policy of the Town of Hamden.

A626.4 No changes in the final development plan which are approved under this section are to be considered as a waiver of any covenants limiting the use of land, buildings, structures, and improvements within the area of the planned unit development, and all rights to enforce these covenants against any changes permitted by this section are expressly reserved by the Town of Hamden.

A627 Zoning Requirements

A627.1 Land Area Needed to Qualify for a Planned Unit Development

R-1 Zone 10 acres minimum
R-2 Zone 10 acres minimum
R-3 Zone 10 acres minimum
R-4 Zone 5 acres minimum
R-5 Zone 1 acre minimum
R-6 Zone 1 acre minimum

A627.2 Lot Size
For planned unit developments the lot area required for each dwelling unit may be reduced to the area indicated in the following table:
R-1 53,000 sq. ft.
R-2 27,000 sq. ft.
R-3 27,000 sq. ft. without sewer or water
R-3 25,000 sq. ft. with sewers or water
R-3 15,000 sq. ft. with sewers and water

For the R-4, R-5 and R-6 Zones, there shall be no reduction in lot size.

A627.3 Dwelling Unit Types
The following dwelling types are permitted in a planned unit development for each separate residential zone.
R-1 Single-family only
R-2 Single-family only
R-3 Single-family only, with no water or sewers
R-3 Single-family only, with water or sewers
R-3 Single-family, two-family garden-type multi-family (building not to exceed two stories), with water and sewers.
R-4 For planned unit developments of from five to fifteen acres; two and three family structures. All types of multi-family structures, which shall be served with sanitary sewers.
For planned unit developments of fifteen acres or more.
All residential types except that multi-family structures shall be served with sanitary sewers.

R-5 Multi-family structures only.
R-6 Multi-family structures only.

A627.4 Lot Coverage
The following is the maximum percentage of lot coverage allowed in the R-1, R-2 and R-3 zones.
R-1 15% coverage
R-2 20% coverage
R-3 20% coverage

For the R-4 Zone, where a planned unit development consists of 5 to 15 acres, the lot coverage shall conform to the following table:

For 1 and 2 story structures 30%

For	3 story structures	25%
For	4 story structures	20%
For	5 story structures	15%
For	6 story structures	10%

In the R-4 Zone where a planned unit development consists of more than 15 acres the lot coverage shall not exceed 30%.

In the R-5 Zone, the lot coverage shall conform to the following table:

For 1 and 2 story structures		30%
For	3 story structures	25%
For	4 story structures	20%
For	5 story structures	15%
For	6 story structures	10%

In the R-6 Zone, the lot coverage should conform to the following table.[3]

For 1 and 2 story structures		30%
For 3 and 4 story structures		25%
For	5 story structures	20%
For	6 story structures	15%
For structures of 7 or more stories		10%

A627.5 Density (land area per dwelling unit)
The minimum amount of land required for each dwelling unit in a planned unit development, for each zone shall be as follows:

R-1	53,000 sq. ft.	
R-2	27,000 sq. ft.	
R-3	27,000 sq. ft. without sewers or water	
R-3	25,000 sq. ft. with sewers or water	
R-3	1 5,000 sq. ft. with sewers and water	
R-4[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[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.	
	Structures of 7 or more stories	1,500 sq. ft.

A627.6 Lot Width[6]
Within a Planned Unit Development for single-family dwellings in the R-1, R-2 and R-3 Zones only, the lot width requirements may be reduced up to 1/3. In all other residential zones in which a Planned Unit Development is located, lot width requirements shall be met.

A627.7 Front Yards
Within a planned unit development front yard requirements for the zone in which the planned unit development is located shall be met, except that, multi-family structures shall maintain the front yard requirements plus half again the required depth of the front yard.

A627.8 Side Yards
In a planned unit development, the Commission may permit a side yard of not less than 2/3 the width of the minimum required side yard provided that the distance between any two dwelling structures shall be equal to twice the width of minimum required side yard of the zone in which it is located.

A627.9 Rear Yard
Within a planned unit development the rear yard requirements for the zone in which the planned unit development is located shall be met.

A627.10 Minimum Floor Area per Dwelling Unit
Within a planned unit development the floor area per dwelling unit requirements for the zone in which the planned unit development is located shall be met.

A627.11 Building Height
For each foot of building height over thirty-five feet the distance between such buildings and the side or rear property lines shall be increased 1 foot in addition to the side or rear yards required.

A627.12 Spacing of Buildings
The spacing between main buildings shall be at least equivalent to the spacing which would be required between buildings similarly developed under the terms of this regulation on separate parcels, due consideration being given to building height and to the openness normally afforded by intervening streets and alleys.

A628 Planned Unit Development in More than One Zone
If the planned unit development is in more than one residential zone, the number of allowable dwelling units must be separately calculated for every portion of the planned unit development that is in a separate zone, and must then be combined to determine the number of dwelling units allowable in the entire planned unit development. However, the distribution of dwelling units and lot sizes within the planned unit development shall be based on the requirements of the zone in which the majority of the acreage is located.

A629 Open Space Requirements
For each dwelling unit in a planned unit development for the following amount of land shall be set aside for usable open space.

R-l 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.

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

a. The location, shape, size and character of the open space must be suitable for the planned unit development.
b. Open space must be used for amenity or recreational purposes. The uses authorized for the open space must be appropriate to the scale and character of the planned unit development, considering its size, density, expected population, topography and the number and type of dwellings to be provided.
c. Open space must be suitably improved for its intended use, but open space containing natural features worthy of preservation may be left unimproved. The buildings, structures and improvements which are permitted in the open space must be appropriate to the uses which are authorized for the open space and must conserve and enhance the amenities of the open space having regard to its topography and unimproved condition.
d. The development schedule which is part of the development plan must coordinate the improvement of the open space, the construction of buildings, structures and improvements in the open space, and the construction of residential dwellings in the planned unit development.
e. If the final development plan provides for buildings, structures and improvements in the open space of a value in excess of 25,000 dollars, the developer must provide a bond or other adequate assurance that the buildings, structures and improvements will be completed. The Planning Commission shall release the bond or other assurance when the buildings, structures, or improvements have been completed according to the development plan.

A629.2 As an alternative to the provision of some or all of the open space which is required by these regulations, the developer may provide funds which the Town shall use for the acquisition of public open space adjoining or within 1,500 feet of the perimeter of the planned unit development. Open space which is so acquired may be counted as part of the net project area for the purposes of calculating project densities and lot sizes within the planned unit development.

A629.3 The use and improvement of the open space must be planned in relation to any existing or proposed public or semi-public open space which adjoins or which is within 1,500 feet of the perimeter of the planned development.

A629.4 Conveyance and Maintenance of Open Space

a. All land shown on the final development plan as open space may be conveyed under one of the following options:
    i. 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.

ii. 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.

b. No open space may be put to any use not specified in the final development plan unless the final development plan has been amended to permit the use. However, no change of use may be considered as a waiver of any of the covenants limiting the use of open space areas, and all rights to enforce these covenants are expressly reserved.

c. If the open space is not conveyed to the Town of Hamden, either one of the following methods of enforcement must be provided:

i. 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.

ii. The restrictions governing the use, improvements and maintenance of the open space must be stated as conditions to the conveyance of the open space, the fee title to the open space to vest in the Town of Hamden in the event of a substantial default in the stated conditions.

d. If the open space is not conveyed to the Town of Hamden, the covenants governing the use, improvement, and maintenance of the open space may authorize the Town of Hamden to enforce their provisions.

A629.5 The Town of Hamden is not obligated herewith to indefinitely keep dedicated land as open space, but may utilize any dedicated land for any public facilities that are considered necessary and in the best interest of the Town.

A629.6 The Town of Hamden may accept the dedication of open space for a temporary period not less than 35 years. If the Town disposes of the open space after that period of time, it must provide an equivalent amount of open space elsewhere in the Town.

A630 Utilities

All utilities shall be placed underground with the exclusion of overhead utility wires that already exist on existing streets.

A631 Sidewalks

Sidewalks will be required on all streets of all planned unit development.

A632 Sanitary Sewers

Dedicated open space land may not be utilized for leaching fields, or on site sewage treatment systems.

A633 P.U.D. Completion

Any Planned Unit Development not completed as of March 1, 2003 will cease to be eligible to be completed as a Planned Unit Development.

The Planned Unit Development designation will be removed from the land area and any expansion of land uses will be governed by the original underlying Zoning Regulations. In the case of an underlying zone being an R6 zone the governing zone will be R-5.[7]

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[1]The following regulations are Effective 10/1/69

[2]Adopted 10/19/99, Effective 10/26/99 (NOTE: Section 622.1c deleted 3/13/01)

[3]With 5 to 15 acres

[4]With 15 acres or more

[5]Effective 9/01/67

[6]Effective 9/01/67

[7]Adopted 3/13/01, Effective 3/13/01